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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 3—The President

CHAPTER V—EXECUTIVE OFFICE OF THE PRESIDENT

PART 101—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

Freedom of Information Regulations

Correction

In FR Doc. 75-4777 appearing at page 7346 in the issue of Wednesday, February 19, 1975, the paragraphs appearing on page 7346 immediately under the heading "Executive Office of the President" are codified to read as follows:

Sec.
101.1 Executive Office of the President.
101.2 Office of Management and Budget.
101.3 Council on Wage and Price Stability.
101.4 National Security Council.

§ 101.1 Executive Office of the President.

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

§ 101.2 Office of Management and Budget.

Freedom of Information regulations for the Office of Management and Budget appear at 5 CFR Ch. III.

§ 101.3 Council on Wage and Price Stability.

Freedom of Information regulations for the Council on Wage and Price Stability appear at 6 CFR Ch. VII.

§ 101.4 National Security Council.

Freedom of Information regulations for the National Security Council appear at 32 CFR Ch. XXI.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Economic Affairs is excepted under Schedule C.

Effective on February 25, 1975, § 213.3314(a)(11) is amended as set out below.

§ 213.3314 Department of Commerce.

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

(11) Two Special Assistants to the Assistant Secretary for Economic Affairs.

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

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

[FR Doc.75-5007 Filed 2-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) is excepted under Schedule C.

Effective on February 25, 1975, § 213.3305(a)(61) is added as set out below.

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary. * * *

* * * * *

(61) One Special Assistant to the Assistant Secretary (Enforcement, Operations, and Trade Affairs).

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

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

[FR Doc.75-5008 Filed 2-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182(a) is amended to show that authority in § 213.3182(a)(1) is revoked and that one position of Director of Performing Arts and Public Media Programs for the Arts is excepted until June 30, 1976, under Schedule A.

Effective February 25, 1975, § 213.3182(a)(1) is revoked and §213.3182(a)(29) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) [Reserved].

* * * * *

(29) Until June 30, 1976, one Director of Performing Arts and Public Media Programs.

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

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

[FR Doc.75-5011 Filed 2-24-75;8:45 am]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Freedom of Information Regulations

Subpart A, General Provisions of Part 294 is being revised in its entirety to conform with several important amendments to 5 U.S.C. 552, Pub. L. 93-502, the Freedom of Information Act.

The revised Subpart A is set out below:

Subpart A—General Provisions

Sec.
294.101 Purpose.
294.102 Definitions.
294.103 General policy.
294.104 Information available—Indexes of certain records.
294.105 Places where information may be obtained.
294.106 Procedures for obtaining information.
294.107 Service charges for information.
294.108 Appeal of a denial of information.
294.109 Custody of information; subpenas.
294.110 Deceased employees.

AUTHORITY: 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502.

Subpart A—General Provisions

§ 294.101 Purpose.

The purpose of this part is to set forth the basic policies of the Commission in regard to the availability or disclosure of information in the possession of or controlled by the Commission.

§ 294.102 Definitions.

In this part:

(a) "Information" means books, papers, manuals, records, photographs, and other documentary materials, regardless of physical forms or characteristics, made in or received by or under the control of the Commission in pursuance of law or in connection with the discharge of official business;

(b) "Information available to the public" means information, including reasonably segregable nonexempt portions of information that may lawfully be withheld, which, on request may be examined and copied, or of which copies

may be obtained in accordance with this part by the public regardless of interest and without specific justification; and

(c) "Disclose or disclosure" means making information available, on request, for examination and copying, or furnishing a copy of the information.

§ 294.103 General policy.

(a) When the Commission receives requests for information under section 552 of Title 5, United States Code, it will provide or disclose the requested information promptly, subject only to the following conditions:

(1) The request reasonably describes the information sought.

(2) The request is filed according to the procedures specified in § 294.106 below.

(3) Any applicable fees for records search, copying, printed matter, or computer services have been paid or waived as specified in § 294.107 below.

(4) The requested material is not subject to one of the exemptions in section 552(b) of Title 5, United States Code.

(b) If the requested information is subject to one of the exemptions, the Commission may disclose it or may not, depending on the nature of the information. However, the Commission will not ordinarily disclose the following exempt materials:

(1) Material specifically authorized by an Executive Order to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to criteria in such an Executive Order;

(2) Material related solely to the internal personnel rules and practices of the Commission;

(3) Material specifically exempted from disclosure by statute;

(4) Commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the Commission;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (except that such files will be disclosed to the individuals to whom they pertain as specified in § 294.703 of this part); or

(7) Investigation records (except that such records will be disclosed to the individuals to whom they pertain under the conditions specified in § 294.601 of this part).

(c) If part of the requested information is exempt from disclosure and part is not, the Commission will disclose reasonably segregable portions of the material after deleting exempt portions.

§ 294.104 Information available—indexes of certain records.

(a) Indexes of materials published and offered for sale or available for public inspection and copying shall be maintained and revised at least quarterly.

(b) A copy of this index is available at cost from:

Office of Public Affairs, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

Indexing of these materials is for the convenience of the public and does not constitute a determination that all of the materials listed are within the category of those required to be indexed by 5 U.S.C. 552(a)(2).

§ 294.105 Places where information may be obtained.

(a) A request for information which the requester believes located in the Commission headquarters in Washington, D.C., should be addressed to the director of the bureau or the chief of the office indicated in the list in paragraph (b) of this section. The address for all such requests is:

U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

(b) The following lists the bureaus and offices of the Commission in Washington, D.C., and their principal areas of responsibility:

Bureau or office:	*Subject matter*
Director, Bureau of Policies and Standards.	Personnel management policies, pay policies, position classification standards, qualification standards, personnel management research, development of examinations.
Director, Bureau of Recruiting and Examining.	Civil service examinations, procedures for referring individuals to agencies for selection, selection and placement in civil service positions.
Director, Bureau of Executive Manpower.	Executive staffing, recruiting, apportionment of executive positions, approval of qualifications and planning for executive manpower needs.
Director, Bureau of Personnel Investigations.	Background investigations of Federal employees and applicants for Federal employment.
Director, Bureau of Training..	Job related training, training information and training available to Government employees.
Director, Bureau of Retirement, Insurance and Occupational Health.	Civil Service retirement system, group life insurance, and health benefits programs for Federal employees and development of Government-wide occupational health programs.
Director, Bureau of Manpower Information Systems.	Government-wide statistical personnel information, personnel reports and forms.
Director, Bureau of Personnel Management Evaluation.	Evaluation of personnel management in agencies and employee position classification appeals
Director, Bureau of Intergovernmental Personnel Programs.	Grants to State and local governments, intergovernmental assignments, and other improvements to State and local government personnel systems.
Director, Federal Employees Appeals Authority.	Basic appeals: adverse action, reduction in force, termination of employment during the probationary period under specified circumstances, and suitability for Federal employment.
Director, Office of Federal Equal Employment Opportunity.	Selection and advancement within the Federal service without regard to race, religion, color, national origin, sex, or age.
Director, Office of Labor Management Relations.	Technical information and policy guidance concerning management and employee unions in the Federal service.

(c) A request for information located in a regional office, area office, or post of duty of the Commission should be addressed to the Director, U.S. Civil Service Commission Regional Office, at the appropriate address indicated in the following list:

1340 Spring Street NW., Atlanta, Georgia 30309.

John W. McCormack Post Office and Courthouse; Boston, Massachusetts 02109.

Federal Office Building, 29th Floor, 230 South Dearborn Street, Chicago, Illinois 50504.

1100 Commerce Street, Dallas, Texas 75202.

Denver Federal Center, Building 20, Denver, Colorado 80225.

New Federal Building, 26 Federal Plaza, New York, New York 10007.

William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.

1256 Federal Building, 1520 Market Street, St. Louis, Missouri 63103.

Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, California 94102.

Federal Office Building, 26th Floor, 915 Second Avenue, Seattle, Washington 98174.

(d) If a request for information is made to a Commission office that does not have possession of the information, that office will forward the request to the appropriate office and will notify the requester that it has done so. However, for purposes of application of the time limits in section 552 of Title 5, United States Code, the request will not be considered to be received until it arrives in the office having possession of the requested information.

(e) Information, and the office to be contacted for such information, published and offered for sale, or available to the public for examining and copying, for the convenience of the public or pursuant to section 552, Title 5, United States Code, subsection (a), paragraph (2) is found in the Commission's index required by that paragraph.

(f) A request for information on a subject matter not specifically referred to in this paragraph or in the index, should be directed to:

Office of Public Affairs, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

§ 294.106 Procedures for obtaining information.

(a) A request for information under section 552 of Title 5, United States Code, may be made personally or in writing. Such requests may be made by letter as indicated above in § 294.105 or in person at an address indicated above during business hours on a regular business day.

(b) Each request for information under section 552 of Title 5, United States Code, should be clearly and prominently identified by means of a legend on the first page, such as "Freedom of Information Request." In addition, if sent by mail or otherwise submitted in an envelope or other cover, it should be clearly and prominently marked to show, "FOI" or "Freedom of Information" on the envelope, or some variation of this legend.

(c) A request under this part should reasonably describe the information being requested by a brief description containing a name, number, date as applicable, subject, title of publication or description, sufficient to enable the information to be identified and located. Requests for information contained in personnel records from persons other than the individual to whom the record pertains will be judged in accordance with § 294.103(b)(6).

(1) Requests for information from Official Personnel Folders and similar files must contain: name, date of birth, Social Security Account Number, agency where employed, and, if not presently employed, approximate dates of the most recent Federal employment. If presently employed, requests should be directed to the employing agency.

(2) Requests for information from investigatory files must contain; name, date and place of birth, and Social Security Accoun* Number.

(3) Requests for information concerning the results of examinations should include name, date of birth, Social Security Account Number, identification number, and date, place, and time of examination.

(d) If a request is for materials that have been published and are offered for sale, e.g., by the Superintendent of Documents, the requester will be advised of the appropriate office in the Commission where the materials may be reviewed and the location where the materials may be purchased.

(e) The Commission shall make a determination to disclose or deny the requested information within ten working days after receipt of the request (excluding Saturdays, Sundays, and holidays) and shall notify the requester immediately of its determination and the fees involved, if any, prescribed by § 294.107.

§ 294.107 Service charges for information.

(a) Reasonable quantities of information that have been printed or otherwise reproduced by the Commission for the purpose of making it available to the public without charge, shall be furnished to a member of the public free of charge.

(b) Information other than that described in paragraph (a) of this section may be subject to a fair and equitable fee when it is made available to the public. The fee shall be paid by check or money order made payable to the Treasurer of the United States.

(c) Schedule of Fees. When a request is made for information under section 552 of title 5, United States Code, the Commission will charge a fee for searching and duplicating such information. The fees charged shall be as follows:

Photocopies, per page	$0.10
Printed material, per 25 pages or fraction thereof	.25
Manual records search, per hour	5.00
Automated records search:	
Programing, per hour	14.00
Keypunching, per hour	8.75
Computer time, per hour	65.00
Duplication, per hour	47.00

(d) Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that can reasonably be expected to involve assessed fees in excess of $5.00 will be deemed not received until the requester, after prompt notification of the anticipated cost of the request, agrees to bear it.

(e) When the anticipated fees exceed $50.00, a deposit of 20 percent of the amount must be made within 30 days after the requester has been advised that the anticipated fees exceed this amount. The request will be deemed not received until the deposit is received.

(f) Charges will be assessed in cases of unproductive or unsuccessful searches unless waived by the appropriate Commission official. Services performed that are not required under the Freedom of Information Act such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes depending upon the services performed.

§ 294.108 Appeal of a denial of information.

(a) In the event of a difference concerning the availability or disclosure of information between a member of the public and an employee of the Commission or an employee of another agency with custody of information controlled by the Commission and authority to deny disclosure of such information, the requester may ask for reconsideration of the denial. The request shall be addressed to the Assistant Executive Director, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, within ten working days after the requester receives notification of the denial. The Assistant Executive Director shall notify the requester of the decision within 20 working days (excluding Saturdays, Sundays, and holidays) after receipt of the request for reconsideration. The request to the Assistant Executive Director is the only administrative appeal within the Commission. The decision on appeal exhausts the administrative remedies within the Commission. If the Assistant Executive Director upholds in whole or in part the denial of the request for records, the written notice shall inform the person making the request of the provisions for judicial review of that determination.

§ 294.109 Custody of information; subpenas.

(a) The Executive Assistant to the Commissioners has official custody of the official records of the Commission. A subpena or other judicial order for an official record from the Commission should be served on the:

Executive Assistant to the Commissioners, 1900 E Street NW., Washington, D.C. 20415.

(b) If a subpena or other judicial order for an official record is served on an employee of the Commission other than the Executive Assistant to the Commissioners, the employee shall immediately inform the General Counsel of the Commission who shall advise the employee accordingly.

(c)(1) If a subpena or other judicial order for information contained in an Official Personnel Folder in the physical custody of a Government agency other than the Commission is served on a Government employee responsible for the Folder, he shall disclose such information as is allowed under this part. However, he should retain custody of the information and, as necessary, request permission of counsel or the court to furnish a certified copy for inclusion in the court record.

(2) In an unusual situation or a situation in which information not available under this part is sought, the Government employee who received the subpena shall immediately forward it and the Official Personnel Folder containing the information sought to the:

General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415.

When this is done, the Government employee shall inform the person who applied for the subpena that the subpena and the information sought have been sent to the Commission pursuant to this subparagraph and, if necessary, request a postponement of the scheduled appearance.

§ 294.110 Deceased employees.

A right under this part to the disclosure of, and to control the disclosure of, information personal to an employee, former employee, annuitant, or applicant passes after his death to the executor or administrator of his estate, or in the absence of an executor or administrator, to his next of kin.

Public comment is invited on the above provisions and will be considered by the Commission if received no later than March 21, 1975. Comments should be submitted in writing to the Assistant Executive Director, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Notwithstanding the foregoing, these provisions become effec-

tive February 19, 1975 and shall remain in effect until and unless revised by the Commission.

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

[FR Doc. 75-5006 Filed 2-24-75; 8:45 am]

Title 7—Agriculture

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

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Increase in Expenses for the 1974–75 Season

This document authorizes an increase of $9,928 in the Industry Committee expenses during the 1974–75 season (April 1, 1974, through March 31, 1975) under Marketing Order No. 926. Said increase changes the seasonal committee budget from $139,183 to $149,111 with no change in the related rate of assessment on handlers of Tokay grapes.

On January 29, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4315) regarding proposed amendment of the committee expenses for the period April 1, 1974, through March 31, 1975, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons 20 days to submit written data, views, or arguments pertaining to the proposal. None were submitted. After consideration of all relevant matter presented, including the proposal set forth in said notice which was submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) *it is hereby ordered* That the provisions of paragraph (a) of § 926.214 (39 FR 33306) be amended to read as follows:

§ 926.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1974, through March 31, 1975, will amount to $149,111.

* * * * *

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the Industry Committee has incurred expenses in excess of those previously thought likely to be incurred, (2) it is essential that the determination of expenses, as specified therein, be issued immediately so that said committee can meet its obligations and perform its duties and functions during the current fiscal period in accordance with the provisions of said marketing agreement and order, and (3) the increase in expenses, as set forth herein, will not result in an increase in the rate of assessment for handlers as heretofore fixed by the Secretary (39 FR 33306).

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

Dated: February 20, 1975.

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

[FR Doc. 75-4997 Filed 2-24-75; 8:45 am]

[Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions; Minimum Quality Requirements

This regulation changes minimum quality requirements for imported onions.

Notice of rulemaking regarding a proposed amendment of § 980.113 Onion import regulation, was published in the January 16, 1975, FEDERAL REGISTER (40 FR 2819). This regulation is effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

The notice afforded interested persons an opportunity to file written data, views or arguments in regard thereto not later than February 3, 1975. None was filed.

Under section 8e, whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.113 (39 FR 26290), became effective July 18, 1974, and sets forth similar grade, size, quality and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Malheur County, Oregon.

Grade, size, quality, and maturity requirements become effective for the period March 10 through May 11, 1975 (39 FR 45208) under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. Imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 17 and the changes are necessary to bring import regulations into line with domestic regulations covering South Texas onions.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959) regulating the handling of onions grown in designated counties of South Texas. This regulation is subject to further amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the January 16, 1975, FEDERAL REGISTER (40 FR 2819), and such notice is determined to be reasonable.

Regulation, as amended. Section 980.113 Onion import regulation (39 FR 26290), is hereby revised to read as follows:

§ 980.113 Onion import regulation.

Pursuant to Section 8e of the act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 17, 1975, and continuing through May 11, 1975, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements. (1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. onion standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Mar-

keting Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) Inspection and official inspection certificates. (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Texas points..	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2902).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	Darrell McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2280 or 4116).	2 days.
New York City..	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans.....	Anthony Gennaro, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
Miami.....	Lloyd W. Bosey, 1356 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-3511, Extension 38 and 813-294-2089).	Do.
All other points..	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity being made effective for onions grown in South Texas.

(i) Definitions. For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable United States Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

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

Dated: February 14, 1975 to become effective March 17, 1975.

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

[FR Doc.75-4996 Filed 2-24-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 75-155]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Freedom of Information; Release of Records and Information

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

1. *Present regulations.* Part 505 of the General Regulations contains regulations adopted in June, 1967, implementing the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

2. *Reason for changing the regulations.* Part 505 is being amended to implement recent amendments to 5 U.S.C. 552 contained in Pub. L. 93–502.

3. *Final regulations.* The principal changes in Part 505 are contained in § 505.4(f) which provides time limitations and procedures for handling requests for information and records under the FOIA, and in § 505.4(g) which provides time limitations and procedures for processing administrative appeals from the denial of such requests. The changes are described in the preamble.

Also described in the preamble is Board Resolution No. 75–15 which proposed the amendment of § 505.4(e) of the general regulations, revising the schedule of fees which may be charged under the FOIA.

As stated above, pursuant to Pub. L. 93–502 which amended 5 U.S.C. 552, and Board Resolution No. 75–15, dated January 15, 1975, the Board is amending certain portions of Part 505 of its general regulations (12 CFR Part 505).

Section 505.1 *Basis and scope* is not changed.

Certain editorial and technical changes have been made in §§ 505.2 *Definitions* and 505.3 *Published information*. A new paragraph (d) to § 505.3 has been added to describe the "Annotated Manual of Statutes and Regulations", and former paragraphs (d) and (e) of that section have been redesignated as (e) and (f), respectively.

Section 505.4 *Access to records*, contains the most significant changes occasioned by Pub. L. 93–502. Paragraph (a), (b), and (c) remain unchanged, except for the deletion of references to § 505.5 (see explanation below). The final three sentences of the former paragraph (d) of § 505.4 (which has been reentitled "Request for records and other information"), relating to fees under the FOIA, have been incorporated in amended form in a new paragraph (e).

As previously indicated, with respect to paragraph (e), the Board, by Resolution No. 75–15 dated January 7, 1975, proposed an amendment in its fee schedule. Notice of proposed rule making was

duly published in the FEDERAL REGISTER on January 15, 1975 (40 FR 2715) with an invitation for interested persons to submit written comments by January 30, 1975. Upon consideration of all relevant material, the Board has determined to adopt paragraph (e) substantially as proposed. As amended, the new fee schedule provides for the furnishing of cost estimates in certain cases; the search fee has been increased from $5 to $10 per hour; and advance deposits are authorized in certain cases. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive fees of $3 or less and to waive in whole or part fees when the imposition of such fees would impose an unnecessary hardship on the person making the request or when such waiver would serve the public interest.

The Board has not at this time attempted to provide a fee schedule for supplying records and information from computer and other information systems programs. When the Board accumulates experience in the processing of such requests, a more definitive fee schedule for such services will be proposed.

Paragraph (f) of § 505.4 provides for the initial determination of FOIA requests by the Board's General Counsel. As described therein, a request must, in the absence of "unusual circumstances" as defined in paragraph (i) of § 505.4, be granted or denied within 10 days (excluding Saturdays, Sunday, and legal holidays) after its receipt by the Secretary or Assistant Secretary to the Board. Notification of the initial denial of requests for access to information or records shall include a statement of the reasons therefor and shall advise the person making the request of the right to an administrative appeal under paragraph (g).

Paragraph (g) of § 505.4 replaces former § 505.8 and establishes a method for appeals to the Board, or to a designated Member thereof, from an adverse initial determination under paragraph (f). The appeal must be taken within 30 calendar days from the date of written notification of such denial, and must be determined within 20 working days, except in unusual circumstances.

Under paragraph (h) of § 505.4, the Board may, in cases where an action has been filed for judicial review of an initial denial, (1) continue to process an appeal therefrom under paragraph (g), or (2) if the person making the request has not appealed under paragraph (g), initiate and process an appeal.

Paragraph (i) of § 505.4 sets forth the "unusual circumstances" described in Pub. L. 93–502, upon which the time periods referred to in paragraphs (f) and (g) of said section may be extended for a total of 10 working days in the aggregate; provided, however, that the person requesting access to records or information is notified of (1) such circumstances, and (2) the date on which the initial determination shall be made or the administrative appeal decided.

Under paragraph (j) of § 505.4, the time limitations for the making of initial determinations and appeals therefrom shall commence when the request or appeal is actually received by the Secretary to the Board.

Former § 505.5 *Deferment of availability of certain information* provided for the deferment of the availability of certain information. Since the provisions of that section do not conform with the time limitations imposed by Pub. L. 93–502, it has been deleted, and § 505.6 *Information not disclosed* has been redesignated § 505.5.

Paragraph (a) of the latter section is amended in two respects: subparagraph (4) of paragraph (a) is amended to reflect the more restrictive limitations upon the exemption from disclosure of investigative files contained in 5 U.S.C. 552(b)(7), as amended by Pub. L. 93–502. Also, a sentence is added at the end of the paragraph (a) to make clear that in responding to requests for records of the Board, portions of which are exempt from disclosure, the non-exempt material, if reasonably segregable, shall be furnished to the person making the request.

Paragraph (b) of § 505.5 (which formerly was part of § 505.6) has been amended to provide that copies of regular examination reports of each insured institution, and affiliates examined in connection with such examinations (including holding companies and service corporations), are routinely made available by the Board's Supervisory Agent at the appropriate Federal Home Loan Bank, to the institution examined; and that reports of examination and other information relating to State-chartered insured institutions and affiliates are also made available, upon request, to State regulatory authorities.

Paragraph (c) of said section was also amended to permit unpublished information to be released under delegated authority as well as under the procedure provided in § 505.4; however, the "proper interest" test as a condition to the release of information has been deleted since it is inconsistent with the provisions of 5 U.S.C. 552.

Section 505.7 *Subpoenas*, without other change, has been redesignated § 505.6. The provision of appeals formerly contained in § 505.8 has been superseded by the administrative appeals provisions of § 505.4(g) and, therefore, § 505.8 has been deleted.

Accordingly, the FHLBB amends §§ 505.2, 505.3, and 505.4; amends and redesignates § 505.6 as § 505.5; redesignates without change § 505.7 as § 505.6; and deletes former §§ 505.5 and 505.8. Part 505 of the general regulations reads as set forth below, effective February 19, 1975.

Since the above-described amendments are either required by the amendments to 5 U.S.C. 552(a) and (b), effected by Pub. L. 93–502, are for the purpose of clarification, or relate to rules of procedure or practice, the Board hereby finds that (except as indicated above as to the proposed amendment to § 505.4 (e)) notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since Pub. L. 93–502, which said amendments are designed to implement, becomes effective on February 19, 1975, publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would therefore be impracticable, unnecessary or contrary to the public interest.

Sec.
505.1 Basis and scope.
505.2 Definitions.
505.3 Published information.
505.4 Access to records.
505.5 Information not disclosed.
505.6 Subpoenas.

AUTHORITY: 5 U.S.C. 552; sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.

§ 505.1 Basis and scope.

This Part is issued by the Federal Home Loan Bank Board pursuant to the requirement of section 552 of Title 5 of the United States Code, that every Federal agency shall publish in the Federal Register for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

§ 505.2 Definitions.

As used in this Part 505:

(a) *Information of the Board.* The term "information of the Board" means all information coming into the possession of the Board or of any Member thereof, of the Federal Savings and Loan Insurance Corporation, or of any Federal Home Loan Bank or of any officer, employee, or agent of the Board or of the Federal Savings and Loan Insurance Corporation or of any Federal Home Loan Bank in the performance of duties for or on behalf of the Board, whether located at the offices of the Board or of a Federal Home Loan Bank, or elsewhere, including any examination report or related information in connection with examinations made by examiners selected, approved, or appointed by the Board.

(b) *Records of the Board.* The term "records of the Board" means rules, statements, opinions, orders, memoranda, interpretations, letters, reports, accounts, and other papers that contain information of the Board.

(c) *Member institution.* The term "member institution" means an institution which is a member of a Federal Home Loan Bank.

(d) *Person.* The term "person" includes any individual, firm, corporation, organization, or other entity.

§ 505.3 Published information.

(a) FEDERAL REGISTER. As required by sections 552 and 553 of Title 5 of the United States Code, and subject to the provisions of § 505.5 of this Part, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this Part:

(1) Descriptions of its central and field organization;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rulemaking.

(b) *Annual report.* The Board's Annual Report to Congress, made pursuant to section 17(b) of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1437 (b)), which is published after its submission to Congress, covers the operations of the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation and the Federal Savings and Loan System.

(c) *Federal Home Loan Bank Board Journal.* In the Federal Home Loan Bank Board Journal, which is issued monthly, the Board publishes brief summaries of economic and statistical information; special articles on subjects of economic interest; brief summaries of regulations, statements of general policy, and interpretations of general policy, and interpretations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Home Loan Bank System; and a directory which includes a listing of new insured members of the Federal Home Loan Bank System, new Federal associations, and new branch offices of Federal associations.

(d) *Annotated Manual of Statutes and Regulations.* The Board publishes the Annotated Manual of Statutes and Regulations which contains: (1) The statutes under which the Board operates; (2) the regulations, rulings, and statements of policy promulgated by the Board; (3) interpretative memoranda of the Office of Examinations and Supervision; (4) digests of opinions rendered by the Office of General Counsel; and (5) other statutory and regulatory material relating to the Board's operations. The Annotated Manual is regularly supplemented to provide current changes in the aforementioned categories. Each member institution is given a free copy of the Manual and it is available from the Superintendent of Documents to the general public on a subscription basis.

(e) *Other published information.* From time to time, the Board issues statements to the press regarding particular dividend and credit actions, regulatory actions, statements of policy, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, among which is an annual compilation of statistics relating to the savings and loan industry called the "Combined Financial Statements".

(f) *Access to publications.* The publications referred to in paragraphs (b), (c), (d), and (e) of this section may be examined and, if available, copies may be obtained at the offices of the Board at the times and address set forth in paragraph (d) of § 505.4 of this Part.

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in § 505.5 of this Part. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the United States Code or by § 505.5 of this Part, wherever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest. Requests for information which can be produced only by processing through an information system program especially designed for that purpose are not regarded as requests for identifiable records that must be disclosed pursuant to section 552 of Title 5 of the United States Code; but it is the policy of the Board to make such information available if it is not otherwise exempt from disclosure, provided that the retrieval or production of such information does not unduly burden or interfere with the functioning of the Board.

(b) *Opinions, order, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of § 505.5 of this Part, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases; (2) statements of policy and interpretations adopted by the Board that are not published in the Federal Register; and (3) administrative staff manuals and instructions to staff that affect any member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board may delete identifying details in any material of the kinds above-described; and in each such case the justification for such deletion will be fully explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of § 505.5 of this Part, a record of the final votes of each member of the Board in any proceeding of the Board is available for public inspection.

(d) *Requests for records and other information.* Available records and other information of the Board subject to this section may be inspected or copied during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board, 320 First Street NW, Washington, D.C. 20552. Any person requesting access to, or copying of, such records or other information shall submit such request in writing to the Secretary to the Board. The request shall state the full name and address of the person and a description of the records or other information sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible request should be submitted in advance of the date inspection or copying is desired, preferably by mail.

(e) *Fees for providing copies of records.* (1) A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of $10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed $50. If such notice is given, the time limitations contained elsewhere in this Part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere in this Part shall not commence until the deposit is paid.

(2) The Secretary or an Assistant Secretary designated by the Secretary is authorized either to waive such payment in instances in which total charges are less than $3 or to wave in full or in part such fees when unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(3) With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(f) *Initial determination.* (1) The General Counsel, or his designee, shall determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt by the Secretary to the Board of a written request for records or other information of the Board whether, or the extent to which, the Board will comply with such request.

(2) Upon determination by the General Counsel, or his designee, with respect to a request for records or other information of the Board, the Secretary shall immediately send written notification to the person making the request. If the request is denied, in whole or in part, said notification shall include the reasons therefor and shall advise such person that such determination is not a final agency action and of the right to appeal therefrom under paragraph (g) of this section.

(g) *Appeal procedure.* (1) In the event of any denial under paragraph (f), the person making the request may, within 30 calendar days of the date of written notification thereof, appeal from said denial by written application, stating the grounds therefor, to the Secretary to the Board at the address set forth in § 505.4(d).

(2) The Board, or such Member thereof as it may designate, shall make its determination with respect to the appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of said application by the Secretary. If on appeal the denial of the request for records is upheld, in whole or in part, the Secretary shall promptly notify the applicant in writing of such determination and of the provisions for judicial review thereof under 5 U.S.C. 552(a)(4).

(h) *Appeal during pendency of action for judicial review.* If a suit is filed in a district court of the United States under 5 U.S.C. 552(a)(4) in any case in which an initial adverse determination, in whole or in part, has been issued, regardless of whether or not the suit is premature, (1) the Board, or designated Member thereof, may continue to process any appeal therefrom under paragraph (g) of this section, or (2) if the person making the request has not appealed under said paragraph (g), the Board, or designed Member thereof, may initiate and process an appeal from such determination.

(i) *Time extension in unusual circumstances.* In unusual circumstances as provided in this paragraph, the time limitations prescribed in paragraphs (f) or (g) of this section may be extended for not more than ten additional working days by written notice to the person making the request setting forth the reasons for such extension and the date on which a determination of the request or appeal is expected to be dispatched. As used herein, "unusual circumstances" means:

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

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

(3) The need for consultation with another agency having substantial interest in the determination of the request or the appeal, or among two or more components of the Board having substantial subject-matter interest therein.

(j) *Time limitations.* All time limitations established pursuant to this section with respect to initial determinations and appeals therefrom shall begin as of the time that a written request for records or other information of the Board, or the appeal from such determination, is actually received by the Secretary to the Board.

§ 505.5 Information not disclosed.

(a) *General rule.* Except as otherwise provided in this Part, or as may be specifically authorized by the Board, information of the Board that has not been published in accordance with § 505.3 of this Part and is not available to the public through other sources will not be made available to the public or otherwise disclosed if such information is—

(1) Exempt from disclosure by statute or executive order;

(2) Contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of, the Board or a Federal Home Loan Bank, relating to the affairs of any member institution or affiliate thereof, or any other person engaged in, or proposing to engage in, the savings and loan business;

(3) Privileged or related to the business, personal, or financial affairs of any person and is furnished in confidence;

(4) Contained in investigatory files compiled for law enforcement purposes, including, but not limited to, information relating to matters involving: (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966 (Pub. L. 89-695); (ii) the termination of insurance under section 407 of the National Housing Act, as amended (12 U.S.C. 1730); (iii) the termination of membership in a Federal Home Loan Bank pursuant to section 6 (i) of the Federal Home Loan Bank Act (12 U.S.C. 1426); (iv) appointments of conservators and receivers under section 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464), and section 406 of the National Housing Act, as amended (12 U.S.C. 1729); (v) the application of section 408 of the National Housing Act (12 U.S.C. 1730a) to holding companies; and (vi) the granting or revocation of any approval, permission, or authority; except to the extent required under the provisions of 5 U.S.C. 552(b)(7);

(5) Related solely to the internal personnel rules or other internal practices of the Board;

(6) Contained in personnel, medical, and similar files (including financial files), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Contained in interagency and intra-agency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the Board's staff, or by the staffs of the Federal Home Loan Banks acting as agents of the Board, and records of deliberations and discussions at meetings of the Board or of the Board's staff.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt from disclosure under this section.

(b) *Information available to insured institutions and to State and Federal agencies.* A copy of each report of the regular examination of each insured institution or affiliate is made available by the Board's Supervisory Agent at the appropirate Federal Home Loan Bank to the institution examined. Reports of examination and other information relating to State-chartered insured institutions and affiliates are made available, upon request, by the Director of the Board's Office of Examinations and Supervision to the State governmental authority having general supervision of such State-chartered insured institutions. Reports of examination and other information may be made available by the Board to other agencies of the United States or a State for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this Part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except published statistical material that would not disclose the identity of any individual or corporation.

(c) *Prohibition against disclosure.* Except as authorized by this Part or otherwise by the Board, no officer, employee, or agent of the Board or of any Federal Home Loan Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Home Loan Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical, or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Board or of any Federal Home Loan Bank, acting in his capacity as agent of the Board, subject, however, to the restrictions stated in § 505.5 of this Part.

§ 505.6 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Home Loan Bank, has information of the Board that may not be disclosed under this Part and in connection therewith is served with a subpeona, order, or other

process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as authorized by law, any person who has information of the Board that may not be disclosed under this Part and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce such information or give any testimony with respect thereto, basing his refusal upon this Part. If, notwithstanding, the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue respectfully to decline to produce such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

Dated: February 19, 1975.

By the Federal Home Loan Bank Board.

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

[FR Doc.75-4982 Filed 2-24-75;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 702—RESERVES

Full and Fair Disclosure Required

On pages 33244-33245 of the September 16, 1974, edition of the FEDERAL REGISTER (39 FR 33244-33245) there was published a proposal to rescind § 702.3 of Part 702 (12 CFR 702.3) and in lieu thereof add a new § 702.3. The purpose of the proposal is to update Part 702 in view of the accounting principles and standards which became effective January 1, 1975.

Interested persons were given until November 10, 1974, to submit written comments, suggestions, or objections regarding the proposed amendment. As a result of the comments, the following changes have been made:

1. *Paragraph (a).* Delete the language "a creditor, or" after the word "union" and before the word "the." Add the language, ", or, at the discretion of the board of directors, a creditor" after the word "Administration" and before the word "in."

2. *Paragraph (b)(1).* Delete the "s" on the word "unions" and add the language "financial statements" after the word "union" and before the word "shall." Delete the language "during a dividend period" and in lieu thereof add the language "for the period concerned."

3. *Paragraph (c)(1).* Delete the language "at the close of each dividend period" after the word "income" and before the word "to" and in lieu thereof add the language "before the payment of each dividend".

4. *Paragraph (c)(2).* Delete the language "at the end of each dividend period and" after the word "made" and before the word "prior." Add the language "or posting" after the word "distribution" and before the word "of", the language "to the accounts of all members" after the word "dividend" and before the word "so", and the language ", where applicable" after the word "including" and before the word "any."

5. *Paragraph (c)(3)(i).* Delete the word "All."

6. *Paragraph (c)(3)(ii).* Delete the language "remaining after the statutory transfer of gross income to the regular reserve account" after the word "deficits" and before the word "shall." Delete the period after the number "702.1" and add the language "of this Part."

7. *Paragraph (d).* Delete the "s" on the word "presents."

8. *Paragraph (e).* Delete the period after the first sentence and add the language "in amounts which are in excess of the statutory requirements of section 116 of the Federal Credit Union Act but are required under subsection (c)(3)(ii) of this section." Delete the last sentence and in lieu thereof add "Such application shall set forth the justification for the requested waiver and shall be addressed to the appropriate Regional Director."

Accordingly, with the above changes and additions, the proposed § 702.3 is adopted as set forth below.

Effective date: January 1, 1975.

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 2, 1975.

§ 702.3 Full and fair disclosure required.

(a) "Full and fair disclosure" is the level of disclosure which a prudent person would provide to a member of a Federal credit union, the National Credit Union Administration, or, at the discretion of the board of directors, a creditor in order to fairly inform any or all of them of the financial condition and the results of operations of the credit union.

(b)(1) Federal credit union financial statements shall provide for full and fair disclosure of all assets, liabilities, and members' equity, including such valuation allowance accounts as may be necessary to present fairly the financial position; and all income and expenses necessary to present fairly the results of operations for the period concerned.

(2) Full and fair disclosure will further be accomplished by (i) selecting one of the accounting bases provided for in the Accounting Manual for Federal Credit Unions which shall be either the modified cash basis or the accrual basis of accounting, and by (ii) use of appropriate financial statements described in the Accounting Manual for Federal Credit Unions, or financial statements of equivalent format.

(c)(1) The maintenance of a valuation allowance for loan losses shall not eliminate the requirement for transferring a percentage of gross income before the payment of each dividend to the regular reserve as required by section 116 of the Federal Credit Union Act.

(2) As a minimum, adjustments to the valuation allowance for loan losses shall be made prior to the distribution or posting of any dividend to the accounts of all the members so that the valuation allowance established fairly presents the value of loans and anticipated losses resulting from (i) uncollectable loans and notes and contracts receivable, including, where applicable, any uncollectable accrued interest receivable thereon, (ii) assets acquired in liquidation of loans, and (iii) loans purchased from other credit unions.

(3)(i) Adjustments to the valuation allowance for loan losses will be recorded in the expense account "Provision for Loan Losses."

(ii) Whenever additions to the valuation allowance for loan losses cause a deficit in the regular reserve account, such deficits shall be transferred first to undivided earnings and, if this shall cause a deficit in undivided earnings, then to other segregations of undivided earnings that may exist, exclusive of the Special Reserve for Losses, should such be required by the Administrator in accordance with § 702.1 of this Part. These amounts are eligible for return to undivided earnings as provided for in the Accounting Manual for Federal Credit Unions.

(iii) Dividends shall not exceed the amount available for that purpose after provisions have been made for the statutory transfer to the regular reserve account and the removal of any deficit in the regular reserve account.

(d) The Statement of Financial Condition, when presented to members, creditors, or to the National Credit Union Administration, shall contain a dual declaration by the treasurer and by the president, or in the absence of the president, by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report and related financial statements are true and correct to the best of their knowledge and belief and present fairly the financial position and the results of operations for the period covered.

(e) Upon written application by the board of directors of a Federal credit union, the Administrator may waive, in whole or in part, the requirement for the maintenance of the valuation allowance for loan losses in amounts which are in excess of the statutory requirements of section 116 of the Federal Credit Union Act but are required under paragraph (c)(3)(ii) of this section. Such applica-

tion shall set forth the justification for the requested waiver and shall be addressed to the appropriate Regional Director.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789))

[FR Doc.75-4969 Filed 2-24-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12660; Amdt. 39-2110]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1803 (39 FR 10426), AD 74-7-3, to make that airworthiness directive (AD) applicable to Dowty Rotol type (c) R245/4-40-4.5/13 and (c) R259/4-40-4.5/17 propellers, to revise the requirements of paragraph (c) of that AD, and to incorporate into the AD certain other clarifying revisions was published in the FEDERAL REGISTER on May 21, 1974 (39 FR 17862).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received. However, the Air Transport Association of America (ATA), by letter dated June 20, 1974, while agreeing with the intent of the proposal, requested that the comment period for the proposal be extended from June 20, 1974, to July 15, 1974, to provide the commentator sufficient time to determine the availability and delivery dates of parts to establish the feasibility of complying with the proposed amendment. Based on the ATA request the FAA has reevaluated the parts availability status with reference to the proposed amendment and has determined that a sufficient number of parts are available and that delivery schedules are adequate for compliance with the amended AD. Therefore, the amendment is adopted herein as proposed.

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)).

In consideration of the foregoing, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1803 (39 FR 10426), AD 74-7-3, is amended as follows:

1. By amending the applicability statement and the introductory language of the AD to read as follows:

DOWTY ROTOL.—Applies to Dowty Rotol type (c) R 209/4-40-4.5/2, (c) R 245/4-40-4.5/13, and (c) R 259/4-40-4.5/17 propellers installed on, but not necessarily limited to, Nihon Model YS-11 and YS-11A Series airplanes and Convair Models 600[240D], 640[340D], and 640[440D] Series airplanes equipped with Rolls-Royce Dart Model 542 Series engines.

Compliance is required as indicated.

To prevent possible propeller failure resulting from cracking of full width case hardened rollers in the bottom (C.F.) race of the propeller blade bearings, accomplish the following:

* * * * *

2. By amending the introductory language of paragraph (b) of the AD, the first sentence of paragraph (c) of the AD, and paragraph (d) of the AD by inserting between the date, "December 20, 1972," and the phrase "or an FAA-approved equivalent", the following phrase: "for type (c) R 209/4-40-4.5/2 propellers; Dowty Rotol Service Bulletin No. 61-542-9, dated June 21, 1973, for type (c) R 245/4-40-4.5/13 and (c) R259/4-40-4.5/17 propellers;"

3. By amending the second sentence of paragraph (c) of the AD to read as follows:

* * * * *

(c) * * * If ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, before further flight, remove the associated propeller blade, blade retaining bolt, and bearing assembly from service, mark them in a manner that will prevent their further use, and replace them with serviceable parts of the same part number or FAA-approved equivalents.

This amendment is effective March 27, 1975.

* * * * *

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

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-4949 Filed 2-24-75;8:45 am]

[Airspace Docket No. 74-SO-81]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On December 30, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 45045) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas in the vicinity of Fayetteville, Wilmington, Beaufort, and Washington, N.C., to contain a joint military training exercise Solid Shield 75. The exercise would extend from May 25, 1975, through June 6, 1975. Those areas encompassing airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received. A representative of the North Carolina Department of Natural and Economic Resources commented that the State's Division of Forest Resources aircraft must operate within the temporary restricted areas during the exercise for forest fire detection and suppression. He therefore suggested that all agencies concerned meet to establish mutually acceptable operating procedures. As a result, a meeting of representatives from the Atlantic Command and the North Carolina Division of Forest Resources was held and procedures for coordinating their use of the airspace were developed.

Subsequent to publication of the NPRM, it was noticed that in a few instances coordinates defining boundaries of adjoining or overlying areas varied from one another by at most a few hundred yards. These variations have been corrected so that the boundary descriptions now coincide with adjoining areas. Furthermore, in R-5309A the boundary has been defined as an 8.5-mile radius arc centered on Stalling Field to provide additional maneuvering area for civil aircraft using that field. This results in a reduction in R-5309A. As these corrections are minor matters upon which the public would have no particular desire to comment, further notice and public procedure thereon are unnecessary and they have been incorporated in this rule.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0001 e.d.t., May 25, 1975, through 2359 e.d.t., June 6, 1975.

1. R-5309H Solid Shield 75, N.C.
2. R-5309I Solid Shield 75, N.C.
3. R-5309J Solid Shield 75, N.C.
4. R-5309K Solid Shield 75, N.C.
5. R-5309L Solid Shield 75, N.C.
6. R-5309M Solid Shield 75, N.C.

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

1. R-5309A SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°14'45" N., Long. 77°30'00" W.; to Lat. 34°57'30" N., Long. 77°02'00" W.; thence southwest along the boundary of R-5306B, C, and D to Lat. 34°42'00" N., Long. 77°17'30" W.; thence counterclockwise along connecting arcs of 8.5-mile radius circles centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) and the Albert J. Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) to Lat. 34°55'30" N., Long. 77°42'00" W.; to Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; thence counterclockwise along an 8.5-mile radius arc centered on Stalling Field (Lat. 35°19'36" N., Long. 77°37'02" W.) to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

2. R-5309B SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 34°55'30" N., Long. 77°42'00" W.; thence clockwise along an arc of 8.5-mile radius centered on Albert

J. Ellis Airport (Lat. 34°49'49" N., Long 77°36'42" W.) to Lat. 34°49'50" N., Long. 77°27'45" W.; to Lat. 34°33'00" N., Long. 77°46'30" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to point of beginning.

Designated altitudes. 5,000 feet MSL to 10,000 feet MSL, May 25–May 29, 1975, inclusive, and surface to 10,000 feet MSL, May 30–June 6, 1975, inclusive.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

3. R-5309C SOLID SHIELD 75, N.C.

Boundaries: Beginning at lat. 34°49'50" N., Long. 77°27'45" W.; thence clockwise along an arc of 8.5-mile radius centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) to Lat. 34°42'00" N., Long. 77°17'30" W.; thence south and east along R-5306D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; thence counterclockwise along a 13-nautical mile radius arc centered on the Wilmington VORTAC (Lat. 34°21'05" N., Long. 77°52'29" W.) to Lat. 34°33'00" N., Long. 77°46'30" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

4. R-5309D SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°22'00" N., Long. 78°31'30" W.; to Lat. 35°20'30" N., Long. 78°10'00" W.; thence counterclockwise along a 10-nautical mile radius arc centered on Seymour Johnson AFB (Lat. 35°20'20" N., Long 77°57'50" W.) to Lat. 35°10'30" N., Long. 77°59'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 35°02'00" N., Long. 78°40'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

5. R-5309E SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°53'45" N., Long. 78°42'00" W.; to Lat. 34°49'20" N., Long. 78°07'20" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°24'00" N., Long. 78°42'30" W.; to Lat. 34°50'30" N., Long. 78°46'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

6. R-5309F SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°24'00" N., Long. 78°42'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long 78°34'30" W.; to Lat. 34°10'00" N., Long 78°41'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

7. R-5309G SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°43'30" N., Long 76°47'30" W.; to Lat. 31°42'00" N., Long. 76°54'45' W.; to Lat. 43°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

8. R-5309H SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°43'30" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°42'00" W.; thence west along a line 3-nautical miles from and parallel to the shore line to Lat. 34°37'30" N., Long. 76°56'-00" W.; thence north and east along R-5306C and B to point of beginning.

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

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

9. R-5309I SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°04'30" N., Long. 76°04'30" W.; to Lat. 35°00'30" N., Long. 76°00'30" W.; thence south and west along a line 3-nautical miles from and parallel to the shoreline to Lat. 34°38'15" N., Long. 76°42'00" W.; to Lat. 34°43'30" N., Long. 76°47'30" W.; thence east and north along R-5306B and A to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

10. R-5309J SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°16'10" N., Long. 79°14'00" W.; to Lat. 35°18'10" N., Long. 79°02'30" W.; to Lat. 35°10'30" N., Long. 79°02'30" W.; thence west along R-5311A to Lat. 35°12'30" N., Long. 79°14'00" W.; to point of beginning.

Designated altitudes. Surface to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

11. R-5309K SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°18'10" N., Long. 79°02'30" W.; to Lat. 35°22'00" N., Long 78°31'30" W.; to Lat. 35°20'30" N., Long. 78°10'00" W.; thence counterclockwise along a 10-nautical mile radius arc centred on Seymour Johnson AFB (Lat. 35°20'-20" N., Long. 77°57'50" W.), to Lat. 35°10'-30" N., Long. 77°59'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°10'00" N., Long. 78°41'00" W.; to Lat. 34°50'30" N., Long. 78°46'00" W.; thence clockwise along a 10-nautical mile radius arc centered on Fayetteville Municipal Airport (Lat. 34°59'-35" N., Long. 78°52'50" W.;) to Lat. 35°00'-00" N., Long. 79°05'00" W.; to Lat. 35°02'55" N., Long. 79°05'40" W.; thence north and west along R-531A to Lat. 35°10'30" N., Long. 79°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 1359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

12. R-5309L SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°10'30" N., Long. 77°59'00" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 34°16'00" N., Long. 77°45'30" W.; to Lat. 34°09'00" N., Long. 78°20'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2350 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

13. R-5309M SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°32'30" N., Long. 77°09'00" W.; to Lat. 35°23'00" N., Long. 76°34'30" W.; thence southwest along R-5306A, B, C, D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence southwesterly along a line 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°16'00" N., Long. 77°-45'30" W.; to Lat. 34°51'30" N., Long. 77°52'-00" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; thence counterclockwise along an 8.5-mile radius arc centered on Stalling Field (Lat. 35°19'36" N., Long. 77°37'02" W.) to Lat. 35°20'00" N., Long. 77°28'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

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

Issued in Washington, D.C., on February 19, 1975.

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

[FR Doc.75-4950 Filed 2-24-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14316; Amdt 95-257]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective March 27, 1975, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes*—United States is amended to delete:

From; to; and MEA

Gulfport, Miss., VOR; *2,500—MCA Rom INT, northeast-bound, **1,500—MOCA; Rom INT, Miss.; **1,600.
Dog INT, Miss., *1,400—MOCA; Gulfport, Miss., VOR; *2,300.
Brookley, Ala., VOR; Burbank INT, Ala.; 2,000.
Columbus, Miss., VOR; *3,000—MRA; *Beaverton INT, Ala.; 2,200.
Greenville, Miss., VOR; *1,700—MOCA; Jackson, Miss., VOR; *2,000.
Holly Springs, Miss., VOR; *1,900—MOCA; Tupelo, Miss., VOR; *2,500.
McComb, Miss., VOR; *1,800—MOCA; Mobile, Ala., VOR; *2,300.
Int. 228 M rad Tuscaloosa, Ala., VOR & 150 M rad Columbus, Miss.; VOR; *1,600—MOCA; Columbus, Miss., VOR; *2,000.
Sawyer, Mich., VOR; Traverse City, Mich., VORTAC; 18,000; MAA—45,000.
Gar INT, Alas. (Control 1400); *2,000—MOCA; Anchorage Oceanic Control, East Boundary; *3,000.
Naknek River, Alas., LF/RBN; Gar INT, Alas. (Via Control 1,400); 2,000.
Naknek River, Alas., LF/RBN; Herring INT, Alas. (Via Control 1,401); 3,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Hattiesburg, Miss., VOR; Jackson, Miss., VOR; 2,000.
New Orleans, La., VORTAC; Natchez, Miss., VOR; 18,000; MAA-30,000.
Natchez, Miss., VOR; Monroe, La., VORTAC; 18,000; MAA—30,000.
New Orleans, La., VORTAC; Monroeville, Ala., VOR; 18,000; MAA—30,000.
Anchorage Oceanic Control Bdry., *2,000—MOCA; Garrs INT, Alas. (Control 1,400); *3,000.
Garrs INT, Alas., *2,000—MOCA; King Salmon, Alas., LOM (Control 1,400); *3,000.
Herry INT, Alas., *2,000—MOCA; King Salmon, Alas., LOM (Control 1,401); *3,000.
San Angelo, Tex., VOR Lometa, Tex., VOR; 4,000.
Abilene, Tex., VOR; Lometa, Tex., VOR; 4,000.

Section 95.6011 *VOR Federal Airway 11* is amended by adding:

Dyersburg, Tenn., VOR; Via West alter.; Cunningham, Ky., VOR; Via West alter.; 2,000.

Section 95.6013 *VOR Federal Airway 13* is amended to read in part:

From; to; and MEA

Jetty INT, Tex., Via West alter.; Corpus Christi, Tex., VOR; Via West alter.; 2,000.
Newry INT, Minn., *2,700—MOCA; Hope INT, Minn.; *3,000.

Section 95.6014 *VOR Federal Airway 14* is amended to read in part:

Vicky, Mo. VOR; Via South alter.; St. Louis, Mo., VOR; Via South alter.; 2,800.

Section 95.6020 *VOR Federal Airway 20* is amended to read in part:

Mobile, Ala. VOR; Via South alter.; Monroeville, Ala., VOR; Via South alter.; 2,000.

Section 95.6047 *VOR Federal Airway 47* is amended by adding:

Little Rock, Ark. VOR; *2,000—MOCA; Walnut Ridge, Ark., VOR; *4,000.
Walnut Ridge, Ark., VOR; Malden, Mo., VOR; 2,000.
Malden, Mo., VOR; Cunningham, Ky., VOR; 2,500.
Cunningham, Ky., VOR; Weston INT, Ky., 2,600.
Weston INT, Ky; Evansville, Ind., VOR; 2,100.

Section 95.6056 *VOR Federal Airway 56* is amended to read in part:

Midway INT, Ala., Via South alter.; *1,900—MOCA; Columbus, Ga., VOR; Via South alter.; *2,400.

Section 95.6063 *VOR Federal Airway 63* is amended to read in part:

Stevens Point, Wis., VOR; Wausau, Wis., VOR; 3,000.
Wausau, Wis., VOR; Rhinelander, Wis., VOR; 3,600.

Section 95.6070 *VOR Federal Airway 70* is amended to read in part:

Monroeville, Ala., VOR; Rutledge INT, Ala.; 2,000.
Rutledge INT, Ala.; *1,800—MOCA; Crenshaw INT, Ala.; *2,500.
Crenshaw INT, Ala.; *1,900—MOCA; Banks INT, Ala.; *2,400.

Section 95.6079 *VOR Federal Airway 79* is deleted.

Section 95.6123 *VOR Federal Airway 123* is amended to read in part:

From; to; and MEA

Mitch INT, Md., Swan Point INT, Md., 3,000.

Section 95.6163 *VOR Federal Airway 163* is amended to read in part:

Jetty INT, Tex., Via W. alter.; Corpus Christi, Via W. alter.; 2,000.

Section 95.6175 *VOR Federal Airway 175* is amended by adding:

Alexandria, Minn., VOR; Park Rapids, Minn., VOR; 3,300.
Park Rapids, Minn., VOR.; Bemidji, Minn., VOR; 3,400.
Bemidji, Minn., VOR; *2,500-MOCA; Roseau, seau, Minn., VOR; *3,100.

Section 95.6178 *VOR Federal Airway 178* is amended by adding:

Farmington, Mo., VOR; *2,400—MOCA; Cape Girardeau, Mo., VOR; *3,000.
Cape Girardeau, Mo., VOR; Cunningham, Ky., VOR; 2,300.
Farmington, Mo., VOR; Via N alter.; Cunningham, Ky., VOR; Via N alter.; 3,500.
Farmington, Mo., VOR; Via S alter.; *2,400—MOCA; Cunningham, Ky., VOR; Via S alter.; *3,000.

Section 95.6178 *VOR Federal Airway 178* is amended to delete:

Farmington, Mo., yOR; *2,800—MOCA; Cunningham, Ky., VOR; *3,000.
Farmington, Mo., VOR; Via S alter.; *2,400—MOCA; Cache INT, Ill., Via S alter.; *3,000.
Cache INT, Ill., Via S alter.; Cunningham, Ky., VOR; Via S alter.; 2,400.

Section 95.6191 *VOR Federal Airway 191* is amended to read in part:

Oshkosh, Wis., VOR; Church INT, Wis.; 3,000.

Section 95.6216 *VOR Federal Airway 216* is amended to read in part:

O'Dell INT, Neb.; Pawnee City, Neb., VOR; 3,300.

Section 95.6251 *VOR Federal Airway 251* is deleted.

Section 95.6433 *VOR Federal Airway 433* is amended to read in part:

Mitch INT, Md.; Swan Point INT, Md.; 3,000.

Section 95.6454 *VOR Federal Airway 454* is amended by adding:

Brookley, Ala., VOR; Monroeville, Ala., VOR; 2,000.

Section 95.6454 *VOR Federal Airway 454* is amended to read in part:

Monroeville, Ala., VOR; Rutledge INT, Ala.; 2,000.
Rutledge INT, Ala., *1,800—MOCA; Crenshaw INT, Ala.; *2,500.
Crenshaw INT, Ala., *1,900—MOCA; Columbus, Ga., VOR; *2,400.

Section 95.6456 *VOR Federal Airway 456* is amended to read in part:

Tanner INT, Alas., *1,300—MOCA; King Salmon, Alas., VOR; *3,000.

Section 95.6500 *VOR Federal Airway 500* is amended to read in part:

*Richfield INT, Ida., *9,500—MCA Richfield INT, Westbound; Bear Trap INT, Ida.; 9,500.

Section 95.7079 *Jet Route No. 79* is amended by adding:

From; to; MEA; and MAA

Wilmington, N.C., VORTAC; Haw, N.C., VORTAC; 18,000; 45,000.
Haw, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7079 *Jet Route No. 79* is amended to delete:

Wilmington, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7183 *Jet Route No. 183* is added to read:

Bimini, Bh., RBN; Haw, N.C., VOR; 25,000; 45,000.

Section 95.7190 *Jet Route No. 190* is added to read:

Nassau, Bh., RBN; Haw, N.C., VOR; 25,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on February 19, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-4952 Filed 2-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896, Amdt. 36]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. February 18, 1975.

On January 17, 1975, by ER-896 (Docket 26899), 40 FR 3578, the Board amended Part 288 of its Economic Regulations (14 CFR Part 288) by making final certain changes in the minimum rates for foreign and overseas air transportation services performed by air carriers for the Department of Defense. However, the actual text of the amendments to § 288.7(a), both as proposed [1] and as finally adopted, inadvertently eliminated provisions relating to matters which were not under consideration in this proceeding, to wit, the minimum rates for intra-Alaskan services performed with piston aircraft.

Accordingly, the complete text of § 288.7(a), as amended by ER-896, is hereby corrected to read as follows:

[1] EDR-278, 39 FR 27694.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemption granted by this part that the level of compensation for transportation provided shall not be uneconomically low. In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(a) For charter service in foreign and overseas transportation, in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, and in transportation within Alaska, other than specified in paragraph (c) of this section:

(1) Performed with turbine-powered aircraft:

Amended rates effective January 17, 1975

Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger-cargo rates, per revenue plane-mile [1] [2]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	One way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
Regular turbojets	2.848	5.119	10.966	16.504	2.848	12.641		
Passengers-pallets:								
165 and 0							4.699	8.446
117 and 3							4.497	7.742
105 and 4							4.446	7.566
93 and 5							4.395	7.389
81 and 6							4.345	7.213
63 and 7							4.259	6.949
51 and 8							4.212	6.753
0 and 12							4.003	6.024
DC-8-61/63F	[3] 2.848	[3] 5.119	[3] 10.966	[3] 16.504	[3] 2.848	[3] 12.641		
Passengers-pallets:								
219 and 0							6.237	11.211
159 and 5							5.880	10.174
65 and 12							5.321	8.550
47 and 13							5.214	8.239
0 and 18							4.935	7.427
B-727 Pacific inter-island [4]	4.023	7.684	20.556	40.907	4.023	24.667		
Passengers-pallets:								
105 and 0							4.224	8.068
61 and 2							4.005	7.773
50 and 3							3.950	7.609
46 and 4							3.930	7.672
0 and 7							3.700	7.368
B-727 All other [4]	4.613	8.810	23.363	46.492	4.613	28.035		
Passengers-pallets:								
105 and 0							4.844	9.251
61 and 2							4.576	8.881
50 and 3							4.500	8.780
46 and 4							4.485	8.755
0 and 7							4.205	8.362

[1] Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat charged on each segment. If a flight is converted with less than 10 days, notice, the one-way rates shall apply to each leg of the converted round trip.

[2] For the Coral Sea variable mixed operation the conversion charge shall be $297 per cargo pallet in lieu of a seat charge.

[3] Also applies to wide-bodied (B-747, DC-10, and L-1011) equipment.

[4] Shall also apply to the L-382/L-100-10/20/30 and CV-990 aircraft.

(2) Performed with piston aircraft:

Type of service:	*Rates within Alaska (Cents)*
Passenger, per passenger-mile:	
Round trip	2.89
One way	5.46
Cargo, per ton-mile:	
Round trip	13.10
One way	26.20
Convertible:	
Passenger leg, per passenger-mile	2.89
Cargo leg, per ton-mile	15.80
Mixed passenger-cargo:	
Round trip	2.89

mile, for following aircraft and number of seats installed at request of DOD:

DC-7CF, L-1049/C/E/G/H, L-1649A/F:	*(Dollars)*
0 to 2	[1] 2.36
1 to 47	[2] 2.55
48 to 59	2.57
60 to 71	2.63
72 to 85	2.68
86 to 92	2.72
93 and over	2.74

[1] All-cargo rate applicable on flights designated as all-cargo where limited services for the personnel who may be carried are required under the DOD contract.

[2] Rate applicable on flights designated as mixed where full passenger services are required under the DOD contract.

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further*, That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however*, That effective January 17, 1975, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet and DC-8F-61/63 aircraft, (ii) Pacific interisland services

performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.30 percent, 1.66 percent and 1.59 percent respectively.[1]

* * * * *

Effective: January 17, 1975.

Adopted: January 17, 1975.

Dated: February 18, 1975.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-4923 Filed 2-24-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2591]

PART 13—PROHIBITED TRADE PRACTICES

Hair Encore and James D. Wilson

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170-24 Cosmetic or beautifying; 13.170-30 Durability or permanence; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533-10 Corrective advertising; 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprete or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

[Cease and desist order, Hair Encore, Inc., t/a Hair Encore, et al., Columbia, S.C., Docket C-2591, Nov. 1, 1974.]

In the Matter of Hair Encore, Inc., a Corporation, Doing Business as Hair Encore, and James D. Wilson, Sr., Individually and as an Officer of Said Corporation

Consent order requiring a Columbia, S.C., promoter of a cosmetic hair replacement system, among other things to cease failing to disclose the medical risks—i.e., discomfort and pain, risk of irritation, infection and skin disease, and permanent scarring of the scalp—involved in its system and to give customers a three-day cooling-off period within which to cancel their contract. Further, 15 percent of respondents' advertising must include disclosures as to the possible deleterious side effects to be encountered.

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

It is ordered That respondents Hair Encore, Inc., a corporation, doing business as Hair Encore or any other trade name or names, its successors and assigns, and James D. Wilson, Sr., individually and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of any hair replacement product or process involving surgical implants (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, teeth, and fingernails and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair; and

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

2. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered That respondents, in advertising and in all oral sales presentations, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of prolene (or any substitute) sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of prolene (or any substitute) sutures in the scalp, and by virtue of the prolene (or any substitute) sutures remaining in the scalp, there is a high probability of discomfort and pain, and a risk of infection, skin disease and scarring.

3. The System has been in use for too short a period of time to determine to a reasonable medical certainty the extent or seriousness of the above-described side effects, or whether there are other side effects.

4. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

5. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. *Provided, however,* that in advertisements which consist of less than ten column inches in newspapers or periodicals, and in radio or television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Attention: This application involves surgery whereby permanent sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician (this statement is required by Order of the Federal Trade Commission).

No less than 15 percent of such advertisement shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this order, Subparagraphs One through Five, thereof, and that respondents require that such prospectives purchasers, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the probabilities of discomfort and pain, and risks of infection, skin disease, and scarring.

It is further ordered That no contract for application of respondent's System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that

[1] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

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

the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain from each purchaser a certificate signed by the physician who was consulted as required by this order, such certificate specifying that the said physician has explained to the purchaser the nature of the surgery to be done, and has advised him of the probabilities of discomfort and pain, and risks of infection, skin disease and scarring, and specifying the date and approximate time of the consultation; and respondents shall retain all such certificates for three years.

It is further ordered That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgement of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing (1) to abide by the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgements and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' System.

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

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; *Provided* that if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divsions, offices, department or affiliated corporation.

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

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

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

The Decision and Order was issued by the Commission, Nov. 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4939 Filed 2-24-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Correction

In FR Doc. 75-3411, appearing on page 5498, in the issue for Thursday, February 6, 1975, make the following corrections:

1. On page 5500, in the first column, in § 618.3(b)(2), in the third line, insert the word "before" between the words "ending" and "January."

2. On page 5500, in the third column, in § 618.10(b), in the seventh line, the word "on" should read "or".

3. On page 5501, in the first column, in § 618.11(b), in the second line, insert a comma between the words "apply" and "where".

4. On page 5502, in the first column, in § 618.18 (a)(1), in the second line, the word "off" in quotation marks should read "on".

5. On page 5502, in the first column, in § 618.18(a)(2), in the second line, the word "tindicator" should read "indicator".

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Implementation

Correction

In FR Doc. 75-3410, appearing on page 5502, in the issue for Thursday, February 6, 1975, make the following corrections:

1. On page 5504, in the first column, in § 619.4(b), in the penultimate sentence, the word "an" should read "and".

2. On page 5506, § 619.13(i) should read as set out below:

"(i) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (Employment Security Manual, Part V, section 7510 et seq.)."

3. On page 5506, in the second column, § 619.15(a) should read as set out below:

"(a) A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area."

4. On page 5506, in the third column, in § 619.18(a)(2), in the fifth line, insert a comma between the words "determination" and "and".

5. On page 5506, in the third column, in § 619.18(c), in the thirteenth line, the word "abount" should read "about".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Office of Management and Finance

APPENDIX

CFR Correction

In FR Doc. 73-10233 (39 FR 13561; May 23, 1973) Administrative Division Memo No. 398 and its Supplements Nos. 2 and 3 were revoked. These items, however, were inadvertently included in the 28 CFR volume revised as of July 1, 1974, on pages 27 through 29 and should be deleted.

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Further Extension of Time for Submission of X-rays

Correction

In FR Doc. 75-1897, appearing at page 3294 in the issue for Tuesday, January 21, 1975, the third line of the fourth paragraph now reading "1975" should be changed to read "1974".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Administrative Regulations

Notice of Proposed Rule Making was published in the FEDERAL REGISTER on July 24, 1974 at 39 FR 27086, setting forth the proposed regulations governing the administration of State Vocational Education Programs under the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241 through 1393f.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on September 20, 1974 in Washington, D.C., on the proposed regulations. In addition, interested persons were invited to submit written comments, suggestions or objections regarding the proposed regulations.

The following comments were submitted to the Office of Education.

1. *Comment.* A statement was received by a representative of the Women's Legal Defense Fund, Inc., Human Rights for Women, the National Committee on Household Employment, and the Women's Rights Project of the Center for Law and Social Policy. This statement sets forth in detail proposed language to modify a number of provisions to ensure both a wider range of vocational training alternatives for women and to prohibit sex discrimination in such programs. The thrust of the statement concerns the interrelationship of the sex discrimination prohibition in Title IX of the Education Amendments of 1972 and the regulations issued thereunder. The commenters express their position that 45 CFR 100b.262(b) is not sufficiently explicit about the means which must be employed by State administrators to eliminate sex-based discrimination. They suggest that the textual language of the operative sections of part 102 should reflect the phraseology "on a basis which does not discriminate as to sex."

Response. The General Education Provisions Regulations, particularly § 100b.262(b), coupled with the proposed regulations in 45 CFR Part 86 which effectuate Title IX of the Education Amendments of 1972, provide that no persons in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. The scope of Part 86 and 100b has a direct application to Part 102—State Programs. To repeat these mandates in every operative section of Part 102 would defeat the express purposes of the General Education Provisions Regulations, which is to publish in one place regulations which affect the various education programs generally.

The numerous directives promulgated in proposed 45 CFR Part 86 also are incorporated by reference into all applicable provisions of Part 102.

The commenters have also requested certain substantive changes to be reflected in Part 102. However, section 503 of the Education Amendments of 1972 prohibits the inclusion of any rules or interpretations in the Federal regulations unless such rules or interpretations are based on some legal or statutory authority. This provision precludes expanding the membership of State advisory councils in § 102.22 to include at least one person with special knowledge, experience, or qualifications with respect to the special educational problems and needs of women in vocational education.

The commenters have also suggested that § 102.4(b) should be amended to strike out "fireman" and substitute "firefighters"; similiarly, § 102.24 should be amended to strike "chairman" and substitute "chairperson". These suggestions have been adopted and the regulations have been changed to reflect these changes.

2. *Comment.* A commenter suggested incorporating language into Part 102 which would insure a more effective coordination of activities between programs under the Comprehensive Employment Training Act (CETA) and programs under the Vocational Education Act.

The justification for this position stems from the close similarity of both the purpose and the target populations indicated in the CETA and Vocational Education Act. Furthermore, the commenter maintains that the addition of coordination requirements in the Vocational Education regulations would avoid duplication of effort.

Response. The proposed rules do provide for coordination between vocational education agencies, manpower units and other State public employment offices. The authority appears in § 102.40 which requires that: "The State plan shall provide for cooperative arrangements with the public employment service system in the State * * *" The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere * * *" Since this provision addresses itself to the issue of cooperative arrangements, no modifications, additions or deletions in the language of Part 102 are necessary.

3. *Comment.* A commenter suggested that notifications of public meetings be published in local newspapers in advance of such hearings.

Response. Pursuant to § 102.24, State advisory councils must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning vocational education. Additionally, § 102.31 (e) requires reasonable notice and reasonable opportunity for a public hearing prior to the submission of a State plan to the Commissioner. As long as the means utilized are reasonably calculated to place the public on notice, the final decision will be at the discretion of the State board or State advisory council. No legal or statutory basis exists to require the public notice to be in local newspapers. No change has been made in the proposed regulations.

4. *Comment.* A commenter suggested that institutions which prepare faculty for vocational education programs at the secondary, technical, and community college levels should have a representative on the State advisory councils.

Response. Since the membership of the State advisory council is specified in the legislation, no statutory or legal basis exists to expand the specified membership. Although there will be no change in the proposed regulation, the States have the prerogative of enumerating additional qualifications for membership of other persons on the State advisory councils.

5. *Comment.* A commenter suggested that some reference should be made in Subpart C of the State plan provisions to the review as required by Part III of OMB Circular A-95.

Response. Part II of OMB Circular A-95 is reflected in the General Education Provisions Regulations. Therefore, the reference to OMB Circulars are not included in each set of program regulations. No change has been made in these proposed regulations.

6. *Comment.* A commenter suggested that the membership of State advisory councils include at least one person with special knowledge, experience and understanding of the needs of women workers and of the need for training women in non-traditional occupations.

Response. As previously explained in the responses to comment 1 and comment 4, due to a lack of statutory or legal basis, no substantive change can be made in the proposed regulations to expand the membership of the State advisory councils.

7. *Comment.* A commenter suggested that the requirements of section 102(b)(3) of the Act as amended to be changed to the extent of deleting the monthly dollar limitations. Additionally, this commenter postulated a new ratio to complement the existing formula under section 181(b)(1) of Part 4 of the Act.

Response. The Cranston Amendment in section 421 of the General Education Provisions Act (20 U.S.C. 1231) prohibits any funds appropriated to carry out any

applicable programs to be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation. Accordingly no change has been made in the regulations.

Other changes. The provisions relating to noncommingling of funds from Federal sources with State or local funds were deleted from the proposed revised regulations since these requirements were clearly delineated in the Vocational Education Act of 1963, as amended, and repetition of the provisions seemed unnecessary. However, since some confusion has arisen due to the deletion of these provisions and in order to prevent any additional confusion and to emphasize the importance of these requirements, the same sections, §§ 102.67, 102.80 and 102.102, will be restored.

The general contracting provision in § 102.5 is changed in order to be consistent with the Act. However, contracting is not limited to private vocational training institutions and may include public or non-public agencies or institutions.

Typographical corrections have been made. The reference to § 102.160 in § 102.31(f)(ii) has been deleted since there is no longer a § 102.160. The duplication of § 102.38 in the proposed rules has been deleted in this publication. The provision in § 102.72(b) on review of applications has been changed to read: "State research coordination unit or the State advisory council", rather than "State research coordination unit of the State advisory council."

Changes required by Public Law 93-380. The Education Amendments of 1974, Pub. L. 93-380 require the following changes: The purpose and scope provision in § 102.1 is amended to include bilingual vocational training pursuant to section 194 of Part J of the Act as amended by section 841 of Pub. L. 93-380. The definitional section in § 102.3 is amended to include the statutory definition of "postsecondary educational institution" and "vocational training". Programs for disadvantaged or handicapped persons under § 102.6 are amended to include persons of limited English-speaking ability. The membership of State advisory councils in § 102.22 is amended so that it may also include persons representing school systems with large concentrations of students who are persons of limited English-speaking ability. Also, the allocation of funds to Part B purposes in § 102.51 is amended to include persons of limited English-speaking ability.

Since the Education Amendments of 1974 make only technical changes in relation to the State plan portion of the Vocational Education Act, these corresponding technical changes have been incorporated into the regulations at this time. Since these technical changes are required by the Act and are non-discretionary in nature, opportunity for public comment thereon would appear to be unnecessary. However, section 122(a)(4)(C) of the Vocational Education Act, as added by section 841(a)(5)(A) of Pub. L. 93-380 requires that the funding to the States for the purpose of vocational education programs for students of limited English-speaking ability be carried out in coordination with bilingual education programs under Title VII of the Elementary and Secondary Education Act of 1965, and bilingual adult education programs under section 306(a)(1) of the Adult Education Act. A clarification of the statutory reference, if deemed to be necessary, will be made in the forthcoming publication of amendments to Part 102 regulations for State Vocational Education Programs.

Procedure for submitting general application and annual program plan. Section 434(b) of the General Education Provisions Act, as added by section 511 of the Education Amendments of 1974 (Pub. L. 93-380), provides a new procedure in lieu of submitting State plans for State administered programs. Section 434(b), which became effective July 1, 1974, requires any State which wishes to participate in any applicable program in which Federal funds are made available to local educational agencies through or under the supervision of the State educational agency (as in Vocational Education), to maintain on file with the Commissioner a general application. Such general application must include five assurances stipulated in section 434(b)(1)(A), including an assurance that the State will submit an annual program plan to the Commissioner. The annual program plan must be prepared and administered in a manner consistent with the Specific State plan requirements of the appropriate applicable statutes affecting the program for which the annual program plan is applicable.

Since this new procedure is only applicable to Federal programs operated through, or under the supervision of, the State educational agency, those State boards for vocational education which are separate from the State educational agency are not covered by the provisions of section 434(b). However, in a State with a separate vocational board, if funds are transferred to the State educational agency for operation or supervision of a program, such funds would have to be included in the section 434(b) application of the State educational agency.

Regulations implementing section 434(b) and instructions will be issued by the Commissioner as soon as possible. Since section 434(b) did not revoke statutory references to State plans, this publication of Final Regulations retains such references. However, States are advised that the new procedures are effective for fiscal year 1975.

After consideration of all comments, the Commissioner hereby adopts the proposed regulations which were published in the FEDERAL REGISTER on July 24, 1974 with the changes noted above.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Nos. 13.493-495; 13.498-503; Vocational Education-Basic Grants to States, Consumer and Homemaking, Cooperative Education, Research, Special Needs, State Advisory Councils, Work Study and Innovation.)

Dated: January 20, 1975.

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

Approved: February 18, 1975.

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

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AUTHORITY: Secs. 101–191 of Pub. L. 90–576, 82 Stat. 1064–1091; as amended (20 U.S.C. 1241 to 1391), unless otherwise noted.

Subpart A—General

§ 102.1 Purpose and scope.

(a) *Purpose.* The regulations in this part implement the Vocational Education Act of 1963, as amended, which provides for Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(20 U.S.C. 1241)

(b) *Scope.* The regulations in this part cover general provisions under part A of the Act; allotments to States for vocational education programs under part B; research, training, experimental, developmental, and pilot programs, and dissemination activities under section 131 (b) of part C; exemplary programs and projects under section 142(d) of part D; consumer and homemaking education programs under part F; cooperative vocational education programs under part G; and work-study programs for vocational education students under part H.

(20 U.S.C. 1241–1244, 1247–1305, 1341–1374)

(c) *Other regulations.* The regulations in Part 103 are applicable to grants and contracts by the Commissioner for research, training, and related programs in vocational education pursuant to section 131(a) of part C of the Act, exemplary programs and projects in vocational education pursuant to section 142(c) of part D, curriculum development in vocational and technical education pursuant to part I and bilingual vocational training pursuant to section 194(a) of Part J.

(20 U.S.C. 1231(a), 1302(c), 1391)

§ 102.3 Definitions.

"Act" means the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241–1391.

(20 U.S.C. 1241, note)

"Adult vocational education" means vocational education which is designed to provide training or retraining to insure stability or advancement in employment of persons who have already entered the labor market and who are either employed or seeking employment.

(20 U.S.C. 1262(a) (2), (3))

"Ancillary services and activities" means services and activities necessary to assure quality in vocational education and consumer and homemaking education programs provided for under the Act, the regulations in this part, and the State plan. Such services and activities may include the following:

(a) State administration and leadership as provided for in the State plan pursuant to § 102.35;

(b) Administration and supervision of instructional programs at the local level, including vocational education programs, as provided for in § 102.4(g);

(c) Evaluation of programs under the State plan, as provided for in § 102.36;

(d) Training of teachers and other program personnel as provided for in §§ 102.9 and 102.38(b);

(e) Special demonstration and experimental programs;

(f) Development of curricula and instructional materials; and

(g) Research related to any of the services and activities above.

(20 U.S.C. 1262(a)(8))

"Area vocational education school" means any public school or public institution which falls in any one of the following categories:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate employment but not necessarily leading to a baccalaureate degree.

An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State board. In the case of a technical or vocational school described in subparagraph (c) of this paragraph or a division of a junior college or community college or university described in subparagraph (d) of this paragraph, such school must admit as regular students both persons who have completed high school and persons who have left high school.

(20 U.S.C. 1248(2))

"Consumer and homemaking education" means education designed to help individuals and families improve home environments and the quality of personal and family life, and includes instruction in food and nutrition, child development, clothing, housing, family relations, and management of resources with emphasis on selection, use, and care of goods and services, budgeting, and other consumer responsibilities.

(20 U.S.C. 1341)

"Cooperative vocational education program" means a cooperative work-study program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by the alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education work-study program.

(20 U.S.C. 1248(1), 1355)

"Disadvantaged persons" means persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or mentally handicapped persons (as defined in this section) unless such persons also suffer from the handicaps described in this paragraph.

(20 U.S.C. 1262(a)(4)(A))

"Employment" means lawful work in a recognized or new or emerging occupation.

(20 U.S.C. 1248(1), 1263(a)(6)(A))

"Funds", unless otherwise specified, means any funds available for expenditure under the State plan, whether derived from Federal allotments under the Act or State or local appropriations or other non-Federal sources. (See § 102.121 for further explanation.)

"Gainful employment" means employment for which persons normally receive in cash or in kind a wage, salary, fee, or profit. This term includes employment in sheltered workshops for handicapped persons.

(20 U.S.C. 1248(1))

"Handicapped persons" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason of their handicapping condition cannot succeed in a vocational or consumer and homemaking education program designed for persons without such handicaps, and who for that reason require special educational assistance or a modified vocational or consumer and homemaking education program.

(20 U.S.C. 1262(a)(4)(B))

"Industrial arts education programs" means those education programs (a) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about the technical, consumer, occupational, recreational, organizational, managerial, social, historical, and cultural aspects of industry and technology including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes which provide opportunities for creativity and problem solving, assisting individuals in the making of informed and meaningful occupational choices; and (b) which the Commissioner has determined, pursuant to § 102.4(b)(5), will accomplish or facilitate one or more of the purposes of the first sentence of section 108(1) of the Act.

(20 U.S.C. 1248(1))

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program. In this part, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(20 U.S.C. 1248(9))

"Occupational field" means a group of recognized and new and emerging occupations having substantial similarities common to all occupations in the group, e.g., similarity in the work performed; similarity in the abilities and knowledge required of the worker for successful job performance; similarity in the tools, machines, instruments, and other equipment used; and similarity in the basic materials worked on or with. The term is applied, in the case of Federal participation in the construction of an area vocational school, to determine whether a department of a certain type of high school, or a department or division of a junior college, community college, or university provides "vocational education in no less than five different occupational fields." (See the above definition of "Area vocational education school.") The purpose is to assure that such schools will have offerings that will afford prospective students of varying interests a reasonably broad choice of the type of occupation for which they are to be trained. Determinations of what is an "occupational field" will be made in the light of this purpose.

(20 U.S.C. 1248(2) (B) and (D))

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated or left elementary school.

(20 U.S.C. 1248(15))

"Postsecondary vocational education" means vocational education which is designed primarily for youth or adults who have completed or left high school and who are available for an organized program of study in preparation for entering the labor market. Such education may be provided in schools or institutions such as business or trade schools, technical institutions, or other technical or vocational schools; and departments of colleges and universities, junior or community colleges, and other schools offering vocational education, particularly technical education, beyond grade 12. The term shall not be limited to vocational education at the level beyond grade 12 if the vocational education needs of the persons to be served, particularly high school dropouts, require vocational education at a lower grade level. Anything modified by the adjective "postsecondary" pertains to postsecondary vocational education as herein defined.

(20 U.S.C. 1248(10), 1262(a) (1), (2))

"Recognized occupation" or "new and emerging occupation" means a lawful occupation that has been identified or is identifiable by employers, employee groups and governmental and nongovernmental agencies and institutions concerned with the definition and classification of occupations.

(20 U.S.C. 1263(a)(6)(A))

"School facilities" means the facilities of an area vocational education school, including:

(a) Instructional and auxiliary rooms and space necessary to operate a program of vocational instruction at normal capacity (in accordance with the State plan and the laws and customs of the State), such as classrooms, libraries, laboratories, workshops, cafeterias, office space, and utility space. This would not include facilities intended primarily for events for which admission is to be charged to the public such as single-pur-

pose auditoriums, indoor arenas, or outdoor stadiums.

(b) Initial equipment of the school facilities described in subparagraph (a) of this paragraph, such as all necessary building fixtures and utilities, furnishings (including conventional classroom and office furniture), and instructional equipment.

(c) In connection with the erection of new or the expansion of existing facilities, initial equipment shall include only that equipment which must be placed in the proposed facility to accommodate the type of instruction or other vocational education purpose for which the facility is designed.

(d) In connection with the acquisition, remodeling, and alteration of existing facilities, initial equipment also may include equipment installed to replace obsolete or worn-out equipment. Any reimbursement for salvage or trade-in value of any such equipment shall be deducted in computing the cost of such replacement equipment to be included in the construction costs of a proposed project.

(e) Interests, whether in fee, leasehold, or otherwise, in land on which such facilities are to be constructed.

(20 U.S.C. 1248 (3), (4))

"State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1248(7))

"State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated pursuant to § 120.32.

(20 U.S.C. 1248(8))

"State plan" means that plan submitted by a State board pursuant to the Act and the regulations in this part in order to be eligible to receive Federal funds allotted to the State. Such plan shall include both long-range and annual program plans pursuant to §§ 102.33 and 102.34.

(20 U.S.C. 1263)

"State research coordination unit" means a unit in a State agency or institution designated by the State board in its State plan pursuant to § 102.71 as the coordination unit for vocational education research and personnel training programs; developmental, experimental, or pilot programs; and dissemination activities in vocational education, including those programs supported with funds under section 131(b) of the Act.

(20 U.S.C. 1281(b))

"Vocational education" means programs, services, or activities related to vocational or technical training or retraining provided under the Act, the regulations in this part, and the State plan. In this part, anything modified by the adjective "vocational" pertains to "vocational education" as herein defined. Such programs, services, and activities shall include:

(a) Vocational instruction meeting the standards and requirements of § 102.4;

(b) Vocational guidance and counseling meeting the standards and requirements of § 102.8; and

(c) Training of teachers and other vocational education personnel meeting the standards and requirements of § 102.9.

(20 U.S.C. 1248(1))

(d) Consumer and homemaking education meeting the standards and requirements of § 102.4.

(20 U.S.C. 1341)

"Vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment which the Commissioner determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become, instructors in a vocational training program; travel of students and vocational training personnel while engaged in a training program, and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(20 U.S.C. 1248 (14))

§ 102.4 Vocational instruction.

(a) *Arrangements for instruction.* (1) Vocational instruction shall be provided either under public supervision or control meeting the criteria of subparagraph (2) of this paragraph, or under contract with the State board or local educational agency as provided for in § 102.5.

(2) To be under "public supervision and control," a school or class must be organized and operated under the direction of the State board or a local educational agency responsible for expenditure of public school funds for vocational education in the State.

(20 U.S.C. 1248(1))

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to—

(i) Prepare individuals for gainful employment, including volunteer firefighters, as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(iii) Assist individuals in the making of informed and meaningful occupational choices, or

(iv) Achieve any combination of the above objectives.

(20 U.S.C. 1248(1), 1263(a)(18))

(2) Vocational instruction with the objective specified in subparagraph (1)(i) of this paragraph shall include:

(i) Instruction related to the occupation or occupations for which the students are in training; that is, instruction which is designed upon its completion to fit individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instructions shall include classroom related academic and technical instruction and field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience, and may be provided either to—

(20 U.S.C. 1248(1))

(*a*) Those preparing to enter an occupation upon the completion of the instruction, or

(20 U.S.C. 1262(a) (1) and (2))

(*b*) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(20 U.S.C. 1262(a)(3))

(ii) Instruction necessary for vocational students to benefit from instruction described in subdivision (i) of this subparagraph; that is, remedial or other instruction which is designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction.

(20 U.S.C. 1262(a)(4)(A), (B))

(3) Pretechnical vocational instruction with the objective specified in subparagraph (1)(ii) of this paragraph shall include instruction of the type described in subparagraph (2) of this paragraph, except that such instruction need not be designed to fit individuals for employment in a specific occupation, but must be primarily designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs having the objective specified in subparagraphs (1)(i) of this paragraph. It shall not include instruction which is primarily designed to prepare individuals for higher education, or for professional training of the type described in paragraph (c)(2) of this section, and which is only incidentally designed for individuals preparing for technical education.

(20 U.S.C. 1262(a)(4)(A), (B))

(4) Prevocational instruction with the objective specified in subparagraph (1) (iii) of this paragraph shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.

(20 U.S.C. 1248(1))

(5) Industrial arts education instructional programs with the objectives specified in subparagraph (1) of this paragraph shall be designed to:

(i) Assist individuals in the making of informed and meaningful occupational choices. In order to accomplish or facilitate this purpose, such programs shall:

(*a*) Provide occupational information and instruction pertaining to a broad range of occupations, including training requisites, working conditions, salaries or wages, and other relevant information;

(*b*) Provide exploratory experiences in shops, laboratories, and observations in business or industry to acquaint students with jobs in the occupations included in this purpose;

(*c*) Provide guidance and counseling for students enrolled in the industrial arts program under § 102.4(b)(5) of this part to assist them in making informed and meaningful choices in selected occupational fields; and

(*d*) Employ industrial arts teachers who have qualifications as provided in the State plan pursuant to § 102.38; or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs. In order to accomplish or facilitate this purpose, such programs shall:

(*a*) Provide individuals with occupational information and exploratory experience for enrollment in such programs;

(*b*) Provide occupational information and exploratory experiences directly related to current practices in industry; and

(*c*) Be conducted in an institution approved by the State Board of Vocational Education and by industrial arts teachers and guidance and counseling personnel who have qualifications as provided in the State plan pursuant to § 102.38.

(6) Instruction for volunteer firefighters with objectives specified in paragraph (b)(1)(i) of this section, whether or not such firefighters are paid for services performed, shall include instruction of the type described in subparagraph (2) of this paragraph.

(20 U.S.C. 1248(1))

(c) *Noneligible instruction*—(1) *General.* Funds under the Act shall not be available for instruction in general education subjects unless such subjects have objectives specified in paragraph (b) of this section. However, a program of vocational instruction under the State plan may be supplemented with such other general education subjects supported with funds from other sources as may be necessary to develop a well-rounded individual.

(20 U.S.C. 1262, 1263(a)(18))

(2) *Professional.* Funds under the Act shall not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or as requiring a baccalaureate or higher degree. The Commissioner has determined and specified the following as examples of occupations which are generally considered professional or as requiring a baccalaureate or higher degree, and are therefore excluded from those occupations for which instruction may be provided:

Accountants and auditors.
Actors and actresses.
Architects, artists, and sculptors.
Athletes, professional.
Authors, editors, and reporters.
Clergymen.
Engineers, professional.
Lawyers.
Librarians, archivists, and curators.
Life scientists, including agronomists, biologists, and psychologists.
Mathematicians.
Medical and health professions, including physicians, surgeons, dentists, osteopaths, veterinarians, pharmacists, and professional nurses.
Musicians.
Physical scientists, including chemists, physicists, and astronomers.
Social and welfare workers.
Social scientists, including economists, historians, political scientists, and sociologists.
Teachers and other educators.

The above is not intended to exclude from vocational instruction those semiprofessional, technical, or other occupations which are related to those listed, but which do not themselves require a baccalaureate degree.

(20 U.S.C. 1248(1))

(d) *Access to vocational instruction offered.* (1) In determining which individuals shall have access to programs of vocational instruction offered within the State, consideration will be given to all individuals residing in the State. If it is not economically or administratively feasible to provide each type of program in all areas and communities of the State served by a local educational agency, individuals residing in an area or community served by one local educational agency shall be permitted to enroll, in accordance with policies and procedures established by the State board or the local educational agencies involved, in a program of instruction offered by another local educational agency, so long as—

(i) The local educational agency serving the area or community in which the individual resides does not offer a reasonably comparable type of program.

(ii) Facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(2) To the extent that facilities are available, each type of program of vocational instruction offered by the State board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district or community served by the local educational agency offering such instruction. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him.

(20 U.S.C. 1241, 1261, 1263(a)(4), (5), (6), (11))

(e) *Content of vocational instruction.* The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

(1) The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction, and includes a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objective.

(2) The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational fields included in the instruction.

(3) The program of instruction shall include the most up-to-date knowledge, attitudes, and skills necessary for competencies required to meet the occupational or other objective of such instruction.

(20 U.S.C. 1263(a)(6)(F)(i))

(4) The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

(20 U.S.C. 1263(a)(6)(F)(iii))

(5) The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which (i) is appropriate to the occupational or other objective of the instruction, (ii) is of sufficient duration to develop competencies necessary for the student to achieve such objective, and (iii) is supervised, directed or coordinated by persons qualified under the State plan. (See §§ 102.3, 102.96 through 102.104, and 102.141 relating to cooperative vocational education programs).

(20 U.S.C. 1248(1), 1263(a)(6)(F)(iii), 1263(a)(7), (18))

(f) *Adequate facilities and materials for instruction.* Classrooms, libraries, shops, laboratories, and other facilities

(including instructional equipment, supplies, teaching aids, and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the State board or local educational agency cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be provided in such establishments provided that such instruction meets the standards and requirements of the Act, the regulations of this part, and the State plan. For provisions governing the use of funds for construction of area vocational education school facilities, see § 102.3 "area vocational education school" and "school facilities," and also § 102.135.

(20 U.S.C. 1248(1), 1262(a)(8), 1263(a)(6)(F), (18))

(g) *Teachers and supervisors.* The vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel as provided in § 102.38. To the extent necessary to provide for a sufficient supply of teachers, teacher aides, supervisors, and other supporting personnel in the State, the program of instruction shall be accompanied by a teacher-training program as provided for in §§ 102.9 and 102.38(b).

(20 U.S.C. 1263(a)(7))

(h) *Vocational guidance and counseling.* The program of instruction shall provide for vocational guidance and counseling personnel and services sufficient to enable such a program to achieve and continue to meet its objectives and the standards and requirements of this section. See § 102.8 for provisions relating to the use of funds for guidance and counseling programs.

(20 U.S.C. 1263(a)(7), (8))

(i) *Vocational youth organizations.* The program of instruction may include activities of vocational education youth organizations which are an integral part of the vocational instruction offered and which are supervised by vocational education personnel.

(20 U.S.C. 1262(a))

(j) *Industrial arts youth organizations.* Industrial arts education programs may provide for students to participate in club activities as an integral part of the instruction which are offered as indicated by § 102.4 and which are supervised by industrial arts personnel.

(20 U.S.C. 1248(1))

(k) *Evaluation.* Evaluation of the results of the program of instruction shall be made periodically on the State level by the State board and the State advisory council and continuously on the local level with the results being used for necessary change or improvement in the program through experimentation, curriculum development, training of vocational educational personnel, or other means. See § 102.36 for specific provisions relating to program evaluation.

(20 U.S.C. 1244(b)(1)(C), 1262(a)(8), 1263(a)(6)(A))

§ 102.5 Vocational instruction under contract.

(a) *General.* Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by private vocational training institutions through a written contract with a State board or a local educational agency. Such contract shall describe the portion of instruction to be provided by such institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this part and the State plan. Such a contract shall be entered into only upon a determination by the State board or local educational agency of satisfactory assurance that:

(1) The contract is in accordance with State or local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the State plan. Such contract shall be reviewed at least annually by the parties concerned.

(20 U.S.C. 1248(1), 1262(a)(7))

(b) *Arrangements with private postsecondary vocational training institutions.* (1) Postsecondary vocational instruction provided in other than public institutions may be provided only through arrangements with private postsecondary vocational training institutions entered into pursuant to paragraph (a) of this section where the State board or local educational agency determines that such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(20 U.S.C. 1262(a)(7))

(2) For purposes of this paragraph, a "private postsecondary vocational training institution" means a private business or trade school, or technical institution or other technical vocational school providing postsecondary education in any State which meets the requirements set forth in subparagraphs (A) through (D) of section 108(11) of the Act. A list of such institutions meeting the requirements of this subparagraph may be obtained upon request from the Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1248(a)(11))

§ 102.6 Vocational education for disadvantaged or handicapped persons or persons of limited English-speaking ability.

(a) Vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability, supported with funds under section 102 (a) or (b) of the Act shall include special educational programs and services designed to enable disadvantaged or handicapped persons, or persons of limited English-speaking ability, to achieve vocational education objectives that would otherwise be beyond their reach as a result of their handicapping condition. These programs and services may take the form of modifications of regular programs, special educational services which are supplementary to regular programs, or special vocational education programs designed only for disadvantaged or handicapped persons, or persons of limited English-speaking ability. Examples of such special educational programs and services include the following: Special instructional programs or prevocational orientation programs where necessary, remedial instruction, guidance, counseling and testing services, employability skills training, communications skills training, special transportation facilities and services, special educational equipment, services, and devices, and reader and interpreter services.

(20 U.S.C. 1248(1), 1262(a)(4))

(b) Funds available for vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability may not be used to provide food, lodging, medical and dental services and other services which may be necessary for students enrolled in such programs but which are not directly related to the provision of vocational education to such students. However, the State board or local educational agency conducting such programs shall encourage the provision of such services through arrangements with other agencies responsible for such services. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

(20 U.S.C. 1248(1), 1262(a)(4))

(c) To the extent feasible, disadvantaged or handicapped persons, or persons of limited English-speaking ability, shall be enrolled in vocational education programs designed for persons without their handicapping condition. Educational services required to enable them to benefit from such programs may take the form of modifications of such programs or of supplementary special educational services. In either case, funds available for vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability, may be used to pay that part of such additional cost of the program modifications or supplementary special education services as is reasonably attributable to disadvantaged or handicapped persons or persons of limited English-speaking ability.

(20 U.S.C. 1262(a)(4))

(d) If certain disadvantaged or handicapped persons, or persons of limited English-speaking ability, cannot benefit from regular vocational education programs to any extent, even with modifications thereto or with the provisions of supplementary special educational serv-

ices, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of all vocational education programs set forth in § 102.4 and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those persons to achieve their vocational objective. In these cases, funds available for vocational education for the disadvantaged or the handicapped, or persons of limited English-speaking ability, may be used to pay that part of the total cost of the instructional program and supplementary special educational services that are reasonably attributable to the vocational education of disadvantaged or handicapped persons or persons of limited English-speaking ability.

(20 U.S.C. 1262(a)(4))

(e) Vocational education programs and services for disadvantaged or handicapped persons, or persons of limited English-speaking ability, shall be planned, developed, established, administered, and evaluated by State boards and local educational agencies in consultation with advisory committees which include representtives of such persons; and in cooperating with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons, or persons of limited English-speaking ability, in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, special education departments of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons. (See § 102.40 (b) and (c) relating to cooperative arrangements).

(20 U.S.C. 1244(b)(1)(C), 1263(a)(6)(F)(i))

§ 102.7 Participation of students in private nonprofit schools.

The participation of students enrolled in private nonprofit schools in vocational education programs or projects under part B supported with funds allotted under section 102(b) and under parts D and G of the Act (see §§ 102.66, 102.79, and 102.101) shall be in accordance with the following requirements:

(a) Each program and project carried out under part B supported with funds allotted under section 102(b) and under parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Such services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile or portable equipment, and may include professional and subprofessional services.

(b) The vocational education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational agency to the State board shall indicate the number of students enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(20 U.S.C. 1263(a)(6)(F))

(c) Public school personnel may be made available on other than public school premises only to the extent necessary to provide vocational education services required by the students for whose needs such services were designed, and only when such services are not normally provided at the private school. The State board or local educational agency providing such vocational education services to students in private nonprofit schools shall maintain administrative control and direction over such services, and each application from a local educational agency providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(20 U.S.C. 1248(1), 1263(a)(2); Lemon v. Kurzman, 403 U.S. 602, 91 S. Ct. 2105 (1971))

(d) Any program or project to be carried out on public premises and involving joint participation by students enrolled in private nonprofit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

(20 U.S.C. 1247, 1263(a)(16))

§ 102.8 Vocational guidance and counseling.

(a) State boards and local educational agencies conducting programs of instruction shall provide such vocational guidance and counseling services as are required by such instruction pursuant to § 102.4(h). Such vocational guidance and counseling services shall be designed to (1) identify and encourage the enrollment of individuals needing vocational education, (2) provide the individuals with information necessary to make meaningful and informed occupational choices, (3) assist them while pursuing a program of vocational instruction, (4) aid them in vocational placement, and (5) conduct follow-up procedures to determine the effectiveness of the vocational instruction and guidance and counseling program.

(b) The State board shall make provision for an adequate guidance and counseling supervisory staff to (1) develop, secure, and distribute occupational information, (2) provide consultative services concerning the vocational aspects of guidance, and (3) give leadership to the promotion and supervision of better vocational guidance and counseling services at the local level. In carrying out these responsibilities, the State board shall utilize the resources of the State employment service pursuant to the cooperative arrangements provided for in § 102.40(a).

(20 U.S.C. 1248(1), 1263(a)(6), (7), (8))

§ 102.9 Training of personnel.

(a) *General.* The State board shall provide for such training (both preservice and inservice) as is necessary to provide qualified personnel meeting the requirements of the State plan pursuant to § 102.38. Such training shall be sufficient to provide an adequate supply of qualified teachers and other personnel, including those capable of meeting the special educational needs of disadvantaged and handicapped persons in the State.

(b) *Arrangements for training of personnel.* (1) Training of personnel pursuant to paragraph (a) of this section may be provided either by (i) the State board or (ii) public or private agencies or institutions.

(2) When such training is provided by an agency or institution other than the State board, the State board shall enter into cooperatively developed written agreements with such agency or institution. These agreements shall describe the training program developed by the State board in cooperation with such agency or institution, and the policies and procedures which the State board and the agency or institution agree to utilize in evaluating the effectiveness of the programs so described.

(c) *Eligibility of enrollees.* Training of personnel pursuant to paragraph (a) of this section shall be offered only to persons who are teaching or are preparing to teach vocational education students or consumer and homemaking students or who are undertaking or are preparing to undertake other professional or semiprofessional duties and responsibilities in connection with vocational education programs or consumer and homemaking programs under the State plan to whom such education would be useful professionally.

(20 U.S.C. 1262(a)(8), 1263(a)(7))

§ 102.10 Cross reference to General Provisions Regulation.

Assistance provided under this part is subject to applicable provisions con-

tained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1221c(b)(1), 1241–1391)

Subpart B—State Advisory Council

§ 102.21 Establishment and certification.

(a) *Establishment.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected (including election by the State legislature), by such board, and which shall be separate and independent from the State board.

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected by the State legislature or directly by the eligible voters of the State or of the districts which the individuals represent or by the State legislature.

(20 U.S.C. 1244(b)(1))

(c) *Certification.* The Governor of each State establishing an advisory council appointed by the Governor or the State board in each State establishing an advisory council appointed by the State board pursuant to paragraph (a) of this section shall certify to the Commissioner the establishment and membership of such advisory council not less than 90 days prior to the beginning of any fiscal year ending after June 30, 1969.

(20 U.S.C. 1244(b)(2))

§ 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, the State director of vocational education, and State board staff, and shall include:

(a) At least one person familiar with the vocational needs and problems of management and labor in the State and at least one person representing State industrial and economic development agencies;

(b) At least one person representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) At least one person familiar with the administration of State and local vocational education programs, and at least one person having special knowledge, experience, or qualifications with respect to vocational education and who is not involved in the administration of State or local vocational education programs;

(d) At least one person familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) At least one person representative of local educational agencies, and at least one person representative of school boards;

(f) At least one person representative of manpower and vocational education agencies in the State and the Comprehensive Area Manpower Planning System of the State;

(g) At least one person representing school sytems with large concentrations of academically, socially, economically, and culturally disadvantaged students, and students who are persons of limited English-speaking ability;

(h) At least one person with special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Persons representative of the general public, of whom at least one shall be representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding categories.

(20 U.S.C. 1244(b)(1)(A)(i)–(ix); H. Rep. No. 1938, 90th Cong. 2d Sess., p. 44 (last para.))

§ 102.23 Functions and responsibilities.

The State advisory council shall—

(a) Advise the State board on the development of the State plan, including the preparation of long-range and annual program plans pursuant to §§ 102.33 and 102.34, and prepare and submit pursuant to § 102.31(e)(2) a statement describing its consultation with the State board on its State plan;

(b) Advise the State board on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part;

(c) Evaluate vocational education programs, services, and activities under the State plan, and publish and distribute the results thereof;

(d) Prepare and submit through the State board to the Commissioner and to the National Advisory Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (1) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan required by §§ 102.33 and 102.34, and (2) recommends such changes as may be warranted by the evaluations; and

(20 U.S.C. 1244(b)(1)(B), (C), (D))

(e) Prepare and submit to the Commissioner within 60 days after his acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

(20 U.S.C. 1244(d))

(f) Perform with respect to the programs carried out under part B of Title X of the Higher Education Act of 1965 (Occupational Education Programs) functions identical with or analogous to those stated in paragraphs (a)–(d) of this section.

(20 U.S.C. 1244(c))

§ 102.24 Meetings and rules.

Each State advisory council shall meet within 30 days after certification, as provided in § 102.21(c), has been accepted by the Commissioner and select from among its membership a chairperson. The time, place, and manner of meeting shall be as provided by the rules of the State advisory council. Such rules shall provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning vocational education.

(20 U.S.C. 1244(b)(3))

§ 102.25 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable the council to carry out its functions described in § 102.23 and to contract for such services as may be necessary to enable it to carry out its evaluation functions. Such personnel shall not include members of the State board, and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them for the council.

(20 U.S.C. 1244(b)(4))

§ 102.26 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation n accordance with State law, regulations ,and practices applicable to persons performing comparable duties and services.

(20 U.S.C. 1244(d))

Subpart C—State Plan Provisions

General

§ 102.31 State plan.

(a) *General.* Any State desiring to receive funds for any fiscal year under the Act shall submit to the Commissioner, in accordance with such forms as may be furnished by him, a State plan which meets the requirements of the Act and the regulations in this part. Such plan shall be a detailed description of the State's programs, services, and activities under the Act, and shall include the policies and operating procedures which the State board will implement in order to maintain, extend, and improve existing programs and develop new programs in furtherance of the purposes of the Act. Such procedures shall assure that funds allotted to the State under the Act will be expended only for programs, services, and activities related either to vocational education for gainful employment or consumer and homemaking education. For specific State plan requirements under the Act:

(1) Regarding all programs, services, and activities under the Act, see §§ 102.31 through 102.46;

(2) Regarding programs, services, and activities under each of the parts of the Act, see §§ 102.51 through 102.113; and

(3) Regarding Federal financial participation, see appropriate sections in subpart D of this part.

(20 U.S.C. 1241, 1263(a))

(b) *Format.* The State plan shall be composed of three parts:

(1) The administrative plan provisions required in this subpart, which are set forth in the initial State plan and thereafter amended only as necessary to conform with the requirements of the Act, the regulations in this part and applicable State law, rules and regulations;

(2) The long-range program plan provided for in § 102.33, which shall be revised annually and submitted with the annual program plan;

(3) The annual program plan provided for in § 102.34, which shall be submitted each year at such time as the Commissioner shall specify.

(20 U.S.C. 1263(a)(3)–(6))

(c) *Amendment*—(1) *Administrative plan provisions.* The administration of vocational education programs under the State plan must be kept in conformity with the administrative plan provisions. Whenever there is any material change in the content or administration of such program, or in pertinent State Law, or in the organization, policies, and operations of the State board affecting the programs under the plan, the administrative plan provisions shall be appropriately amended by the State board after consultation with the State advisory council, and such amendment shall be submitted to the Commissioner.

(2) *Long-range program plan.* Changes in estimates of present and projected vocational education needs and vocational education objectives set forth in the long-range program plan shall be submitted each year as a part of the annual revision of such plan.

(3) *Annual program plan.* Minor deviations in actual allocations of funds from specific amounts estimated for allocation among programs, services, and activities described in the annual program plan submitted pursuant to § 102.34 shall not constitute such a change in the State plan as to require amendment of the annual program plan in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other provisions of the State plan. Such minor deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State board.

(20 U.S.C. 1263(a)(3)–(6))

(d) *Certification of State plan*—(1) *Certification by State board.* The annual State plan and any amendments thereto required by paragraph (c) of this section shall include as an attachment a certificate of the officer of the State board authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State board and that the plan or plan as amended will constitute the basis for operation and administration of the vocational education program in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan and any amendment thereto required by paragraph (c) of this section shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State board on legal matters, to the effect that the State board named in the plan is the State board which has authority under State law to submit the State plan and to administer or supervise the administration of the vocational education programs described therein as the sole agency responsible for the administration of the plan; and that all the plan provisions with respect to the use of funds under the Act can be carried out by the State.

(20 U.S.C. 1263(a))

(e) *Prerequisites for submission of State plan*—(1) *General.* The State plan or any amendment thereto required by paragraph (c) of this section shall be submitted to the Commissioner only if the State board has—

(i) Prepared the State plan or amendments thereto in consultation with the State advisory council pursuant to subparagraph (2) of this paragraph;

(ii) Given reasonable notice and afforded reasonable opportunity for a public hearing as described pursuant to subparagraph (3) of this paragraph; and

(iii) Implemented policies and procedures with regard to public information described pursuant to subparagraph (4) of this paragraph.

(2) *Consultation with State advisory council.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement of the State advisory council certifying that the State plan or amendment was prepared in consultation with the council.

(20 U.S.C. 1244(b)(1)(B), 1263(a)(1))

(3) *Public hearing.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement describing the method by which, and the extent to which, reasonable notice and opportunity for a hearing was offered by the State board prior to the adoption of such plan or amendment, including a description of how and to whom notice of public hearings was given, the manner in which such hearings were conducted, and the results of such hearings.

(4) *Public information.* The State plan shall describe the policies and procedures established by the State board for the purpose of making reasonably available to the public copies of the approved State plan described in paragraph (b) of this section, and amendments thereto, and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of the State plan.

(20 U.S.C. 1263(a)(1), (3))

(f) *Approval by Commissioner.* (1) The Commissioner will not approve a State plan or amendment thereto until he has:

(i) Examined each of its provisions;

(ii) Made specific findings, on the basis of reports submitted to him pursuant to § 102.159 and such other reports and information available to him, that each of its provisions complies with the applicable State plan requirements set forth in the Act and the regulations in this part; and

(iii) Determined that its provisions are set forth in sufficient detail to insure that such provisions will be carried out.

(2) After reviewing the State plan or amendment pursuant to subparagraph (1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

(20 U.S.C. 1263 (a) and (c) (1), (2))

§ 102.32 State board.

(a) *Designation or creation.* Any State desiring to receive Federal funds under the Act shall designate or create by State law a State board which is the sole State agency responsible for the administration of vocational education, or for the supervision of the administration thereof by local educational agencies, in the State. The State plan shall identify the State board so designated or created and the executive officer thereof.

(20 U.S.C. 1248(8))

(b) *Authority.* The State plan shall set forth the authority of the State board designated or created pursuant to paragraph (a) of this section and shall set forth the State board's authority under State law to submit the State plan and administer the program contained therein. If local educational agencies have any authority for the administration of State plan programs, the State plan shall also indicate the basis for such authority and for the authority of the State board to supervise such administration. Copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts shall be included as a part of the State plan.

(20 U.S.C. 1263(a)(2))

§ 102.33 Long-range program plan.

The State plan shall include a long-range program plan (or, as appropriate, a supplement to or revision of a previously submitted long-range plan) for vocational education in the State. Such plan shall:

(a) Extend over a 5-year period beginning with the fiscal year for which the plan is submitted;

(b) Describe the present and projected vocational education needs of the State; and

(c) Set forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State.

(20 U.S.C. 1263(a)(4))

§ 102.34 Annual program plan.

The State plan shall also include an annual program plan as an explanation and justification of the activities that carry out the objectives of the first year of the long-range plan. The annual program plan shall describe:

(a) The content of vocational education programs, services, and activities to be carried out during the year for which Federal funds are sought (whether or not supported with Federal funds under the Act);

(b) The allocation of Federal and State vocational education funds to the programs, services, and activities referred to in paragraph (a) of this section;

(c) How and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan referred to in § 102.33;

(d) How and to what extent the allocations of Federal funds by the State will take into consideration the criteria set forth in §§ 102.53 through 102.57; and

(e) The extent to which consideration was given to the findings and recommendations of (1) the most recent evaluation report of the State advisory council and (2) such other evaluation reports and studies as may be applicable.

(20 U.S.C. 1263(a)(5))

§ 102.35 State administration and leadership.

(a) *Adequate State board staff.* The State board shall provide for a State staff sufficiently qualified by education and experience and in sufficient numbers to enable the State board to plan, develop, administer, supervise, and evaluate vocational education programs, services, and activities under the State plan to the extent necessary to assure quality in all education programs which are realistic in terms of actual or anticipated employment opportunities and suited to the needs, interests, and abilities of those being trained. Particular consideration shall be given to staff qualifications for leadership in programs, services, and activities for disadvantaged or handicapped persons, or persons of limited English-speaking ability, depressed areas, research and training, exemplary programs and projects, consumer and homemaking, cooperative vocational education, curriculum development, and work-study.

(b) *Organization of State board staff.* The State plan shall describe the organizational structure of the State board staff, including a description of its units, the functions assigned to each unit, the number of professional personnel assigned to each unit, and the relationships among the units within the State board staff and with other State agencies and institutions responsible for conducting programs of vocational and technical education. The titles of all State officials who are to have authority in the administration and supervision of the programs, services, and activities shall be given in the State plan. This description shall be sufficient to enable the Commissioner to find that the State board has an adequate staff to provide requisite administration and supervision of the federally aided vocational education programs. The plan shall provide for a full-time State director or a full-time executive officer who shall have no substantial duties outside the vocational education program.

(20 U.S.C. 1262 (a)(8), (b))

§ 102.36 Program evaluation.

(a) The State board shall be responsible for assuring that State and local programs, services, and activities carried out under the State plan will be periodically evaluated with sufficient extensiveness and frequency to enable the State board to effectively carry out its functions under the State plan and fulfill the purposes of the Act.

(b) In carrying out its evaluation responsibilities pursuant to paragraph (a) of this section, the State board shall consider and may utilize the evaluations made by the State advisory council pursuant to § 102.23(c), and such additional evaluations conducted or arranged by the State board and each local educational agency as may be required to carry out such responsibilities. The results of such periodic evaluations shall be described in the annual report submitted by the State board and may provide the basis for the State board's comments on the State evaluation report submitted by the State advisory council pursuant to § 102.159.

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

(20 U.S.C. 1263(a)(5), (6))

§ 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to be Federal financial participation in their salaries. Such qualifications shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served such as disadvantaged persons. Provision shall be made for personnel having unique and relevant experiences in lieu of formal degrees and certifications requiring such degrees.

(b) *Improvement of qualifications.* The State plan shall set forth the State board's policies and procedures which have been developed to improve the qualifications of personnel referred to in paragraph (a) of this section to insure that the personnel needs for programs, services, and activities under the State plan are met. The State plan shall describe the methods by which the State board makes arrangements for preservice and inservice training of personnel meeting the requirements of § 102.9.

(c) *Modification of personnel standards.* The State plan shall set forth the State board's policies and procedures for reviewing and modifying personnel qualification standards to insure that such qualification standards continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan. Such modifications shall include those deemed necessary for the employment of personnel necessary to carry out research, experimental, developmental, demonstration, or pilot programs, or exemplary programs or projects.

(20 U.S.C. 1263(a)(7))

§ 102.40 Cooperative arrangements.

(a) *With State employment service.* The State plan shall provide for cooperative arrangements with the public employment service system in the State. Such arrangements shall be approved by the State board and by the State head of such system, and a copy of the agreement between the State board and the State head of such system providing for such arrangements shall be submitted as a part of the State plan. Under such cooperative arrangements:

(1) The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere. The State plan shall provide how such information, along with all other pertinent information available, will be considered by the State board or local educational agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained and in providing such training.

(2) Guidance and counseling personnel of the State board and local educational

agencies working through the cooperative arrangement will make available to the local public employment offices information regarding the occupational qualifications of persons having completed or completing vocational education courses in schools. The State plan shall provide how such information will be considered in the occupational guidance and placement of such persons.

(b) *With State agencies responsible for education of handicapped persons.* The State plan shall provide for cooperative arrangements with the State special education agency, the State vocational rehabilitation agency, or other State agencies having responsibilities for the education of handicapped persons in the State. Such cooperative arrangements shall provide for—

(1) The joint development of a comprehensive plan for the vocational education of handicapped persons in the State which shall provide the basis for the provisions in the State plan relating to vocational education of handicapped persons; and

(2) Coordination of activities of the State board and the other State agencies in the development and administration of the State plan to the extent that handicapped persons are affected, such as, for example, in the review of applications for funds for programs or projects providing benefits to handicapped persons. Copies of agreements between the State board and other agencies providing for the arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(c) *With other agencies, organizations, and institutions.* The State plan shall provide that in the development of vocational education programs, services, and activities there may be, in addition to the cooperative arrangements referred to in paragraphs (a) and (b) of this section, cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, model city, business, labor, and community action organizations. Copies of agreements between the State board and other agencies, organizations, and institutions, providing for such arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(d) *With other States.* In order to provide all individuals with ready access to suitable vocational education of high quality with offerings which have been developed in light of actual or anticipated opportunities for employement, the State plan may provide that the State enter into a cooperative arrangement with one or more other States for the conduct and administration of programs, services, and activities under the State plan. The State plan shall describe the policies and procedures of the State for approval of and participation in such arrangements. Copies of all such cooperative agreements (including joint fiscal arrangements, if any) shall be submitted when executed by the State board of each participating State to the U.S. Office of Education for filing with the State plan.

(20 U.S.C. 1248(1), 1263(a) (8), (9))

§ 102.41 Effective use of program results and experience.

The State plan shall provide that, in planning, developing, and carrying out programs, services, and activities under any part of the Act, effective use will be made of the results and experience of other programs and projects assisted under other parts of the Act, both through allotments to the State under the regulations in this part and its State plan, and through direct grants and contracts by the Commissioner under the regulations in 45 CFR Part 103. The State plan shall also describe the policies and procedures to be followed by the State board in assuring such effective use.

(20 U.S.C. 1263(a)(10))

§ 102.42 State fiscal and accounting procedures.

The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program included in this part, funds paid by the State to participating local educational agencies and other organizations, agencies, and institutions, and all matching funds.

(20 U.S.C. 1263(a) (12), 17))

§ 102.43 Opportunity for hearing on local applications.

The State plan shall provide that any local educational agency dissatisfied with final action with respect to any application for funds under the Act shall be given reasonable notice and opportunity for a hearing before a board or official designated by the State board for this purpose and specified in the State plan. The State plan shall describe the procedures for affording local educational agencies reasonable notice and opportunity for a hearing, for conducting such hearing, for providing a written record of the hearing, and for informing local educational agencies in writing of the decisions and reasons therefor.

(20 U.S.C. 1263(a)(13))

§ 102.45 Economically depressed or high unemployment areas.

(a) In determining which areas and communities of the State are "economically depressed areas," "economically depressed communities," or "areas of high unemployment" for the purposes of §§ 102.55(b), 102.70(a)(2), and 102.92 (c), the State board may rely upon the determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161). Information on such areas may be obtained from thte Economic Development Administration, Department of Commerce, Washington, D.C. 20230, or from its regional offices.

(b) If the State board determines that the use of such determinations by the Secretary of Commerce is impracticable or undesirable with respect to its State either because the areas so designated are too large in size or too few or many in number, the State board may designate such other areas or communities in the State of smaller size (such as local school district or school attendance areas therein, urban renewal areas, or model city areas) which, on the basis of the most recent information available to it, meet either of the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of unemployment is at least 6 percent; or

(2) The median family income in the area is not more than 40 percent of the national median.

(c) The State plan shall describe—

(1) The manner in which the State board determines which areas or communities in the State will be designated as economically depressed or high unemployment areas or communities in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria to be used by the State board in designating such areas in terms of such factors as the unemployment rate, median family income or other indices of economic depression; and

(2) The sources of information on unemployment rates, median family income, and other indices of economic depression, and the frequency with which this information is updated.

(20 U.S.C. 1263 (a), (b) and 1341(d))

§ 102.46 Areas of high concentration of unemployed youth or school dropouts.

(a) In determining which areas of the State are "areas of high concentration of youth unemployment or school dropouts" for the purpose of §§ 102.65, 102.97(a), and 102.111(a), the State board, on the basis of the most recent information available to it, shall designate areas of the State (including local school districts or school attendance areas therein, urban renewal areas, or model city areas) which meet the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of youth unemployment in the area is at least 12 percent.

(2) The current school dropout rate in the area is in excess of the overall State school dropout rate. For the purpose of this section, the term "school dropout" refers to a student who leaves an elementary or secondary school before graduation from secondary school or completion of a program of studies and without transferring to another school.

(b) The State plan shall describe—

(1) The manner in which the State board determines which areas in the State will be designated as areas of high concentrations of youth unemployment and school dropouts in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria used by the State board in designating such areas in terms of such factors as rate of youth unemployment or school dropout rate;

(2) The method of computing the overall State school dropout rate and the school dropout rates in the areas to be designated and the sources of information used in computing such rates; and

(3) The sources of information on youth unemployment dates, the age to be designated and the sources of information, and the frequency with which this information is updated.

(20 U.S.C. 1263(a) (6)(C), (16))

STATE VOCATIONAL EDUCATION PROGRAMS

§ 102.51 Allocation of funds to part B purposes.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B (sections 121–124 of the Act) may be used for vocational education programs, services, and activities for the following groups of persons:

(1) Persons in high school;

(2) Persons who have completed or left high school and who are available for study in preparation for entering the labor market;

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment (other than persons receiving training allowances under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571–2628) or the Trade Expansion Act of 1962 (19 U.S.C. 1801–1991));

(4) Disadvantaged persons;

(5) Handicapped persons; and

(6) Persons of limited English-speaking ability.

(b) The programs, services, and activities referred to in paragraph (a) of this section include:

(1) Programs of vocational education, as defined in § 102.3, including:

(i) Vocational instruction as provided in § 102.4;

(ii) Vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas, as provided for in § 102.8; and

(iii) Vocational education through arrangements with private postsecondary vocational training institutions, as provided for in § 102.5(b);

(2) Construction of area vocational education schools, as defined in § 102.3; and

(3) Ancillary services and activities to assure quality in all vocational education programs described in subparagraph (1) of this paragraph, as defined in § 102.3.

(20 U.S.C. 1262(a))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are applicable to State vocational education programs, services, and activities described in paragraphs (a) and (b) of this section. In addition, paragraph (d) of this section and §§ 102.52 through 102.60 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(d) The State plan shall set forth in detail the policies and procedures to be followed by the State board in allocating part B funds in its annual program plan among the programs, services, and activities specified in paragraph (b) of this section, and among the population groups specified in paragraph (a) of this section which are to be served by each of these programs, services, and activities. These policies and procedures shall:

(1) Assure compliance with the percentage requirements specified in § 102.59;

(2) Include the policies and procedures to be followed by the State board and local educational agencies in identifying disadvantaged persons in terms of such factors as those in § 102.3;

(3) Include the policies and procedures to be followed by the State board and local educational agencies in identifying handicapped persons of the various types specified in § 102.3;

(4) Assure that due consideration will be given to the current and projected manpower needs and job opportunities existing in the State; and

(5) Assure that due consideration will be given to the relative vocational education needs of each of the population groups specified in paragraph (a) of this section, particularly disadvantaged or handicapped persons, or persons of limited English-speaking ability.

(20 U.S.C. 1263(a))

§ 102.52 Allocation of funds among local educational agencies.

(a) The State board shall allocate funds allotted to it under part B of the Act among local educational agencies for the purposes specified in § 102.51 in such a manner as to:

(1) Fulfill (i) the statewide matching requirements of § 102.133, (ii) the maintenance-of-effort requirement of § 102.58, and (iii) the reasonable tax effort requirement of § 102.57; and

(2) Maintain compatibility with (i) the long-range objectives set forth in the long-range program plan pursuant to § 102.33, and (ii) the estimated allocation of funds to program purposes made pursuant to § 102.51 and set forth in the annual program plan pursuant to § 102.34.

(b) No funds made available to States under the Act shall be allocated among local educational agencies by matching local expenditures at a percentage ratio uniform throughout the State or by any other method which fails to take into consideration the criteria for allocation of funds set forth in §§ 102.53 through 102.56.

(c) The State plan shall describe in detail the policies and procedures by which the State board determines how the funds allotted to it under part B of the Act will be allocated among the local educational agencies of the State. This description shall include:

(1) An outline of the procedures by which local applications submitted by local educational agencies pursuant to § 102.60 will be processed, reviewed, and acted upon by the State board;

(2) A statement of any criteria, other than the criteria for allocation of funds set forth in the State plan pursuant to §§ 102.53 through 102.56, which the State board will use in determining the relative priorities of local applications for the purpose of allocating funds; and

(3) A description of the method by which the State board will use the criteria set forth in the State plan pursuant to subparagraph (2) of this paragraph and §§ 102.53 through 102.56, including an explanation of how it will weigh their relative importance in reaching allocation decisions.

(20 U.S.C. 1262, 1263(a))

§ 102.53 Manpower needs and job opportunities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to information regarding current and projected manpower needs and job opportunities, particularly new and emerging manpower needs and opportunities on the local, State, and national levels.

(b) In complying with paragraph (a) of this section, the State board shall give particular consideration to those vocational education programs which are best designed to (1) fulfill current or projected manpower needs in existing occupations at the local level by preparing students for current or projected job opportunities in such occupations, or (2) fulfill new and emerging manpower needs at the local, State, and national levels by preparing students for new and emerging job opportunities at such levels.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities, on the local, State, and national levels;

(2) What use will be made of the information on manpower needs and job opportunities in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36;

(4) What use will be made of information obtained through cooperative arrangements entered into pursuant to § 102.40; and

(5) What other information will be relied upon in identifying manpower needs and job opportunities, how it will be obtained, and how often it will be updated.

(20 U.S.C. 1263(a)(6)(A)(8))

§ 102.54 Differences in vocational education needs.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the relative vocational education needs of all the

population groups referred to in § 102.51 (a) in all geographic areas and communities in the State, particularly disadvantaged or handicapped persons, or persons of limited English-speaking ability, and unemployed youth.

(20 U.S.C. 1263(a)(6)(B))

(b) In weighing the relative vocational education needs of the State's various population groups, the State board shall give particular consideration to additional financial burdens (other than those which are to be considered pursuant to § 102.56(b)) which may be placed upon certain local educational agencies by the necessity of providing vocational education students, particularly disadvantaged or handicapped students, and students with limited English-speaking ability, with special education programs and services such as compensatory or bilingual education, which are not needed in areas or communities served by other local educational agencies in the State.

(20 U.S.C. 1263(a)(6) (C), (E), (G))

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify the vocational education needs, including the need for special education programs and services referred to in paragraph (b) of this section, which must be met by each local educational agency in the State;

(2) What use will be made of the information on vocational education needs in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36; and

(4) What other information will be relied upon in identifying vocational education needs, how it will be obtained, and how often it will be updated.

(20 U.S.C. 1263(a)(6))

§ 102.55 Relative ability to provide resources.

(a) In allocating funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall give due consideration to their relative ability to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

(b) In determining the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section, local educational agencies serving areas which the State board has designated as economically depressed or high unemployment areas pursuant to § 102.45 shall be given priority over local educational agencies not serving such areas. Within these two classes of local educational agencies, relative ability to provide such resources may be determined by comparing the wealth of the areas or communities served by each of these agencies in relation to the number of students each is educating (see paragraph (c) of this section), or by comparing the per capita incomes of the areas served by each local educational agency, or by some similar measure which the State board considers fair and equitable to all local educational agencies concerned.

(c) If the State board compares the "wealth per student" of local educational agencies in order to determine their relative ability to provide the resources referred to in paragraph (a) of this section, local wealth may be measured by reference to the equalized assessed value of taxable property in the area served by the agency, or the total taxable income of residents in the area served by the agency, or by any similar method which reasonably measures a local educational agency's ability to provide such resources. "Wealth per student" may then be determined by dividing the figure representing the wealth of the local educational agency by the total number of students that agency educates.

(d) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section;

(2) What information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a)(6))

§ 102.56 Relative costs of programs, services, and activities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the cost of the programs, services, and activities these local educational agencies provide which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

(b) In determining the relative priority of local educational agencies in terms of costs of education, the State board shall give primary consideration to:

(1) Differences in the cost to local educational agencies of materials and services, such as construction or equipment costs or teachers' salaries, which are due to variations in price and wage levels or other economic conditions existing in the areas served by the local educational agencies; and

(2) Differences in the amount of excess costs accruing to local educational agencies because of the need for supplying special services (other than those necessary to meet the special vocational education needs of certain population groups, such as disadvantaged or handicapped persons or persons of limited English-speaking ability, to be considered pursuant to § 102.54), such as bus transportation for students, or unusual and excessive maintenance costs for outdated buildings and facilities, which are not usually part of the cost of education provided by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of costs of education;

(2) What kind of information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a)(6))

§ 102.57 Reasonable tax effort.

(a) In apportioning funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall assure that no local educational agency which is making a reasonable tax effort, as determined pursuant to paragraphs (b) and (c) of this section, will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-Federal share of the cost of such programs.

(b) For purposes of this section, the tax effort of a local educational agency shall be represented by the ratio between the total annual local tax revenues available to the local area or community served by the agency and the total wealth of such area or community (calculated on the basis of the equalized assessed value of real property, income, or similar measures, as appropriate). In computing local tax effort each State may use whatever means, including reference to an existing tax effort index, it considers fair and equitable to all local educational agencies in the State.

(c) A local educational agency's tax effort may be considered reasonable whenever it is at least equal to the average local tax effort in the State. The average local tax effort in the State shall be represented by the ratio between total annual local tax revenues in the State and total aggregate wealth in the State. However, in States where local educational agencies have been divided into different legal clasifications with different taxing authorities, the State may choose to determine the reasonableness of a local educational agency's tax effort by comparing it with the average tax effort of local educational agencies of the same legal class rather than with the overall average local tax effort in the State.

(d) The State plan shall describe in detail the manner in which the State board assures that paragraph (a) of this section will be complied with in allocating funds among local educational agencies. This description shall include a statement of—

(1) How local tax effort and how each of the factors used in computing local

tax effort (e.g., local revenues and local wealth) are measured;

(2) How often the data concerning local revenues and local wealth are updated, or, in the case of States which compile and rely upon a tax effort index, how often the index is updated;

(3) The level of local tax effort which the State board shall consider reasonable and which meets the minimum requirement in the first sentence of paragraph (c) of this section; and

(4) Whether the reasonableness of local tax effort is to be determined by comparing it with the average local tax effort in the State or with the average tax effort of local educational agencies in the same legal class.

(20 U.S.C. 1263(a)(6)(G))

§ 102.58 Maintenance of effort.

(a) The State plan shall provide assurance that Federal funds made available under part B of the Act will not supplant State or local funds, but will be so used as to supplement and, to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for all of the purposes set forth in section 122(a) of the Act, and for each of the purposes set forth in section 122(a)(2), section 122(a)(4)(A), and section 122(a)(4)(B) of the Act, so that all persons in all communities of the State will as soon as possible have ready access to vocational education suited to their needs, interests, and ability to benefit therefrom.

(b) The State plan shall also provide that no payments of Federal funds under the Act will be made in any fiscal year to any local educational agency unless the State board finds that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year. For the purpose of this paragraph, "combined fiscal effort" means total expenditures of State and local funds with respect to the provision of vocational education by the local educational agency. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in a second preceding fiscal year unless the expenditure for vocational education and ancillary services and activities from State and local funds in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in combined fiscal effort for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State board that such a reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the local educational agency and that the fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. Such unusual circumstances may include in the first preceding fiscal year unforeseen decreases in revenues due to the removal of a large segment of property from the tax rolls or other causes, or transfers to, or combinations with, other local educational agencies of responsibility for the conduct of some or all vocational education activities or services; or, in the second preceding fiscal year, contributions of large sums of money from outside sources on a short-term basis, or unusually large amounts of funds expended for such long-term purposes as the construction and acquisition of school facilities or the acquisition of equipment.

(20 U.S.C. 1263(a)(11))

§ 102.59 Percentage requirements with respect to uses of Federal funds.

(a) *Application of percentage requirements.* The State plan shall provide that allocations of Federal funds pursuant to § 102.52 shall comply with the following requirements with respect to the use of Federal funds:

(1) *Vocational education for disadvantaged persons.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons.

(2) *Postsecondary vocational education.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for postsecondary vocational education.

(3) *Vocational education for handicapped persons.* At least 10 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act shall be used only for vocational education for handicapped persons.

(20 U.S.C. 1262(c)(1)–(3))

(b) *Definition of base allotment.* As used in this section, the term "base allotment" means the sum of the allotments to a State for fiscal year 1969 from sums appropriated under (1) section 102(a) of the Vocational Education Act of 1963 before its amendment by the Vocational Education Amendments of 1968 (20 U.S.C. 35–35n), (2) the Smith-Hughes Act (20 U.S.C. 11–15, 16–28), (3) the Vocational Education Act of 1946 (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), and (4) the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667).

(20 U.S.C. 1262(c)(4))

(c) *Waiver of percentage requirements.* The percentage requirements in subparagraphs (1) and (2) of paragraph (a) of this section may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirements impose a hardship or are impractical in their application with respect to that State. Such a finding will be made only upon the request of the State submitted through its State board as a part of its annual program plan or amendment thereto.

(20 U.S.C. 1262(c)(1), (2))

(d) *Vocational education meeting more than one percentage requirement.* If an expenditure for vocational education falls within more than one of the categories for which there is a percentage requirement, the total amount of the expenditure may be counted as an expenditure for vocational education in one of the categories, or prorated to each of the categories in any manner which the State board deems reasonable and proper so long as the aggregate amount prorated to the categories in which the expenditure falls does not exceed the total amount of the expenditure.

(20 U.S.C. 1262(c))

§ 102.60 Content of local applications.

(a) Applications from local educational agencies shall include the following:

(1) A description of the proposed programs, services, and activities (including evaluation activities) for which funds under the State plan are being requested;

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services, and activities;

(3) Information indicating that the application has been developed in consultation with the educational training resources available in the area to be served by the applicant local educational agency;

(4) Information indicating that the programs, services, and activities proposed in the application will make substantial progress toward preparing the persons to be served for a career;

(5) A plan, extending 5 years from the date of the application, for meeting the vocational education needs of potential students in the area or community to be served by the local educational agency, which plan shall be related to the comprehensive area manpower plan, if any, in that area; and

(6) Information indicating the means by which the programs, services, and activities proposed in the application will make substantial progress toward meeting the needs set forth in the application pursuant to subparagraph (5) of this paragraph.

(b) The application shall also contain such other information as may be required by the State board in determining allocations of funds pursuant to §§ 102.51 and 102.52, and in determining whether the programs, services, and activities proposed therein will otherwise meet all other applicable requirements in the Act,

the regulations in this part, and the State plan.

(c) The State plan shall describe in detail the information which the State board will require local applications to contain in order to meet the requirements of paragraphs (a) and (b) of this section.

(20 U.S.C. 1263(a)(6)(F))

VOCATIONAL EDUCATION PROGRAMS FOR THE DISADVANTAGED

§ 102.64 State plan provisions—general.

Funds appropriated under section 102(b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be used only for vocational education programs for disadvantaged persons. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to vocational education programs for the disadvantaged assisted with funds under section 102(b) of the Act. In addition, §§ 102.65 through 102.67 require inclusion in the State plan of certain provisions specifically applicable to such programs for the disadvantaged.

(20 U.S.C. 1242(b), 1262(a)(4)(A))

§ 102.65 Areas of allocation.

The State plan shall provide that allotments made to the State from sums appropriated under section 102(b) of the Act will be allocated within the State to vocational education programs for disadvantaged persons located in areas of the State with a high concentration of youth unemployment or school dropouts, as determined pursuant to § 102.46.

(20 U.S.C. 1263(a)(6)(C), (16))

§ 102.66 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

(20 U.S.C. 1263(a)(16))

§ 102.67 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that funds from Federal sources used to accommodate students in nonprofit private schools pursuant to § 102.66 will not be commingling with State or local funds so as to lose their identity as funds from Federal sources. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be establish which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1263(a)(16))

VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

§ 102.70 State plan provisions—general.

(a) Funds available to the State board pursuant to section 131(b) of part C of the Act shall be used for the establishment and operation of the State research coordination unit; and for making grants to any college, university, local educational agency, or other public or nonprofit private agency or institution, and entering into contracts with any private agency, organization, or institution, for—

(1) Vocational education research and personnel training programs;

(2) Developmental, experimental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly disadvantaged youths in economically depressed communities as determined pursuant to § 102.45; and

(3) The dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, such as those reported in products of the Educational Resources Information Center (ERIC) and related agencies.

(20 U.S.C. 1281(b))

(b) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to programs and activities assisted with Federal funds under section 131(b) of the Act. In addition §§ 102.71 through 102.73 require the inclusion in the State plan of certain provisions specifically applicable to such programs and activities.

(20 U.S.C. 1263(a)(4)–(6))

§ 102.71 State research coordination unit.

(a) The State plan shall provide for the establishment or designation in the State of a State research coordination unit. The State plan shall indicate the name of the unit and shall describe its staff, organization, and functions with respect to vocational education research and personnel training programs, developmental, experimental, or pilot programs, and dissemination activities.

(b) In describing the organization of the unit the State plan shall indicate the place of the unit in the organizational structure of the State government and the relationship of the unit with other State board units and other State agencies and institutions responsible for conducting programs of vocational educational research and dissemination. When the functions of the research coordination unit are carried out by an agency or institution other than the State board, the State plan shall provide for cooperatively developed written agreements between the State board and the agency or institution which is carrying out such functions.

(20 U.S.C. 1281(b), 1263(a)(4)–(6), (9))

§ 102.72 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be followed in submitting applications to the State board for grants and contracts under part C of the Act. Such policies and procedures will assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts which have been recommended by the State research coordination unit or the State advisory council. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(2) Adequacy and competence of personnel designated to carry out the program or project;

(3) Adequacy of facilities;

(4) Reasonableness of cost estimates;

(5) Expected potential of the proposed program or project being made a part of the regular vocational education program; and

(6) The expected potential for utilizing the results of the proposed program or project in exemplary or regular vocational education programs.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the

approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1281(b), 1263(a) (6)(A)–(D) and (12))

§ 102.73 Notification to Commissioner.

(a) The State plan shall provide that within 15 days after the State board's approval of a grant or contract, the State board shall forward 3 copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (a) Amount of Federal funds under section 131(b), other Federal vocational funds, and State/local funds obligated for the project and (b) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 131 (b) to the appropriate regional office and, upon approval, the regional office shall forward two copies to the Commissioner.

(20 U.S.C. 1263(a) (6), (12), (17))

§ 102.74 Coordination procedures.

The State board shall submit to the Commissioner two copies of a semi-annual Research Activity Report and a copy to the appropriate regional office on or before July 15 and January 15 of each year. This report shall contain the following information: (1) titles of projects funded during the previous six months, name of principal investigator and institution, start and end dates of projects and the amount of Federal/State and local funds; (2) identification of projects completed during the previous six months that may have significance for the Commissioner or other States; (3) identification of other significant research-related activities during the previous six months; and (4) identification of major research and development projects or activities planned for the next six months.

(20 U.S.C. 1263(a) (6), (12), (17))

EXEMPLARY PROGRAMS AND PROJECTS

§ 102.76 State plan provisions—general.

(a) In order to stimulate, through Federal financial support new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies, funds available to the State board pursuant to section 142(d) of part D of the Act may be used for making grants or contracts to develop, establish, and operate exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths, and to serve as models for use in vocational education programs.

(20 U.S.C. 1301, 1302(d))

Such programs or projects may, among others, include—

(1) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(2) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(3) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(4) Programs or projects designed to broaden or improve vocational education curriculums;

(5) Exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

(6) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(7) Programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

(20 U.S.C. 1303(a) (2) (A)–(G))

(b) Grants for such programs or projects may be made to local educational agencies, or other public or nonprofit private agencies, organizations, or institutions; and contracts for such programs and projects may be entered into with public or private agencies, organizations, or institutions, including business and industrial concerns.

(20 U.S.C. 1302(d))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to exemplary programs and projects in vocational education assisted with funds under section 142(d) of the Act. In addition, §§ 102.77 through 102.81 require the inclusion in the State plan of certain provisions specifically applicable to such programs and projects.

(20 U.S.C. 1303(b) (2))

(d) No financial assistance may be given under part D of the Act to any program or project for a period exceeding three years.

(20 U.S.C. 1305)

§ 102.77 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be required by the State board in submitting applications to it for grants and contracts under part D of the Act for exemplary programs and projects meeting the requirements of §§ 102.78 through 102.80. Such policies and procedures shall assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost (if any) to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Impact on meeting vocational education needs of disadvantaged youth;

(2) Impact on reducing youth unemployment;

(3) Extent to which the project promotes cooperation between public education and manpower agencies;

(4) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(5) Adequacy and competence of personnel designated to carry out the program or project;

(6) Adequacy of facilities;

(7) Reasonableness of cost estimates;

(8) Expected potential of the proposed program or project being made a part of the regular vocational education program;

(9) Extent to which the project is of sufficient scope and duration to make a significant contribution to vocational education; and

(10) Adequacy of project evaluation plans.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1263(a), 1302(d))

§ 102.78 Coordination with other programs.

The State plan shall provide that grants or contracts for exemplary programs or projects under part D of the Act will be made only if the State board de-

termines, on the basis of information in the application, that effective procedures will be followed by grantees and contractors to assure that the planning, development, and operation of such programs and projects are coordinated with other programs and projects carried out under grants or contracts pursuant to this part and with other publicly and privately operated programs having the same or similar purpose as such programs or projects, such as those supported under titles I and III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. Ch. 24).

(20 U.S.C. 1303(b)(1)(A))

§ 102.79 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

(20 U.S.C. 1303(b)(1)(B))

§ 102.80 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1303(b)(1)(c))

§ 102.81 Notification to Commissioner.

(a) The State plan shall provide that within fifteen days after the State board's approval of a grant or contract, the State board shall forward three copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (1) Amount of Federal funds under section 142(d), other Federal vocational funds, and State/local funds obligated for the project and (2) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 142(d) to the appropriate regional office and, upon approval, the original office shall forward two copies to the Commissioner.

(20 U.S.C. 1263(a)(6) and (17))

CONSUMER AND HOMEMAKING EDUCATION

§ 102.91 State plan provisions—general.

Funds allotted to the States for the purpose of part F of the Act may be used for consumer and homemaking programs, and for ancillary services and activities to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to consumer and homemaking education programs assisted under part F of the Act. In addition, §§ 102.92 and 102.93 require the inclusion in the State plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1341)

§ 102.92 Procedures for establishing and operating consumer and homemaking programs.

The State plan shall describe the policies and procedures to be followed by the State for the establishing and operating of consumer and homemaking programs which meet the requirements in § 102.93 and which are administered either directly by the State board or by local educational agencies pursuant to applications approved by the State board. Such description shall include:

(a) The procedures to be followed by the State board in initiating and undertaking consumer and homemaking programs over which it will have direct administrative responsibility;

(b) The procedures to be followed by the State board in receiving, reviewing, and acting upon local applications for allocation of funds to such programs; and

(c) An assurance that at least one-third of the Federal funds allotted to the State under part F of the Act shall be used for consumer and homemaking programs in economically depressed areas or areas with high rates of unemployment, as determined pursuant to § 102.45.

(20 U.S.C. 1341)

§ 102.93 Requirements.

The State plan shall provide that the State board will approve a consumer and homemaking program only if it meets the following requirements:

(a) The program will encourage greater consideration to the social and cultural conditions and needs, especially in economically depressed areas;

(b) The program will encourage preparation for professional leadership in home economics and consumer education;

(c) The program will be designed for youth and adults who have entered or are preparing to enter the work of the home;

(d) The program will be designed to prepare such youth and adults for the role of homemaker or to contribute to their employability in the dual role of homemaker and wage earner; and

(e) The program will include consumer education as an integral part thereof, including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.

(20 U.S.C. 1341)

§ 102.94 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36 and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provision of the other ancillary services and activities necessary to assure quality in all consumer and homemaking education programs, such as curriculum development, research, special demonstration and experimental programs, development of instructional materials, and provision of equipment.

(20 U.S.C. 1341)

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

§ 102.96 State plan provisions—general.

In order to prepare young people for employment through (a) providing meaningful work experience combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes, (b) removing the artificial barriers which separate work and education, and (c) involving educators with employers, creating interaction whereby the needs and problems of both are made known, thereby making it possible for occupational curricula to be revised to reflect current needs in various occupations, funds allotted to the States for the purpose of part G of the Act may be used for the expansion of cooperative vocational education programs, and for ancillary services and activities which are necessary to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to cooperative vocational education programs assisted under part G of the Act. In addition, the State board shall include provisions in its State plan for the establishment of cooperative vocational education programs through local educational agencies, with participation of public and private employers, as required by §§ 102.97 through 102.104.

(20 U.S.C. 1351, 1353)

§ 102.97 Approval of cooperative vocational education programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving applications for the development and operation of cooperative vocational education programs submitted by local educational agencies which meet the requirements of § 102.98. Such description shall—

(a) Set forth the principles for determining the priority to be accorded applications from local educational agencies for cooperative vocational education programs, with preference being given to applications submitted by local educational

agencies serving areas of high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of programs in the order determined by the application of such principles.

(20 U.S.C. 1353)

§ 102.98 Requirements of cooperative vocational educational programs.

The State plan shall provide that the State board will approve a cooperative vocational education program only if it meets the following requirements:

(a) *Purpose.* The program meets the definition of a cooperative vocational education program in § 102.3, and will be administered by the local educational agency with the participation of public or private employers providing on-the-job training opportunities that would not otherwise be available.

(b) *On-the-job training standards.* The program provides on-the-job training that (1) is related to existing career opportunities susceptible of promotion and advancement, (2) does not displace other workers who perform such work, (3) employs and compensates student-learners in conformity with Federal, State, and local laws and regulations and in a manner not resulting in exploitation of the student-learner for private gain; and (4) is conducted in accordance with written training agreements between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application.

(c) *Other requirements.* The program will be carried out in a manner consistent with the provisions set forth in the State plan pursuant to §§ 102.99 through 102.-104.

(20 U.S.C. 1353)

§ 102.99 Identification of jobs.

The State plan shall provide that cooperative vocational education programs will be approved only if the State board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs.

(20 U.S.C. 1353(a)(2))

§ 102.100 Additional costs to employers and students.

(a) *Additional costs to employers.* The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in determining the added costs to employers for on-the-job training of students, and shall identify the categories of eligible costs for reimbursement to employers. Such policies and procedures shall be designed to assure—

(1) That the payment of added employer costs will be made only when it is apparent that, without such reimbursement, employers will not be able to provide quality on-the-job training;

(2) That such added employer costs will include only that part of the compensation of students which represents the difference between the compensation to be paid and the fair dollar value of services rendered by the student, as determined by the negotiation between local educational agencies and employers;

(3) That such added employer costs will not include the cost of construction of facilities, purchases of equipment, and other capital costs which would inure to the benefit of employers; and

(4) That such added employer costs shall be set forth in training agreements required by § 102.98(b)(4), identifying and justifying the cost factors applied, the amount of funds to be paid, and the duration of reimbursement.

(b) *Costs to students.* The State plan shall set forth policies and procedures which the State board will require local educational agencies with approved vocational education programs to follow in reimbursing students or paying on behalf of students unusual costs resulting from their participation in a cooperative vocational education program. The State plan shall also identify such costs, and shall specify when and under what circumstances payments for such costs will be made either to the student as reimbusement or directly to a vendor as payment for goods and services. Such policies and procedures will be designed to assure that payments will be made only for those costs which—

(1) Are not usually required of students preparing for the field of employment for which cooperative vocational education is being provided, such as, special tools, equipment and clothing, transportation, and safety and other protective devices; and

(2) Do not have the effect of underwriting personal obligations and expenses which students in similar circumstances are usually expected to assume.

(20 U.S.C. 1351, 1353)

§ 102.101 Participation of students in nonprofit private schools.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

(20 U.S.C. 1353(a)(6))

§ 102.102 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank account for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1343(a)(7))

§ 102.103 Evaluation and follow-up procedures.

The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in providing for continuous supervision and evaluation of on-the-job training programs and for follow-up of students who have participated in such programs.

(20 U.S.C. 1353(a)(8))

§ 102.104 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36, and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provisions of other ancillary services necessary to assure quality in all cooperative vocational education programs, such as preservice and inservice training of teacher coordinators and development of instructional materials.

(20 U.S.C. 1353(a)(4))

Work-Study Programs for Vocational Education Students

§ 102.110 State plan provisions—general.

Funds allotted to the States for the purpose of part H of the Act may be used for work-study programs for vocational education students, and for the development and administration of that part of the State plan applicable to such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to the vocational education work-study program assisted with Federal funds under part H of the Act. In addition, §§ 102.111 through 102.113 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1372(a))

§ 102.111 Policies and procedures for approval of work-study programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving work-study programs submitted by local educational agencies which meet the requirements of § 102.112. Such description shall:

(a) Set forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, giving preference to applications submitted by local educational agencies serving communi-

ties with high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of such programs in the order determined by the application of such principles.

(20 U.S.C. 1372(a)(3))

§ 102.112 Requirements of work-study programs.

The State plan shall provide that the State board will approve a work-study program only if it meets the following requirements:

(a) *Administration.* The work-study program will be administered by the local educational agency and made reasonably available (to the extent of available funds) to all qualified youths in the area served by such agency who are able to meet the requirements in paragraph (b) of this section.

(20 U.S.C. 1372 (a)(1), (b)(1))

(b) *Eligible students.* Employment under the work-study program will be furnished only to a student who (1) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance in a program which meets the standards prescribed by the State board and the local educational agency for vocational education programs under the Act; (2) is in need of the earnings from such employment to commence or continue his vocational education program; and (3) is at least 15 years of age and less than 21 years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(20 U.S.C. 1372(b)(2))

(c) *Limitation on hours and compensation.* (1) No student will be employed during an academic year or its equivalent for more than fifteen hours in any week during which classes in which he is enrolled are in session. The compensation for such employment will not exceed $45 in any calendar month or $350 in any calendar academic year or its equivalent. However, in the case of a student attending a school which is not within reasonable commuting distance from his home, his compensation may not exceed $60 in any month or $500 per academic year or its equivalent. For the purposes of this paragraph, "academic year" means a period of nine months (exclusive of the summer term) interrupted by the equivalent of one month of vacation.

(2) A student attending a class on a full-time basis in the summer school term shall be limited to fifteen hours of employment per week and the monthly compensation of $45 or $60 as described in subparagraph (1) of this paragraph. If the student is not attending classes during the summer, there is no limitation upon his hours of employment or the amount of compensation which he may earn. The total of his summer earnings shall not be limited by, or have the effect of limiting the compensation paid to him for the academic year pursuant to subparagraph (1) of this paragraph.

(20 U.S.C. 1372(b)(3))

(d) *Employment for public agency or institution.* Employment under work-study programs will be for the local educational agency or for some other public agency or institution (Federal, State, or local) pursuant to a written arrangement between the local educational agency and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work-study programs is for a Federal agency or institution, the written arrangement between the local educational agency and the Federal agency or institution will state that students so employed are not Federal employees for any purpose.

(20 U.S.C. 1372(b)(4), 1374)

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students (whether or not in employment eligible for assistance under this section) an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the three fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

(20 U.S.C. 1372(b)(5))

§ 102.113 Use of funds for State plan development and administration.

The State plan shall provide that the amount of Federal funds used to pay the cost of developing those provisions in the State plan applicable to work-study programs and the cost of administering such provisions after their approval by the Commissioner will not exceed one percent of the State's allotment under part H of the Act for vocational work-study programs, or $10,000, whichever is greater.

(20 U.S.C. 1372(a)(2), 1373(a))

Subpart D—Federal Financial Participation

General

§ 102.121 Application of Federal requirements.

Federal funds may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. As used in these regulations, phrases such as "expenditures may be made under the plan * * *" or "funds may be expended * * *" mean that the Federal allotments are available for payment of the Federal share thereof during the applicable period.

(20 U.S.C. 1263)

§ 102.132 Federal share of expenditures under State plan.

The Federal share of expenditures incurred for the following purposes under the State plan and payable to the States from their allotments shall not exceed—

(a) Fifty percent of State and local expenditures for State vocational education programs under part B of the Act except that the Federal share shall be:

(20 U.S.C. 1264(a))

(1) One hundred percent for programs for the disadvantaged in areas of high concentration of youth unemployment and school dropouts under part B of the Act and financed with funds under section 102(b) of the Act; and

(20 U.S.C. 1264(a)(1))

(2) One hundred percent for all programs under part B of the Act undertaken in the Trust Territory of the Pacific Islands and in American Samoa;

(20 U.S.C. 1264(a)(2))

(b) Seventy-five percent of expenditures for State research coordination units under part C of the Act;

(20 U.S.C. 1281(b)(1))

(c) Ninety percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under part C of the Act;

(20 U.S.C. 1281(b)(2))

(d) One hundred percent of expenditures for exemplary programs and projects under part D of the Act;

(20 U.S.C. 1302(d))

(e) Fifty percent of expenditures for consumer and homemaking programs under part F of the Act except that the Federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to § 102.45;

(20 U.S.C. 1341(c))

(f) One hundred percent of expenditures for cooperative vocational education programs under part G of the Act; and

(20 U.S.C. 1354)

(g) Eighty percent of expenditures for vocational work-study programs under part H of the Act.

(20 U.S.C. 1373(a))

§ 102.133 Non-Federal share of expenditures under State plan.

(a) *Amount.* The non-Federal share of State and local expenditures under the State plan shall be the difference between the Federal share meeting the requirements of § 102.132 and the total expenditures for the purposes for which the Federal share is paid.

(b) *Statewide application.* The non-Federal share of expenditures under the State plan may be on a statewide basis. It is not necessary that Federal funds be matched by non-Federal funds for each school, class, program, or activity or, in the case of funds allotted under part B, for each of the purposes in section 122(a) of the Act. Only the total expenditures from each allotment to the State (or portion thereof subject to the same Federal share percentage limitation) will be considered in determining the required non-Federal share of such expenditures.

(c) *Federal conditions and requirements.* The non-Federal share of expenditures under the State plan shall be made only for programs, services, and activities which meet all of the conditions and requirements of the Act, the regulations in this part, and the State plan. This means that every school, class, program, or activity supported in whole or in part by non-Federal funds required to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

§ 102.135 Allowable expenditures for construction of area vocational education schools.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be used for the construction of area vocational education schools undertaken by the State board, or by local educational agencies with the approval of the State board. There can be no Federal financial participation in any expenditures for construction of such school facilities prior to the approval of such construction by the State board except expenditures for the acquisition of land pursuant to subparagraph (3) of this paragraph and expenditures for architectural, engineering, and inspection services pursuant to subparagraph (5) of this paragraph. Such funds may be used for expenditures in the following categories:

(1) Erection of new buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(2) Acquisition, expansion, alteration, and remodeling (as distinguished from the maintenance and repair) of existing buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(3) Acquisition, within one year prior to approval of construction by the State board, of the fee, leasehold, or other interest in land on which there is to be construction of new buildings or expansion of existing buildings;

(4) Site grading and improvement of land on which there is to be construction of new buildings and expansion of existing buildings; and

(5) Architectural, engineering, and inspection services rendered subsequent to the date of site selection.

(b) For the purposes of paragraph (a) of this section, "acquisition" includes all expenses (other than interest and carrying charges on bonds) related to the acquisition of land or school facilities (from sources other than the State board or local educational agency) if such expenses constitute an actual disbursement or transfer of public funds in accordance with usual procedures generally applicable to all State and local agencies and institutions.

(20 U.S.C. 1248 (3) and (4), 1262(a)(5))

§ 102.136 Allowable expenditures for vocational education for disadvantaged persons.

Funds appropriated under section 102 (b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be applied only to expenditures that are reasonably attributable to vocational education programs for disadvantaged persons.

(20 U.S.C. 1262(a)(4))

§ 102.137 Allowable expenditures for research and training programs.

Funds appropriated under section 102 (a) of the Act and allotted to the States for use by State boards for the purposes of part C of the Act may be applied only to expenditures that are reasonably attributable to the establishment and operation of State research coordination units, and to programs or projects for which grants or contracts as described in § 102.70(a) are made.

(20 U.S.C. 1281(b))

§ 102.138 Allowable expenditures for exemplary programs and projects.

Funds appropriated under section 142 of the Act and allotted to States for use by State boards for the purposes of part D of the Act may be applied only to expenditures that are reasonably attributable to the exemplary programs or projects for which grants or contracts as described in § 102.76(a) are made.

(20 U.S.C. 1302(d))

§ 102.140 Allowable expenditures for consumer and homemaking education.

Funds appropriated and allotted to States under part F of the Act may be applied only to expenditures that are reasonably attributable to consumer and homemaking programs, and ancillary services and activities necessary to assure quality in such programs.

(20 U.S.C. 1341(a))

§ 102.141 Allowable expenditures for cooperative vocational education.

Funds appropriated and allotted to States under part G of the Act may be applied only to expenditures in categories such as the following which are reasonably attributable to cooperative vocational education programs and ancillary services and activities necessary to assure quality in such programs:

(a) [Reserved]

(b) Reimbursement of employers for necessary added costs incurred by them in providing cooperative work experience to vocational education students as provided for in § 102.100(a); and

(c) Payment of unusual expenses incurred by students as a result of their enrollment in a cooperative vocational education program as provided for in § 102.100(b).

(20 U.S.C. 1352(a), 1353(a))

§ 102.142 Allowable expenditures for vocational work-study programs.

Funds appropriated and allotted to States under part H of the Act for work-study programs for vocational education students may be applied only to the following categories of expenditures:

(a) Compensation of students employed in work-study programs;

(b) Expenditures reasonably attributable to—

(1) Development of those provisions in the State plan applicable to vocational work-study programs pursuant to §§ 102.110 through 102.113 which are incurred before the effective date of such provisions; and

(2) Administration of those provisions in the State plan applicable to work-study programs.

(20 U.S.C. 1371–1373)

§ 102.143 Allowable expenditures for State planning, administration, and evaluation.

Funds appropriated and paid to States under section 102(c) of the Act may be used only for the development and administration of State plans under all parts of the Act pursuant to subpart C of this part, the activities of State advisory councils pursuant to subpart B of this part, the evaluation of programs, services, and activities under the State plan pursuant to § 102.36, and dissemination of the results of such evaluations. Such funds may be applied to expenditures which are reasonably attributable to such activities.

(20 U.S.C. 1262(b))

§ 102.145 Allowable expenditures under more than one State allotment.

The availability of funds appropriated and allotted under one part or section of the Act for a particular purpose or for a particular category of expenditures shall not preclude the use of funds appropriated and allotted under other parts or sections of the Act for the same purpose or category of expenditure: *Provided*, That all of the conditions and requirements applicable to the use of funds appropriated and allotted under all such parts and sections of the Act are met.

(20 U.S.C. 1262, 1263(a))

Subpart E—Payments and Reports

§ 102.151 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file in the Office of Education a State plan (including the long-range and annual program plan for the fiscal year of the allotment from which payment is to be made) which was adopted by the State board after consultation with the State advisory

council and approved by the Commissioner;

(20 U.S.C. 1263, 1264)

(b) The State has certified to the Commissioner the establishment and membership of a State advisory council pursuant to § 102.21(c); and

(20 U.S.C. 1244(b)(2))

(c) Total State and local expenditures for "vocational education" (as defined in § 102.3) in that State for the preceding fiscal year were not less than total State and local expenditures for vocational education in the second preceding fiscal year. Total State and local expenditures for vocational education in the preceding fiscal year shall not be deemed to be reduced from those in the second preceding fiscal year unless the per-student expenditure for vocational education within the State in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent.

(20 U.S.C. 1262(a)(11), 1264(c))

§ 102.152 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State board that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State board that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

(20 U.S.C. 1263(c)(2))

§ 102.153 Payment to State advisory council.

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay the amount requested by the State advisory council in its approved budget: *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

(20 U.S.C. 1242(c), 1244(d), 1264(b))

§ 102.156 Transfer of allotments.

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes in the period during which such allotment is available may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

(b) A State board desiring to transfer funds from its allotment of funds appropriated under section 102(a) of the Act to another allotment under the Act shall submit as part of its annual State plan or amendment thereto a request for such a transfer. Such request shall indicate how the annual plan will be affected by the transfer and will provide information to permit application of the following criteria:

(1) The need for the funds to be transferred is substantially greater for the purpose of the allotment to which the transfer will be made than for the purposes of part B or part C of the Act, as the case may be;

(2) The transfer will permit a use of funds for a purpose or in a manner which would not be permitted under part B or part C of the Act;

(3) The funds to be transferred will be used effectively for the purpose of the allotment to which they are to be transferred; and

(4) The transfer of funds will result in the most effective use of such funds.

(c) The Commissioner will approve the State board's request for transfer of funds if he is satisfied that the transfer will meet the criteria set forth in paragraph (b) of this section; otherwise, he will disapprove such request. Such approval or disapproval will be based on information submitted by the State board with its request pursuant to paragraph (b) of this section, or on any other estimates, reports, and information available to the Commissioner which have been submitted by the State board or obtained by the Commissioner through independent investigation.

(20 U.S.C. 1243(c), 1263(a)(5), (6), (12), (17))

§ 102.157 Reallotment.

(a) (1) Any amount of any State's allotment under any part of the Act except part D which the Commissioner determines is not required for carrying out the State's plan under that part and which has not been transferred to another allotment within the State pursuant to § 102.156 will be available for reallotment to other States on such dates as the Commissioner may fix for the purpose for which the amount was originally allotted.

(2) Any amount of any State's allotment under parts B and F of the Act which the State is required by §§ 102.59 and 102.92(c) to expend for a particular purpose (i.e., vocational education for disadvantaged persons, vocational education for handicapped persons, postsecondary vocational education, or consumer and homemaking education in economically depressed and high unemployment areas) and which the Commissioner determines will not be expended for such purpose shall be available for reallotment to other States only for such purpose.

(3) The amount of any reallotment pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to be part of the State's allotment for such fiscal year. Thus, any reference in this part to "funds allotted under the Act" refers also to reallotted funds included as a part of an allotment under the Act.

(b) Any determination by the Commissioner pursuant to paragraph (a) of this section will be made on the basis of (1) a certified statement submitted by the State affirming that the State does not require the full amount of one or more of its original allotment(s) to carry out its plan, (2) reports and information acquired by the Commissioner either from the State or from independent investigation indicating that the State does not require the full amount of one or more of its original allotment(s), or (3) both. Within a reasonable time prior to the date fixed for reallotment of funds, the Commissioner will notify the State of his determination affecting the State's allotment(s) and either modify the amount certified for payment to the State or, if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not need.

(c) Reallotments will be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (d) of this section, such reallotments to such other States will be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan without delay for such fiscal year. The total of such reductions will then be reallotted among those States not suffering such a reduction in proportion to their original allotment except to the extent specified in the preceding sentence, and then reallotted as many times as necessary to exhaust such amount. Such estimate by the Commissioner will be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (b) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallotment by the State and its supporting certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner either from the State board or from independent investigation, or (4) any or all of the above. Within a reasonable time before the date fixed for reallotment, the Commissioner will notify the State of the amount of reallotted funds (if any) the State shall receive.

(b) Any State which the Commissioner has determined, either on the basis of certified statements from the State or from other reports or information available to him, (1) does not require the full amount of its orignial allotment to carry out its plan, or (2) does not need or will not be able to use effectively the full amount of its proportionate share of funds to be reallotted, may, on or before the date fixed for reallotment, request that the Commissioner reconsider his determination affecting the original allotment or anticipated reallotment to such State, and submit with its request additional supporting information and data. If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallotment. The Commissioner, in making his reallotment of funds to the States, will take into consideration all such amendments and additional information furnished by the State with its request for reconsideration of the Commissioner's determination. All decisions made by the Commissioner regarding the reallotment of funds are final once reallotment is made.

(20 U.S.C. 1243(c), 1341(a)(2), 1352(b)(2), 1371(b)(2))

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council on or before October 1 of each year an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c) in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. These comments may include, among other matters, the results of evaluations by the State board, local educational agencies, and other agencies and institutions of programs, services, and activities under the State plan which support, supplement, or differ with the evaluation results of the State advisory council.

(20 U.S.C. 1244(b)(1)(D))

§ 102.161 Final reports of programs or projects.

The State board shall submit to the Commissioner copies of final reports of programs or projects conducted by grantees or contractors under parts C and D of the Act.

(20 U.S.C. 1263(a)(17))

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Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 75-1; General Order 22; Amdt. 5]

PART 503—PUBLIC INFORMATION

Correction

In FR Doc. 4616, appearing on page 7311 in the issue of Wednesday, February 19, 1975, the following material, inadvertently omitted from the text of the document, should appear immediately below the signature:

1. Section 503.1 is revoked in its entirety and is hereby superseded by a new § 503.1, which reads as follows:

§ 503.1 Statement of policy.

(a) The Chairman of the Federal Maritime Commission is responsible for the effective administration of the provisions of Pub. L. 89-487, as amended. The Chairman shall carry out this responsibility through the program and the officials as hereinafter provided in this Part.

(b) In addition, the Chairman, pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum expedited service to the public with respect to the obtaining of information and records. Accordingly, members of the public may make requests for information, records, decisions or submittals in accordance with the provisions of § 503.31 of this Part.

2. Section 503.22 is amended by the addition of the following sentence at the end thereof:

§ 503.22 Current Index.

* * * Publication of such indices has been determined by the Commission to be unnecessary and impracticable. The indices shall, nonetheless, be provided to any member of the public at a cost not in excess of the direct cost of duplication of any such index upon request therefor made in accordance with Subpart D of this part.

3. Section 503.31 is hereby revoked and is superseded by new § 503.31, reading as follows:

§ 503.31 Identification of records.

A member of the public who requests permission to inspect, copy or be provided with any records described in §§ 503.11, 503.21, 503.24 and 503.25 of this part shall:

(a) Reasonably describe the record or records sought; and

(b) Submit such request in writing to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any such request shall be clearly marked on the exterior with the letters FOIA.

§ 503.32 [Amended]

4. Section 503.32 is hereby amended by deletion in the first paragraph of the words "* * * in person or in writing at the Public Reference Room * * *" and substituting therefor the following language: "* * * in writing addressed to the Office of the Secretary * * *."

5. Section 503.33 is amended by deletion of the first two sentences thereof and the substitution therefor of the following language:

§ 503.33 Other records available upon written request.

Any written request to the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573, for records listed in paragraphs (a) through (e), inclusive, of this section shall identify the record as provided in section 503.31. The Secretary shall evaluate each request in conjunction with the official having responsibility for the subject matter area, and the General Counsel, and the Secretary shall determine whether or not to grant the request in accordance with the provisions of § 503.34. * * *

* * * * *

6. Section 503.34 is hereby revoked and superseded by the following new § 503.34:

§ 503.34 Procedures on requests for documents.

(a) Determination of compliance with requests for document.

(1) Upon request by any member of the public for documents, made in accordance with the rules of this part, the Commission's Secretary or his delegate in his absence, shall determine whether or not such request shall be granted.

(2) Except as provided in paragraph (c) of this section, such determination shall be made by the Secretary within ten (10) days (excluding Saturdays, Sundays and legal public holidays) after receipt of any such request.

(3) The Secretary shall immediately notify the party making such request of the determination made, the reasons therefor, and, in the case of a denial of such request, shall notify the party of his right to appeal that determination to the Chairman.

(b) Appeals from adverse determination (denial of request).

(1) Any party whose request for documents or other information pursuant to this part has been denied in whole or in part by the Secretary may appeal such determination. Any such appeal shall be addressed to: Chairman, Federal Maritime Commission, Washington, D.C. 20573, and shall be submitted within a reasonable time following receipt by the party of notification of the initial denial by the Secretatry in the case of a total denial of the request or within a reasonable time following receipt of any of the records requested in the case of a partial denial. In no case shall an appeal be filed later than ten (10) working days following receipt of notification of denial or receipt of a part of the records requested.

(2) Upon appeal from any denial or partial denial of a request for documents by the Secretary, the Chairman of the Federal Maritime Commission or the Chairman's specific delegate in his absence, shall make a determination with

respect to that appeal within twenty (20) days (excepting Saturdays, Sundays and legal public holidays) after receipt of such appeal, except as provided in paragraph (c) of this section. If, on appeal, the denial is upheld, either in whole or in part, the Chairman shall so notify the party submitting the appeal and shall notify such person of the provisions of paragraph 4 of subsection (a) of the FOIA (Pub. L. 93-502, 88 Stat. 1561-1562, November 21, 1974) regarding judicial review of such determination upholding the denial. Notification shall also include the statement that the determination is that of the Chairman of the Federal Maritime Commission and the name of the Chairman.

(c) *Exception to time limitation.* In unusual circumstances as specified in this paragraph, the time limits prescribed with respect to initial actions or actions on appeal may be extended by written notice from the Secretary of the Commission to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

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

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

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

(d) *Effect of failure by Commission to meet the time limitation.* Failure by the Commission either to deny or grant any request for documents within the time limits prescribed by FOIA (5 U.S.C. 552, as amended) and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making the request.

§ 503.35 Exceptions to availability of records.

7. Section 503.35 is hereby amended by the deletion of paragraphs (a) and (g) and the substitution of new paragraphs (a) and (g), reading as follows:

* * * * *

(a) Records specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to such Executive Order. Records to which this provision applies shall be deemed by the Commission to have been properly classified. This exception may apply to records in the custody of the Commission which have been transmitted to the Commission by another agency which has designated the record as nonpublic under Executive Order.

* * * * *

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by any agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel. Any record, portions of which are exempt under the provisions of this section, will be provided to any person requesting such record after the exempt portion or portions thereof have been deleted, provided such nonexempt portion or portions are reasonably segregable.

8. A new § 503.36 entitled *Commission Report of Actions* is hereby promulgated following § 503.35 and reading as follows:

§ 503.36 Commission report of actions.

On or before March 1 of each calendar year, the Federal Maritime Commission shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. This report shall include—

(a) The number of determinations made by the Federal Maritime Commission not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination.

(b) The number of appeals made by persons under such provisions, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this Part and the number of instances of participation for each.

(d) The results of each proceeding conducted pursuant to subsection (a) (4) (F) of FOIA, as amended November 21, 1974, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(e) A copy of every rule made by the Commission implementing the provisions of the FOIA, as amended November 21, 1974.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section.

(g) Such other information as indicates efforts to administer fully the provisions of the FOIA, as amended.

9. Subpart E—*Fees* is amended by the addition of a new paragraph (g) to § 503.43 and is republished in its entirety as follows:

Subpart E—Fees

§ 503.41 Policy and services available.

Pursuant to policies established b ythe Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of Aug. 31, 1951—5 U.S.C. 140). Upon written request directed to the Federal Maritime Commission pursuant to the FOIA as amended and as implemented by the provisions of this part, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(a) Copying records/documents.

(b) Certification of copies of documents.

(c) Records search.

(d) Subscriptions to publications of the Commission.

(e) Transcripts of hearings.

§ 503.42 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcript of hearings. Fees for transcript of hearings are payable to the firm providing the services.

§ 503.43 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) The copying of records and documents will be available at the rate of 30 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(b) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $2.00 for each such certification.

(c) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of $4.50 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) No charge for records' search will be imposed for the first one-half hour.

(d) Annual subscriptions to Commission publications for which there are regular mailing lists are available at the charges indicated below for calendar year terms. Subscriptions for periods of

less than a full calendar year will be prorated on a quartely basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(1) Orders, notices, rulings, and decisions (initial and final) issued by Administrative Law Judges and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $30.

(2) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $10.

(3) General orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $2 (initial annual subscription will entitle the purchaser to a complete set of current General Orders issued to date).

(4) *Exceptions.* No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(i) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(ii) The recipient is another governmental agency, Federal, State, or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(iii) The recipient is a college or university.

(iv) The recipient does not fall into paragraphs (d)(4) (i), (ii), or (iii) of this section, but is determined by the Commission to be appropriate in the interest of its program.

(e) Transcripts of testimony and of oral argument are furnished by a nongovernmental contractor, and may be purchased directly from the reporting firm.

(f) The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of $5.00.

(g) Upon a determination by the Commission that waiver or reduction of the fees prescribed in this section is in the public interest because the information furnished has been determined to be of primary benefit to the general public, such information shall be furnished without charge or at a reduced charge in the discretion of the Commission.

Notice and public procedure on these amendments are deemed to be unnecessary and impracticable, with the exception of the amendments to and republication of Subpart E—Fees, since these amendments merely conform to the requirements of the Freedom of Information Act amendments of November 21, 1974. Comments with respect to Subpart E, if any, shall be submitted to the Secretary, Federal Maritime Commission, not later than January 27, 1975.

Title 49—Transportation

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 901—ORGANIZATION, RULE-MAKING, AND PUBLIC INFORMATION

Organization and Functions

The purpose of this new part 901 is to describe the organization of the United States Railway Association, the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions. It also describes the general course and method by which its functions are channeled and determined and its rules of procedure for obtaining public information. It further sets forth tentative fees for copies of documents obtained by persons through the public information process.

The Association is an incorporated non-profit association established by the Regional Rail Reorganization Act of 1973. It is organized with a Board of Directors, a Chairman, a President, a General Counsel, and 7 Vice Presidents. Their functions are described in this part.

The Association is not generally subject to the Administrative Procedure Act (5 U.S.C. 531 *et seq.*) but, pursuant to Public Law 93–502 (88 Stat. 561), section 552 of Title 5, U.S. Code does apply to it. Under that section, the Association is required to publish in the FEDERAL REGISTER a description of those items described in the first paragraph of this document. Although it is, therefore, not subject to the rule-making procedures of section 553, Title 5, United States Code, it will, nevertheless, as it considers appropriate, publish notices of proposed rule-making in the FEDERAL REGISTER, invite and consider comments thereon, and will keep public dockets.

Matters regarding public information requests, and the maintenance of a Public Reading Room, are within the jurisdiction of the Vice President for Public and Governmental Affairs. Requests for documents are made through his office, as described in the part, and all initial denials of requests are made by him. A right of appeal of a denial to the President has been provided, with specified procedures.

Due to the early date prescribed in Public Law 93–502 for the publication of information regarding fees for copies of documents furnished as a result of requests under the new part, it has not been possible for the Association to issue a separate notice of proposed rule-making on that subject. For this reason, the fees for copying described in § 901.4(g), while in line with those prevailing in other agencies, are tentative in nature. Interested persons are invited to comment on the reasonableness or adequacy of the fees to the Office of the General Counsel, USRA, Room 2222, 2100 Second Street, SW, Washington, D.C. 20595. Comments received by March 24, 1975, will be considered by the Association in determining whether to make changes in the fee schedules. Copies of all written comments received will be available for examination by interested persons in the Office of the General Counsel, both before and after the closing date. The fees may be changed in the light of the comments received.

In consideration of the foregoing, Chapter IX of Title 49 of the Code of Federal Regulations is amended by adding the following new Part 901 thereto, effective February 19, 1975.

This Part 901 is issued under the authority of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236, 87 Stat. 985) and Public Law 93–502 (88 Stat. 1561).

Issued in Washington, D.C. on February 19, 1975.

EDWARD G. JORDAN,
President.

Sec.

901.1 Purpose.
901.2 Status and organization of the Association.
901.3 Rule-making procedures.
901.4 Public availability of information.

AUTHORITY: Regional Rail Reorganization Act of 1973 (Pub. L. 93.236, 87 Stat. 985; Pub. L. 93–502, 88 Stat. 1561).

§ 901.1 Purpose.

This part describes the organization of the Association, and its procedures for providing public access to information.

§ 901.2 Status and organization of the Association.

(a) The United States Railway Association is an incorporated non-profit association established by the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236; 87 Stat. 985; 45 U.S.C. 701, *et seq.*). To the extent not inconsistent with that Act, it is subject to the District of Columbia Non-profit Corporation Act (D.C. Code 29–10001, *et. seq.*) and its status is that of a government corporation of the District of Columbia.

(b) The Association is organized as follows:

(1) The Board of Directors directs and manages the affairs of the Association.

(2) The Chairman presides over the Board of Directors, and is the chief executive officer; he is assisted by the Vice President, Secretary, who performs corporate secretary functions and provides direct staff support to the Chairman, and by the Vice President for Congressional Affairs, who is responsible for Federal legislative matters.

(3) The President is the chief operating officer.

(4) The General Counsel is the chief legal officer.

(5) The Vice President for Administration is the principal officer for personnel, procurement, administration and support services, budget, accounting and audit, and management systems.

(6) The Vice President for Review and Evaluation is the principal officer for liaison with officials of bankrupt railroads, for evaluating the practical implications of the Association's system plans and its loan and assistance programs and for assessing the condition of the railroads in the northeast/midwest region.

(7) The Vice President for Public and Governmental Affairs is the principal officer for communications with the general public, the news media, Federal, State and local governmental agencies, and other interested groups.

(8) The Vice President for Financial Planning is the principal officer for financial issues, such as valuation of the assets and securities of the reorganized railroads; projection of their revenues, costs and profits; assessment of their financial needs and possible sources of financing; and consideration of loan and financial assistance applications.

(9) The Vice President for Operations and Facilities Planning is the principal officer for development of the systems plans for restructuring the rail system of the northeast/midwest regions, including the collection and development of needed data; development of appropriate route options, operating and revenue alternatives, and capital needs; and assessment of the planned systems' impact on communities, competition, service, freight and passenger operations, energy consumption and the environment.

(10) The Vice President for Manpower Planning is the principal officer for consideration of manpower issues, such as the planned systems' manpower requirements and how to reach appropriate levels; and manpower policies, methods and criteria for the planned system and for determining protected employees' benefits.

§ 901.3 Rule-making procedures.

(a) The Association is not subject to the rule-making procedural requirements of section 553 of Title 5, United States Code. The Association will, nevertheless, as it considers appropriate, publish notices of proposed rule-making in the FEDERAL REGISTER; invite and consider comments and requests for extension of time; and keep public dockets. It will also publish its procedural rules, substantive rules, general policies, and general interpretations in the FEDERAL REGISTER. When a notice of proposed rule-making is issued, the specific applicable procedures will be described in the notice.

(b) The Association will publish in the FEDERAL REGISTER a notice of the receipt of each application for a loan under section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) and of each request for discontinuance or abandonment authorization under section 304(f) of that Act (45 U.S.C. 744 (f)).

§ 901.4 Public availability of information.

(a) Subject to appeal to the President as provided in this section, the Vice President for Public and Governmental Affairs is responsible for administering this section.

(b) Docketed material, so designated in a public notice, is available for inspection and copying in the General Counsel's Office upon written request to the Docket Clerk in that office. Copies of docketed material may be ordered by submitting a written request to the Docket Clerk, Office of the General Counsel, United States Railway Association, 2100 Second Street, SW, Washington, D.C. 20595 and paying the required fee.

(c) Available informational material that the Association considers to be of wide public interest will be kept in the Public Reading Room where members of the public may inspect and copy it. All other available documents may be inspected and copied upon written request to the Information Assistant, Office of the Vice President for Public and Governmental Affairs, United States Railway Association, 2100 Second Street, SW, Washington, D.C. 20595. Copies of those documents may be ordered by submitting a written request to the Information Assistant at that address and paying the required fee.

(d) No such request for inspection or a copy of a document shall be denied except upon the written decision of the Vice President for Public and Governmental Affairs that:

(1) The request may properly be denied under the Freedom of Information Act; and

(2) Another law, private rights, or the public interest clearly requires the denial.

Each denial decision will set forth the reasons therefor and describes the appeal from that decision that is available to the requester.

(e) A decision denying access to a document may be appealed to the President by filing with his office a written notice of appeal, within 30 days after the date of the denial under paragraph (d) of this section, specifying the relevant facts and the basis for the appeal. If the President denies the appeal, the denial shall set forth the reasons therefor and describe the rights of judicial appeal available to the requester.

(f) Requested documents shall be made available, or a written decision denying the request furnished, within 10 working days after the date the request is received. An appeal to the President shall be decided within 20 working days after the date the notice of appeal is filed. The time may be extended in unusual cases but for not more than a total of 10 working days. Saturdays, Sundays and Federal Holidays are not considered to be working days.

(g) The fee for photocopies of documents ordered from the Association shall be $0.25 for the first page and $0.05 for each additional page for each document. The fee for copies of material requiring other methods of reproduction is the cost of reproduction and handling. The fee for routine searches for documents is $2. The fee for searches requiring longer than 30 minutes and for other non-routine services is the actual cost. Fees are payable only in cash or by check or money order payable to the United States Railway Association. Fees may be waived or reduced at the discretion of the Vice President for Public and Governmental Affairs, if he considers it to be in the public interest because furnishing the information will benefit the general public.

(h) The final opinions, orders, statements of policy, interpretations, manuals and instruction that will be available for inspection and copying include:

(1) The Preliminary System Plan (available on and after February 26, 1974), including the USRA studies cited in that Plan; and

(2) USRA Orders in abandonment authorization proceedings pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, and an index thereto.

[FR Doc.75-5005 Filed 2-24-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments

On December 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (Vol. 39, No. 247) to amend Part 280, Title 50, Code of Federal Regulations, which are regulations governing the eastern Pacific yellowfin tuna fishery. Interested persons were given the opportunity to participate through a public hearing held at San Diego on January 10, 1975, and through submission of written comments.

Although the proposed rulemaking bid not suggest a change in the distribution of the overall small boat allocation between the small purse seiners and the bait and jig boats, comments were invited from the industry or interested persons on changes to the present distribution of the allotment to vessels under 400 short tons carrying capacity. Comments varied greatly between those representing the seiners and those supporting bait boats as to what each group should be allocated in 1975 out of the 6700 tons available. Seiner advocates insisted they should receive 4400 tons in 1975 (3900 tons received in 1974), while the bait boats should receive only 2300 tons (2800 tons received in 1974). The bait boat spokesman, on the other hand, indicated bait boats were fully justified in receiving 3,500 tons in 1975 and that anything less than 3350 tons, a 50–50 split, would be unacceptable.

In 1974 the small boat allocations were adjusted and, since then, the bait boat segment has experienced a small net increase in carrying capacity, due to new vessels coming into that fleet. In the same time span, the carrying capacity of the small purse seine fleet declined. However the capacity of now inactive

vessels that have operated on the seiner allotment, and could do so again nearly matches that decline. The factor of capacity changes alone must be modified by other considerations in allotting tonnages. Otherwise a static or declining category would eventually receive but little tonnage allocation and it should not be made to suffer because of a growing category that is aware of the overall tonnage restriction available to both. If changes in the allotment to seiners and bait boats were made on capacity changes alone, then bait boats would be granted an increase and the small seiners would be allotted an equal amount less. However, in addition to the modification of the capacity factor mentioned above, it is recognized that bait boats can land yellowfin exclusively, up to 50 percent of capacity, whereas seiners are limited to an incidental catch of yellowfin. Furthermore, bait boats leave the yellowfin fishery and fish for albacore while the seiners do not. Taking these factors into consideration, the tonnage allotments for the two categories will remain as they were in 1974, namely:

(1) Purse seiners of 400 short tons carrying capacity and less: 3900 short tons.

(2) Bait and jig boats: 2800 short tons.

The incidental catch limitation for the two groups during the period each is accumulating its allotment remains as in 1974, namely:

(1) Purse seiners 301–400 short tons carrying capacity: 40 percent by round weight.

(2) Purse seiners 300 short tons carrying capacity or less: 60 percent by round weight.

(3) Bait and jib boats: 50 percent of each vessel's established short ton carrying capacity.

The proposed rulemaking added a proviso to the "last free trip" rules of § 280.7(a)(1) which would authorize the Service Director, upon publication of notice in the FEDERAL REGISTER, to require certain fishing vessels at sea to return to home port or port of departure. Industry objected to the amendment on the ground that it was premature in its anticipation of a decision not yet made by the Commission. Further industry testimony was to the effect that requiring a vessel at sea to return to its home port or port of departure, rather than to a port decided upon by the managing owner of the vessel, is unreasonable and arbitrary and may result in severe economic loss.

As stated in the notice of proposed rulemaking and further explained at the public hearing, the Commission's Resolution for 1975 recognized the need to further evaluate the age composition of the catch and related matters at a special meeting of the Commission presently scheduled for March 3, 1975. A purpose of this meeting will be the receipt by the Contracting Governments to the Convention of a recommendation for emergency measures from the Director of Investigations, if he considers that the yellowfin tuna stocks would be seriously damaged by fishing at the level of the agreed upon quota. For these reasons, we cannot agree with industry testimony that the proposed amendment is premature.

Any such emergency measure accepted by the Contracting Governments pursuant to the Convention must be implemented. Such implementation must be prompt if it is to have the conservation effect intended. The amendment gives the Service Director authority to do so as to the most restrictive measures the Commission could recommend, but also notes that "other, less restrictive, measures may be specified." It is not the intention of the National Marine Fisheries Service to deprive a vessel of the options which are expected to be available in the event of an emergency measure (options similar to those available during the closed season), unless such action is clearly necessary to implement the emergency measure. These options would include (1) inspection in any available inspection port in accordance with § 280.7(f); (2) continuing to fish inside the regulatory area subject to the incidental catch limitations of § 280.7(b); or (3) proceeding directly to waters outside the regulatory area to continue fishing freely for yellowfin tuna, subject to the applicable provisions of § 280.7 (d) and (e).[1] For the foregoing reasons, the amendment to § 280.7(a)(1) is adopted as changed.

In respect to the proposed amendment of § 280.7(h) to require the express permission of the Regional Director prior to the sale or delivery in a foreign country of fish caught in the Pacific Ocean, the comments received were uniformly opposed to the amendment on the dual grounds that the limits of the Regional Director's authority are not spelled out and that the proposal is not necessary to the yellowfin tuna conservation program. As stated in the notice of proposed rulemaking and further explained at the public hearing, the purpose of the proposed amendment was to better control the unloading in a foreign country of yellowfin tuna taken in excess of closed season restrictions. The present requirement of advance notice of such unloadings has not proven adequate in this regard, both because of the inability to take effective enforcement action when the Regional Director learns of the unloading after the fact, and because of certain diplomatic difficulties encountered in inspecting unloadings from U.S. vessels in certain foreign ports. On the basis of objections received, however, we have decided that further diplomatic and other efforts should be explored before adoption of the amendment. These efforts have already been initiated, and final action on the proposed amendment of § 280.7(h) is hereby deferred. Further comment from interested persons is solicited and any such comment received by the Regional Director on or before April 11, 1975, will be considered.

If an amendment is later adopted, it will specify that the Regional Director's authority to deny permission to unload, to direct the unloadings at a different port, or to set such other conditions as are necessary to insure compliance with the yellowfin tuna conservation regulations, is limited to those situations in which an agent of the National Marine Fisheries Service cannot, for diplomatic or manpower reasons, conduct an inspection of the unloading at the time or place or under the conditions specified in the request for permission of the Regional Director. Comment on this aspect of the proposed amendment would be appreciated.

Following the public hearing, industry representatives requested that the regulations be amended to take account of the recent seizures of the U.S. tuna vessels by a foreign government. We are in agreement that is such seizures continue, U.S. vessels could, unless the regulations are amended, be disqualified from the "last free trip" provisions of § 280.7(a). Disqualification under these circumstances would not be in aid of the conservation recommendations of the Commission. For these reasons, a new paragraph (a)(3) is added to § 280.7, to read as follows:

§ 280.7 Closed season restrictions applicable to fishing vessels.

(a) * * *

(3) Any vessel which, solely by reason of seizure or other enforcement activity of a foreign government against such vessel, is unable to reach the port of its choice prior to the closure of the yellowfin fishing season shall be allowed, subject to written approval by, and under conditions set by, the Regional Director, to proceed to another port for the purpose of unloading and still qualify for the one additional unrestricted fishing voyage, subject to the restrictions of paragraphs (a) (1) and (2) above except for the in-port requirement.

As stated in the amendment, qualification for the one additional unrestricted fishing voyage under § 280.7(a)(3) is dependent upon the written approval of the Regional Director, and such approval will not be given without satisfactory proof that the terms of § 280.7(a)(3) have been met. If given, such approval is subject to the conditions attached thereto by the Regional Director. In addition to other conditions that may be necessary in aid of enforcement of Part 280, one of the conditions will be that the vessel shall not engage in fishing activity between the time it is no longer subject to the seizure or other enforcement activity of a foreign government, and the time the vessel reaches its original port of choice (or the port decided upon by the Regional Director).

Because the described amendment cannot have the effect intended unless it is put into effect before closure of the open season for yellowfin tuna fishing, the National Marine Fisheries Service finds that publication in accordance with normal rulemaking is impracticable and that good cause exists for making the amendment effective less than 30

[1] On the basis of industry's comments we have added to the proposed amendment the option of returning to such other port as may be designated by the Regional Director.

days from publication. Added paragraph (a)(3) to § 280.7 is, therefore, effective on February 25, 1975.

No objections were made to proposed amendments numbered (in the notice of proposed rulemaking) 1: § 280.1(p); 2: § 280.6(b); 4: § 280.7(a)(1); 5: § 280.7(b)(3); 6: § 280.7(d)(1); and 7: § 280.7(f)(1). Upon further consideration, these amendment are adopted as proposed.

The following technical and conforming amendments are also adopted:

(1) In § 280.7(a)(1), "1974" is amended to read "1975" and "1973" is amended to read "1974";

(2) In § 280.7(d), "1974" is amended to read "1975";

(3) In § 280.6(b), "1974" is amended to read "1975";

(4) In § 280.12(b), "personnel" is amended to read "personal"; and

(5) In § 280.14 "—who has duly—" is amended to read "who has been duly—".

(6) In § 280.1(g), "1974" is amended to read "1975".

The foregoing amendments are effective on February 25, 1975.

The amendments are issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)), as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated February 21, 1975.

ROBERT W. SCHONING,
Director.

In consideration of the foregoing, the regulations are amended to read as follows:

Sec.

280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Open season restrictions applicable to fishing vessels.
280.7 Closed season restrictions applicable to fishing vessels.
280.8 Emergency action by Service Director.
280.9 Restrictions applicable to cargo vessels.
280.10 Restrictions applicable to purchasers.
280.11 Recordkeeping and written reports.
280.12 Persons and vessels exempted.
280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.
280.14 State officers designated as enforcement agents.

AUTHORITY: 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(e) *Service director.* The Director of the National Maritime Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, telephone number, area code, 213, 548–2575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south altitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south altitude intersects the coast. Except that for 1975 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10° south latitude; thence west along 10° south latitude to 100° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus* ALBACARES.

(i) *Mingled species.* (1) Any species of billfish or shark; and (2) No other species of the family Scombridae except: Skipjack (*Genus Euthynnus*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

(p) *Port facility in the Americas.* All port facilities in North, South and Central America, including all the Caribbean ports, but excluding ports in Argentina, Brazil and Uruguay.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a precsribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on a fishing trip bugun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels

which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Open season restrictions applicable to fishing vessels.

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfish tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Greenwich Mean Time (G.m.t.) and 1800 G.m.t. This requirement will also apply, for 1975 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of § 280.1. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as this date (give date)". regulatory area at this date (give date)".

§ 280.7 Closed season restrictions applicable to fishing vessels.

Except as otherwise provided in this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

NOTE: The amount of yellowfin tuna that may be legally landed by a vessel subject to a specified percent incidental catch rate of yellowfin tuna based upon the round weight of the total catch is determined by the following formula:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (Specified incidental catch rate in percent)}}{\text{(100 percent) minus (Specified incidental catch rate in percent)}}$$

For example, if the incidental catch rate of yellowfin tuna is 15 percent, then:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (15)}}{85}$$

(a) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1975, only, any fishing vessel which is in port at the closure and has either (i) completed a voyage in the regulatory area during the 1975 open season or (ii) completed a voyage in the regulatory area during 1974 will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter: *Provided, however,* That if the Director of Investigations, as a result of emergency measures adopted at a special meeting of the Commission, notifies the Contracting Government to the Convention that further unrestricted fishing for yellowfin tuna shall cease, or that other measures must be taken to protect the stocks, every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations provided in § 280.7(b), shall return directly without delay to its home port, port of departure, or such other port as may be designated by the Regional Director to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. This requirement shall take effect upon publication of notice in the FEDERAL REGISTER by the Service Director, or on a date to be specified in such notice. Any vessel failing to comply with the above requirements shall be restricted to the incidental catch limitations of § 280.7(b) for its entire fishing voyage; vessels in port on the effective date of such notice will not be allowed an additional unrestricted fishing voyage, but shall be subject to the incidental catch limitations of § 280.7(b). Other, less restrictive measures may be specified, in the manner provided above, as necessary to implement the notification from the Director of Investigations. A vessel which is in the Atlantic Ocean or the Caribbean Sea at the closure shall, for the purposes of this paragraph (a)(1) of § 280.7 only, be considered to be "in port".

(2) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage corresponding to the delayed departure date.

(3) Any vessel which, solely by reason of seizure or other enforcement activity of a foreign government against such vessel, is unable to reach the port of its choice prior to the closure of the yellowfin fishing season shall be allowed, subject to written approval by, and under conditions set by, the Regional Director, to proceed to another port for the purpose of unloading and still qualify for the one additional unrestricted fishing voyage, subject to the restrictions of paragraphs (a)(1) and (2) of this section except for the in-port requirement.

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in paragraphs (b)(1) to (3) of this section as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that

the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantty of yellowfin tuna landed in excess of the limitations provided in (b)(1) to (b)(3) of this section shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch.

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch: *Provided however*, That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch: *Provided however*, That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 3900 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with paragraph (b)(4) of this section. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2800 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. During the period of the closed season that bait and jig boats are fishing for their allotments, all such boats must notify the Regional Director when they depart port on a fishing voyage. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing Owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of paragraph (b)(2) of this section.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of (b)(1) of this section.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowfin tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in (b) (2) and (3) of this section may be adjusted upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowances, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

(c) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (b) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(1) Any fishing vessel having incidentally caught yellowfin tuna aboard may, however, begin fishing on January 1 for yellowfin tuna without restriction, provided such vessels are made available for inspection during the period December 27 through December 31. A request for the designation of an inspection port shall be made to the Regional Director on or before December 23. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing incidentally caught yellowfin tuna and the same will be noted in the vessel's log. Fish in the wells at the time of inspection shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, regardless of the date of unloading. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of any unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service. Inspected vessels shall not be allowed to leave port to resume fishing activities until 0001 hours, January 1.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry, and the tonnage by species aboard. For 1975 only, the area described in the second sentence of paragraph (g), § 280.1, is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Greenwich Mean Time (G.m.t.) and 1800 G.m.t. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)". Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(e) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (d) of this section and shall proceed without delay directly to waters outside the regulatory area.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(f) Any fishing vessel which on the same voyage operates within and outside the regulatory area shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, unless such vessel is made available for inspection as provided in this paragraph.

(1) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area as appropriate, and the same will be noted in the vessel's log. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(g) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage, regardless of its arrival date in port.

(h) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area.

(i) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(j) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity or less, shall (1) unload in a U.S. port after each voyage begun during the closed season, or (2) transship all fish taken on such voyages to a U.S. port in accordance with paragraph (f) of this section. Any vessel failing to follow the procedures of this paragraph shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch.

(k) All reports required in paragraphs (d) to (i) of this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233-5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

(l) Any vessel sighted inside the regulatory area while reporting its position as outside the regulatory area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

§ 280.8 Emergency action by service director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to the fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(b) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(b).

§ 280.9 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of 46 U.S.C. 251, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in port of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which each country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quan-

tities of fish received, but it shall contain restrictions as the Regional Director shall determine to be necessary to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna (that is, tuna that has not been gilled, gutted, or beheaded) any part of which was received ex-vessel through a port facility in the Americas shall provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following information with respect to the part of such cargo received ex-vessel through a port facility in the Americas:

(1) Name, official number, and flag of each fishing vessel (including, for purposes of this paragraph, any foreign flag fishing vessel) from which was received any tuna that is aboard the cargo vessel at the time the aforesaid permission to land is sought;

(2) Date and location of such receipt of tuna; and

(3) Certification from the master of each such fishing vessel setting forth, as to tuna received by the cargo vessel:

(i) Tonnage by species of tuna caught inside the regulatory area;

(ii) Tonnage by species of tuna caught in waters west of the regulatory area to the meridian of 150° west longitude;

(iii) Tonnage by species of tuna caught in other waters; and

(iv) As to each category, the dates of the fishing voyages on which the tuna were caught.

(g) Any cargo of round tuna for which permission to land in a port of the United States is sought by a cargo vessel shall be accompanied by a bill of lading indicating whether the tuna was received ex-vessel through a port facility (and, if so, from what vessels and what ports) or by other named means, such as from freezer or other storage facilities, and such bill of lading shall be provided to Customs at the time permission to land is sought.

(h) Any cargo vessel failing to provide the documentation required by paragraph (f) and (g) of this section shall be denied permission to land in a port of the United States undocumented lots of round tuna: *Provided, however,* That a cargo vessel may land undocumented lots of round tuna if there has first been posted with the Regional Director a bond in form and with surety satisfactory to the Regional Director, and in the minimum penal sum of $500 per ton of undocumented tuna desired to be landed, conditional to furnishing the documentation within 60 days of landing a cargo of undocumented round tuna.

(i) Any person who knowingly lands or permits the landing of round tuna from a cargo vessel in violation of paragraph (f) or (g) of this section, or who knowingly provides false information with respect to the requirements of paragraph (f) or (g) of this section, shall, as well as the cargo of tuna, be subject to the penalties provided in the Tuna Conventions Act of 1950 (16 U.S.C. 951–961).

§ 280.10 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–956).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875 (17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seized any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

§ 280.11 Recordkeeping and written reports.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weighout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 280.12 Persons and vessels exempted.

Nothing contained in § 280.2 to § 280.11 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.13 National Oceanic and Atmospheric Administration Employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.14 State Officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Service Director or his delegate with the consent of the Government concerned is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Convention Act of 1950, as amended (16 U.S.C. 951–961).

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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

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Correction of Notice of Proposed Placement of Chlordiazepoxide, Diazepam, Oxazepam, Chlorazepate, Flurazepam and Clonazepam in Schedule IV

A notice was published in the FEDERAL REGISTER on Monday, January 27, 1975 (40 FR 4016) proposing that Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include chlordiazepoxide (Librium®), diazepam (Valium®), oxazepam (Serax®), clorazepate (Tranxene®), flurazepam (Dalmane®), and clonazepam (Clonopin).

The notice listed four findings as the basis for the above proposed rulemaking, and finding No. 4 appeared as follows:

4. Abuse of chlordiazepoxide, diazepam, oxazepam, clorazepate, and clonazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Inadvertently omitted from that finding was flurazepam, and the January 27, 1975 notice is hereby amended, with respect to finding No. 4, to read as follows:

4. Abuse of chlordiazepoxide, diazepam, oxazepam, clorazepate, flurazepam, and clonazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

In addition, the January 27, 1975 notice, as published, erroneously characterized Clonopin as being a registered trademark. Clonopin, the trade name for clonazepam, is not a trademark registered with the United States Patent Office, and the January 27, 1975 notice is further amended to be consistent with this fact.

These amendments are effective February 25, 1975. In all other respects, the notice of proposed rulemaking of January 27, 1975 remains unchanged.

Dated: February 19, 1975.

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

[FR Doc.75-4992 Filed 2-24-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-1727 appearing at page 3392 in the issue for Tuesday, January 21, 1975 and corrected at page 6515 in the issue for Wednesday, February 12, 1975, make the following changes:

1. On page 3402 § 1910.93r(o)(1)(v) the fifth paragraph in the second column should read as follows:

(v) Emergency procedures as required by paragraph (i) of this section; and

2. On page 3403, § 1910.93r(t) (the first full paragraph in the second column) should read as follows:

(t) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM, COLLEGE WORK-STUDY PROGRAM, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-4401, appearing at page 7100 in the issue for Wednesday, February 19, 1975, on page 7101, in the second column, in the second paragraph, the eighth line reading, "contribution figures for that initial im-", should read "stitutions in preparing their institutional".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-8]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways southeast of Atlanta, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 27, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Dublin, Ga., VORTAC is being relocated approximately 15 miles east-northeast of its present location to Lat. 32°33'38" N., Long. 82°50'00" W. Proposed airway realignments via the relocated Dublin VORTAC are as follows:

1. V-5 and V-51 from Alma, Ga., via Dublin, Ga.; to Athens, Ga.

2. V-154 from Macon, Ga., via Dublin, Ga.; intersection of Dublin 121°T (122°M) and Savannah, Ga., 279°T (280°M) radials; to Savannah. The proposed dogleg is to provide segregation between en route airway flights and an off-airway military training area.

3. V-70N is presently aligned in part from Eufaula, Ala., via Macon, Ga., and Dublin, Ga., to Oconee, Ga., Intersection. This airway would no longer be required east of Macon, since V-154 as proposed herein could be used. V-70N between Eufaula and Macon would be renumbered as V-323 to preserve route identifier continuity between Eufaula and Atlanta.

4. V-179 from Dublin, Ga., to intersection of Dublin 312°T (313°M) and Atlanta, Ga., 116°T (116°M) radials.

5. V-267 from Jacksonville, Fla., via intersection of Jacksonville 334°T (334°M) and Dublin, Ga., 151°T (152°M) radials; Dublin; to Athens, Ga.

Relocation of Dublin as proposed herein is part of the Atlanta terminal master navigation plan which would establish as normal inbound clearance limits four VORTACs spaced around Atlanta. Traffic from the northeast would be cleared to Lanier, Ga., from the southeast to the

relocated Dublin, from the southwest to LaGrange, Ga., and from the northwest to Rome, Ga. Original plans called for traffic from the southeast to be cleared to Sinclair, Ga.; however, the relocated Dublin could be used for landing and over traffic thereby eliminating the requirement for a new VORTAC at Sinclair.

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

Issued in Washington, D.C., on February 19, 1975.

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

[FR Doc.75-4951 Filed 2-24-75;8:45 am]

Federal Highway Administration

[23 CFR Part 740]

[Docket No. 75-4]

RELOCATION ASSISTANCE

Proposed Definition of Displaced Person

By this notice the Federal Highway Administration (FHWA) is proposing to amend its regulations in 23 CFR Part 740. The current regulations provide that in order to be eligible to receive the relocation benefits of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person must be occupying real property at the time of initiation of the negotiations to acquire the real property for a Federal or federally assisted project, or must have received a written notice of an intent to acquire. In either case the real property must subsequently be acquired.

These regulations were intended to allow a person to establish his initial eligibility for relocation benefits and move out relatively early in the acquisition process. This makes relocation easier and avoids hardships that can result from forcing a person to remain in occupancy until the date of acquisition in order to be eligible for the benefits.

Therefore, persons can move and establish initial eligibility for benefits after initiation of negotiations but before acquisition.

In some cases after such persons have moved, new persons have occupied the real property, prior to acquisition. Current regulations do not allow relocation benefits to be provided to persons who move onto real property after the initiation of negotiations for acquisition of that real property.

The recent decision in Audrey Tullock v. State Highway Commission of Missouri, F. 2d (8th Cir., Dec. 23, 1974) held that persons occupying real property after initiation of negotiations for the property and who move as the result of acquisition for a Federal or federally assisted project are entitled to certain benefits of the Uniform Act.

This proposed amendment would remove the restrictions contained in current regulations and incorporate the holding of Tullock case in FHWA regulations, primarily through amending the definition of "displaced person" in 23 CFR 740.3(c).

This proposed amendment would continue to allow persons to move and establish initial eligibility after initiation of negotiations, and would provide, in addition, that subsequent occupants of the real property, in occupancy at the time of acquisition, would also qualify as displaced persons. Persons who occupy the real property after the initiation of negotiations would be entitled to the benefits of sections 202 and 205 of the Uniform Act, including the availability of replacement housing. Such persons could not qualify for the replacement housing payment provided by sections 203 and 204 of the Uniform Act since both those sections require a period of occupancy prior to initiation of negotiations.

It also would be possible to avoid the problem presented in the Tullock case by defining "displaced person" narrowly and limiting relocation benefits to those persons in occupancy at the time of acquisition. This would prevent persons from moving and establishing initial eligibility early in the acquisition process.

All interested persons are invited to submit their comments on this proposed amendment to Part 740. Two written copies of the comments should be sent to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75-4, 400-7th Street, SW., Washington, D.C. 20590. All comments received by close of business on March 14, 1975, will be considered in formulating the final amendment.

In consideration of the foregoing it is proposed to amend Part 740 of title 23 of the Code of Federal Regulations by revising §§ 740.3(c), 740.32(b), and 740.52 (a)(1) to read as follows:

§ 740.3 Definitions.

* * * * *

(c) Displaced person means any person

(1) Who:

(i) Is in occupancy of real property at the initiation of negotiations for the acquisition of the real property in whole or in part which property is subsequently acquired, or

(ii) Is in occupancy of real property at the time he is given a written notice by the State that it is their intent to acquire the real property by a given date, and the property is subsequently acquired, and

(iii) Moves from the real property or moves his personal property from the real property subsequent to the earliest date established in paragraph (c)(1)(i) or (ii) of this section.

(2) Who is in occupancy of real property at the time of acquisition of the real property and who subsequently moves from the real property.

(3) Moves after a written order of the acquiring agency to vacate even though the property is not acquired.

* * * * *

§ 740.32 Relocation assistance advisory services.

* * * * *

(b) Relocation assistance advisory service shall be offered to:

(1) All displaced persons described in § 740.3(c).

(2) All persons occupying property immediately adjacent to the real property acquired, when the State determines that such person or persons are caused substantial economic injury because of the acquisition.

(3) All persons who, because of the acquisition of real property used for a business or farm operation move from other real property used for a dwelling, or move their personal property from such other real property.

* * * * *

§ 740.52 Moving and related expenses payments—general provisions for all relocated individuals, families, businesses, and farms.

(a) *General.* (1) Any displaced person described in § 740.3(c) is eligible to receive payment for the reasonable expenses of moving his personal property.

* * * * *

Issued on February 18, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-4943 Filed 2-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

GASOLINE

Proposed Review of Markup on Retail Sales To Reflect Increased Non-Product Costs

The Federal Energy Administration hereby gives notice of a proposal to review the amount which may be added to the retail selling price of gasoline to reflect increased non-product costs under the Mandatory Petroleum Price Regulations, in order to determine whether or to what extent some modification of that amount may now be appropriate. This Notice is issued, in part, in response to a petition for rulemaking which has been received by FEA, and written comments by interested persons are solicited in this matter.

Under 10 CFR 212.93(a), retailers of gasoline are permitted to charge a price which is their weighted average lawful price for gasoline on May 15, 1973, plus an amount which reflects a dollar-for-dollar pass through of the increased cost of gasoline since May 15, 1973. In addition, under 10 CFR 212.93(b)(1)(i), adopted effective January 15, 1974, all retailers of special products, including gasoline, are permitted to add one cent per gallon to the price otherwise permitted to be charged in retail sales of gasoline, to reflect increases in non-product costs. This provision respecting prices to reflect increased non-product costs was modified, effective March 1, 1974, in 10 CFR 212.93(b)(1)(ii) to permit an additional increase in the retail price of gasoline of two cents per gallon, to reflect further non-product cost increases to retailers of gasoline resulting from reduced supplies of gasoline. This amendment recognized that supply restrictions resulted in an increase in non-product costs per gallon, since retailers'

costs of doing business, other than their cost of product, had to be met through increased per unit margins on smaller sales volumes.

Parallel provisions of the price regulations applicable to retail sales of gasoline by refiners through company owned and operated stations also permit price increases of up to three cents per gallon at the retail level to reflect increased non-product costs (10 CFR 212.87(c)(4)). A refiner which increases prices under this provision to reflect increased non-product costs is, however, subject to a profit margin limitation (10 CFR 212.82(d)).

Although gasoline sales volumes have generally increased since last March, the non-product costs of gasoline retailers have also increased. In view of the fact, however, that ample supplies of gasoline are now generally available, the FEA believes that it is appropriate at this time to review the question of the size of the increment which should be allowed in the retail price of gasoline to reflect increases in the retail seller's non-product costs (e.g., wages, utilities, taxes, insurance, etc.) which are being incurred. The FEA therefore solicits written comment, and particularly financial and economic data, which would support either maintenance of the three cent increment presently allowed or an upward or downward adjustment in the amount permitted to be added to the retail price of gasoline to reflect non-product cost increases.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to this matter to Executive Communications, Federal Energy Administration, Box CE, Washington, D.C. 20461

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Mandatory Petroleum Price Regulations: Retail Gasoline Markup." Fifteen copies should be submitted. All comments received by March 21, 1975, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on any amendment relating to this matter.

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.

The FEA does not propose to conduct a hearing for oral presentation of views at this time. After receipt of written comments, they will be evaluated and a tentative decision will be made on the basis of those comments as to whether and to what extent a regulation amendment appears appropriate. Should a decision be made that a modification of the present regulation authorizing a three cent increase to cover non-product cost increases appears to be appropriate, a public hearing on the proposed change will be held prior to issuance of a regulation amendment.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments on this proposal.

(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, it is proposed to amend Part 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 20, 1975.

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

1. Section 212.87 is amended to revise paragraph (c)(4)(ii) to read as follows:

§ 212.87 **Increased non-product costs.**

* * * * *

(c) * * *

(4) * * *

(ii) Allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this part (including the foregoing paragraph (b)(4)(i) of this section) by an amount not in excess of __ cents per gallon with respect to retail sales; and

* * * * *

2. Section 212.93 is amended to revise paragraph (b)(1)(ii) to read as follows:

§ 212.93 **Price rule.**

* * * * *

(b) * * *

(1) * * *

(ii) Beginning with _____, 1975, in retail sales of gasoline, a seller may charge __ cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product costs increases per gallon of gasoline.

[FR Doc.75-4981 Filed 2-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230.]

[Release Nos. 33-5566, IC-8662, File No. S7-550]

INVESTMENT COMPANY ADVERTISING

Notice of Proposed Rulemaking

On November 4, 1974, the Securities and Exchange Commission announced the adoption of amendments to Rule 134 [17 CFR 230.134, 15 U.S.C. 77(a) et seq.] under the Securities Act of 1933 (the "Act") relating to investment company advertising (Securities Act Release No. 5536, Investment Company Act Release No. 8568, published in the FEDERAL REGISTER for November 12, 1974, 39 FR 39868). Since that time it has come to the Commission's attention that the application of the amended Rule may discriminate against certain investment companies making a continuous offering of redeemable securities but taking the form of unit investment trusts. This result was not intended. Therefore, the Commission proposes to amend the Rule to make it applicable to such unit trusts' securities. The present Rule also may discourage the use of small advertisements in certain cases by requiring a special legend in 12 point type calling attention to the prospectus. The Commission proposes to shorten the required legend and to permit more flexibility with respect to its type size and style. In addition, the Commission reported a "no-action" position of the Division of Investment Management Regulation which would permit the use of the legend in the modified form proposed while the amendment is pending. The Commission also proposes to amend the Rule to permit greater use of descriptive material and pictorial illustrations which are appropriate for inclusion in the company's prospectus.

(1) *The Open-End Requirement.* The 1974 amendments allow certain material to be included in Rule 134 Communications for the first time.[1] However, only "open-end investment companies"[2] which are defined in Section 5 of the Investment Company Act as "management investment companies" may take advantage of these provisions of the Rule. Read literally, one effect of this requirement is to discriminate between variable annuities which take the form of open-end companies and those which take the form of unit investment trusts. Those which are open-end companies may include the new materials in their ads, while those which are unit investment trusts may not. The Commission did not intend the Rule to have this effect. Therefore, it proposes to amend paragraph (a)(3)(iii) of the Rule by substituting "investment companies which issue redeemable securities" for "open-end investment companies."

(2) *The Legend Requirement.* The 1974 amendments require that a legend

[1] This new material includes, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; and (F) any pictorial illustration contained in the company's prospectus and not involving performance figures.

[2] The Rule states that "an open-end investment company whose registration statement under this [Securities] Act is effective and whose securities are the subject of a continuous offering pursuant to such registration statement" may include the materials listed in items (A)-(F) of paragraph (3)(a) in its advertisements.

focusing attention on the prospectus be included in investment company advertisements in 12 point boldface type containing any of the material permitted by new clauses (A)–(F) of paragraph (a) (3) (iii) of the Rule.

To permit greater utilization of Rule 134 Communications, the Commission proposes to amend the Rule (1) to substitute a relative size requirement for the "12 point boldface" provision; and (2) to shorten the wording of the legend. The Commission has also published a staff "no-action" position which would permit the use of the modified legend while this Rule proposal is pending for comment. The letter also contains the staff's view that the legend, as proposed to be modified, is required in all Rule 134 Communications containing materials described in the enumerated items notwithstanding earlier staff interpretations and no-action positions permitting the inclusion of certain materials in such communications prior to the adoption of the 1974 amendments.

(3) *Descriptive Material.* In addition, subpararaph (G) which the Commission now proposes to add to the Rule would permit a discussion or explanation of inflation or other economic conditions; the characteristics of various retirement programs which may be funded through mutual fund shares; or of specific goals to which such an investment could be directed. However, such material may not directly or indirectly relate to past performance or imply achievement of investment objectives and, of course, would be subject generally to the antifraud provisions of the federal securities laws. This amendment should also enable advertisers to include such material in illustrations and attention-getting headlines. The staff has not taken a "no-action" position with respect to the inclusion of such descriptive material in Rule 134 Communications. Therefore, its inclusion in Rule 134 Communications should await the disposition of this Rule proposal.

(4) *Pictorial Illustrations.* The 1974 amendments permit Rule 134 Communications to include "any pictorial illustration contained in the company's prospectus and not involving performance figures." The staff has taken the position that pictorial illustrations that could be contained in an effective prospectus may be included in advertisements which otherwise qualify under Rule 134 (a) (3) (iii). The Commission now proposes to amend item (F) of the Rule to conform to this view. As revised, it would permit any pictorial illustration which is appropriate for inclusion in the company's prospectus and does not involve performance figures to be included in a Rule 134 Communication.

Rule 134 would be amended pursuant to sections 2(10) (b) and 19(a) of the Act [15 U.S.C. 77b(10) (b), 77s(a)].[3]

[3] Section 2(10) defines "prospectus" as "any prospectus, notice, circular, advertisement, letter, or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security; except that * * *

(b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit.

Section 19(a) gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of the Act.

Commission action. I. The Securities and Exchange Commission, pursuant to authority in sections 2(10) (b) and 19(a) of the Securities Act of 1933, proposes to amend paragraph (a) (3) (iii) of § 230.134 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

§ 230.134 Communications not deemed a prospectus.

(a) * * *

(3) * * *

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, methods of operation and services offered: *Provided*, That such description is not inconsistent with the operation of the particular investment company for which more specific information is being given, identification of the company's investment adviser, any logo, corporate symbol or trademark of the company or its investment adviser, and any graphic design or device or an attention-getting headline, not involving performance figures, designed to direct the reader's attention to textual material included in the communication pursuant to other provisions of this section; and, with respect to an investment company issuing redeemable securities whose registration statement under this Act is effective and whose securities are the subject of a continuous offering pursuant to such registration statement, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; (F) any pictorial illustration which is appropriate for inclusion in the company's prospectus and not involving performance figures; and (G) descriptive material relating to economic conditions, or to retirement plans or other goals to which an investment in the company could be directed, but not directly or indirectly relating to past performance or implying achievement of investment objectives; Provided, That if any material permitted by clauses (A) through (G) is included, such communication shall also contain either (1) the following legend set in a size type at least as large as, and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

A prospectus containing more complete information about (Name of Company) including all charges and expenses may be obtained from your securities dealer or from (Name and Address of Distributor). Read it carefully before you invest. Send no money.

or (2) a coupon which the reader may mail to receive a prospectus, with the following legend set in a size type at least as large as, and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

A prospectus containing more complete information about (Name of Company), including all charges and expenses will be sent upon receipt of this coupon. Read it carefully before you invest. Send no money.

For purposes of clause (B) of this section (a) (3) (iii), "principal officers" means the president, secretary, treasurer, any vice-president in charge of a principal business function and any other person who performs similar policy making functions for the company on a regular basis.

In the case of two or more registered investment companies having the same investment adviser or principal underwriter, the same information described in this paragraph (a) (3) (iii) may be included as to each such company in a joint communication on the same basis as it is permitted in communications dealing with individual companies under this paragraph (a) (3) (iii).

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washingtgon, D.C. 20549, no later than March 27, 1975. All material should be designated "Proposal to Amend Rule 134" File No. S7–550.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 6, 1975.

[FR Doc.75-5086 Filed 2-24-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/21]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Public Meeting

The Northwest Atlantic Fisheries Advisory Committee will hold a public meeting on March 13, 1975, at 10 a.m., in room 1112 of the John F. Kennedy Federal Office Building, Boston, Mass.

The purpose of the meeting is to discuss preparations being made for the Annual Meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF), and to discuss the results of the meeting of the ICNAF enforcement committee which will have met in the first week of March.

Limited seating is available for public attendance and participation. Inquiries may be directed to Mr. William L. Sullivan at the U.S. Department of State, Washington, D.C., telephone 202/632-0853.

WILLIAM L. SULLIVAN,
Coordinator of Oceans and Fisheries Affairs, U.S. Dept. of State.

FEBRUARY 20, 1975.

[FR Doc.75-4968 Filed 2-24-75;8:45 am]

[CM-5/201]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10 a.m. on Friday, March 14, 1975, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The agenda of the meeting will include consideration of topics to be discussed at the eighth session of the United Nations Commission on International Trade Law, and reports on the Inter-American Specialized Conference on Private International Law. The Committee will also discuss recognition and enforcement of foreign judgments and, if time permits, hear a report on the first meeting of the Hague Conference's Special Commission on Marital Property.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 14, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C street entrance to the building.

Date: February 18, 1975.

ROBERT H. DALTON,
Executive Director.

[FR Doc. 75-4942 Filed 2-24-75; 8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

[General Exemption No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Selective Reporting by Certain Issuers

Paragraph II.A.1.a of the General Instructions[1] requires the filing of Form FPI-1 by any United States issuer having total consolidated assets of more than $20 million if it is a nonbanking organization and more than $50 million if it is a banking organization. The term "United States issuer" is broadly defined by Paragraph III.a., 2, 3, and 4. as well as the foregoing paragraph of the Instructions, and includes, among others, local governments and their agencies and instrumentalities, nonprofit organizations, cooperatives, associations of various types, partnerships, and joint ventures issuing any evidence of ownership, participation, or indebtedness as described in the Instructions. Certain issuers required to report on Form FPI-1 under the foregoing criteria may not have made any public distribution of securities, may have little foreign investment, and may incur considerable unnecessary trouble and expense if Form FPI-1 is routinely required of them.

Accordingly, certain issuers are hereby exempted from the reporting category "Routine large issuer reporters" described in Paragraph II.A.1.a. and permitted to file in accordance with the criteria specified in Paragraph II.A.1.b. as follows:

1. Local governments and their agencies and instrumentalities, nonprofit institutions, educational and religious institutions, mutual savings and loan associations, and cooperatives, are required to file Form FPI-1 only if they meet the criteria of Paragraph II.A.1.b.

2. Noncorporate organizations, including joint ventures, partnerships, associations, and groups of persons, which have no outstanding publicly distributed or traded securities of any kind, are required to report only if they meet the criteria of Paragraph II.A.1.b.

Example 1. Three United States individuals form a joint venture to construct and lease a large shopping mall. The joint venture has taken out several large bank loans, all from United States lenders. Consolidated assets of the joint venture total $30 million so that, but for this exemption, it would constitute a "Routine large issuer reporter" under Par. II.A.1.a.(1). In accordance with this exemption, the joint venture need not file Form FPI-1 because it does not meet the selective reporting criteria of Par. II.A.1.b.

Example 2. Three United States oil companies form a joint venture to exploit an offshore field. The joint venture has taken out a bank loan from a United States lender. Total consolidated assets of the joint venture are $100 million. The joint venture is not required to file a report on Form FPI-1 because it does not meet the criteria of Par. II.A.1.b.

Example 3. Same facts as Example 2 except that the joint venture has publicly advertised and sold fractional undivided interests in oil and gas. The exemption does not apply and the joint venture is required to file Form FPI-1 in accordance with Par. II.A.1.a.

The Project expressly reserves the right to hereafter require the Filing of Form FPI-1, either in whole or in part, by any issuer exempted herein if it learns of foreign ownership of such issuer through Form FPI-2 filed by holders of record or otherwise requires such information for purposes of the Survey.

Dated: February 19, 1975.

FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4985 Filed 2-24-75;8:45 am]

[General Exemption No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Individuals as "United States Issuers"

The definition of "United States person" in Par. III. 3. of the General Instructions includes individuals. Accordingly, it would be possible for an individual—for example, one who has outstanding personal indebtedness—to be a "United States issuer" (Par. III. 4.) subject to the reporting requirements of Par. II.A.1. However, it was not the intent of

[1] Hereinafter all Paragraph references are to the General Instructions unless otherwise specified.

the Treasury to include individuals among issuers subject to the reporting requirements. Accordingly, individuals are hereby exempted from the reporting obligations applicable to issuers under Par. II.A.1.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4986 Filed 2-24-75;8:45 am]

[General Interpretation No. 1]

FOREIGN PORTFOLIO INVESTMENT STUDY

General Partnership Interests

The term "United States issuer" as defined and described in Paragraph III. 2., 3., and 4. and II A. 1. of the General Instructions includes "partnerships." The Project has received inquiries as to whether general partnership interests must be reported on Form FPI–1. The General Instructions specifically mention only the reporting of limited partnership interests (General Instructions, Paragraph B.1.d.). In view of the Project, a general partnership interest does not constitute portfolio investment for purposes of the Regulations and General Instructions even if such a general partnership interest constitutes less than a 10 percent ownership interest in the firm. Partnerships nonetheless constitute issuers of such general partnership interests as well as any limited partnership interests or debt obligations of the partnership.

The effect of this interpretation is that a partnership which is a selective reporter under the provisions of Paragraph II. A.1.b. of the General Instructions [1] and which has no foreign ownership except of a general partnership interest is not required to file a report on Form FPI–1.

Example 1. A professional partnership has 52 general partners, four of which are foreign persons; no limited partners; and several bank loans outstanding, none of which is from a foreign lender. The partnership need not file Form FPI–1 because it has no foreign portfolio investment under Par. II.A.1.b.

However, if a partnership has evidence of foreign portfolio investment in it, for example, in the form of limited partnership interests or ownership of its debt obligations, it is required to file Form FPI–1 in accordance with Par. II.A.1.b. Its report on Form FPI–1 must then include a description of its general partnership interests, as well as the limited partnership interests and debt obligations, as part of the description of its equity and debt structure in the appropriate items in the body of Form FPI–1.

Example 2. A partnership has 12 general partners, one of which is a foreign person. The partnership also has three limited partners, all of which are foreign persons, as well as several bank loans, all extended by United States lenders. The partnership is required to file Form FPI–1 in acccordance yith Par. II.A.1.b. on account of the foreign portfolio investment in the limited partnership interests. Such foreign portfolio investment must be reported on Schedule A of Form FPI–1. However, the foreign-held general partnership interest should not be reported on Schedule A, but both the general partnership interests and the debt obligations should be included in the overall description of the reporter's capital structure in the body of Form FPI–1.

No opinion is expressed as to whether general partnership interests constitute direct investment for purposes of the parallel study being conducted by the Department of Commerce.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4987 Filed 2-24-75;8:45 am]

[General Interpretation No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Reporting of Trusts on Form FPI–2

The General Instructions contain several provisions governing the reporting of trusts on Form FPI–2 by holders of record. Paragraph II.A.2.[1] provides that holders of record who must report as trustees holding investments for foreign persons include trustees acting for a revocable trust where the trustor is a foreign person. In addition, Paragraph II.B. 2.c. provides for the following exclusion from Form FPI–2:

Certain United States trusts. Assets of a revocable or irrevocable personal inter vivos or testamentary trust, where the trustor is a United States person, even if a beneficiary is a foreign person; or of an irrevocable personal inter vivos or testamentary trust, even if the trustor is a foreign person, should not be reported.

It was and remains the intent of the Treasury that the net effect of these two provisions be that only revocable trusts established by a foreign trustor be reported by holders of record on Form FPI–2.

However, Paragraph II.A.2.b.(3) and section 129.12(b)(3) of the Regulations create the erroneous impression that such trusts need not be reported if the beneficiary is a foreign person who does not have full control of the management of the assets of the trust. It has been determined that these provisions are gratuitous and misleading and should be ignored by reporters in filing Form FPI–2. The nationality or right of control of a beneficiary have no bearing on the reportability of a trust. The sole reporting criterion is that a trust be established in the United States by a foreign person who retains a right of revocation, regardless of the identity of any beneficiary.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4988 Filed 2-24-75;8:45 am]

DEPARTMENT OF DEFENSE

DEFENSE CIVIL PREPAREDNESS AGENCY

REGIONAL DIRECTORS AND DIRECTOR OF STAFF COLLEGE

Delegation of Authority

REFERENCES: (a) Delegation of Authority published at 29 FR 11852–11853, August 19, 1964; (b) Delegation of Authority published at 36 FR 12318, June 30, 1971, (c) Delegation of Authority published at 38 FR 17853, July 5, 1973.

1. The following amendments to reference (a) as amended by references (b) and (c) are hereby approved:

a. Paragraph (h), Section 4, Regional Directors is hereby revised to read as follows:

(h) Procurement of supplies and services other than personal for civil defense purposes not in excess of $10,000 per order from governmental or nongovernmental sources. Established Government sources shall be utilized to the maximum extent possible in the procurement of supplies and services.

b. Section 5. The Director of the Staff College is hereby revised to read as follows:

Section 5. The Director of the Staff college or, in his absence, the person acting for him, is authorized to:

(a) Procure supplies or services not in excess of $10,000 per order.

(b) Issue orders to GSA, not to exceed $10,000 per job order, for minor facility services, maintenance and modifications identified as reimbursable under GSA regulations.

(c) Procure supplies and services available from GSA, Federal Supply Service, Government Depots as appropriate, or from Federal Supply Service contracts, not in excess of $10,000 per order.

(d) Issue U.S. Government Bills of Lading not to exceed $2,500 per order.

(e) Approve invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with assigned civil defense activities.

This amendment to the Delegations of Authority shall be effective March 1, 1975.

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

[FR Doc.75-4934 Filed 2-24-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "SPECIFICATIONS AND STANDARDS IMPROVEMENT"

Notice of Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, effective January 5, 1973, notice

[1] See General Exemption No. 2 (40 FR 8112) regarding selective reporting by certain issuers including partnerships.

[1] All paragraph references are to the General Instructions unless otherwise specified.

is hereby given that the Defense Science Board Task Force on "Specifications and Standards Improvement" will meet in open session on Thursday and Friday 20–21 March 1975 in Room 1E801, the Pentagon, Washington, D.C.

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 March 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 (202) 274–7061.

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

FEBRUARY 20, 1975.

[FR Doc.75–4960 Filed 2–24–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

EL PASO COAL GASIFICATION PROJECT

Public Hearings on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the El Paso Coal Gasification Project. That statement (INT DES 74–77) was made available to the public on July 16, 1974.

The draft environmental statement deals with the proposed construction and operation of a development gasifier and mine project, two commercial coal gasification complexes, and the mine, all of which would be located about 35 miles southwest of Farmington, New Mexico, on the Navajo Indian Reservation. The first complex, capable of producing 288 million cubic feet per day (MMCF/D) of substitute pipeline gas would be operational in 1978. The two complexes, with a total production capacity of 785 MMCF/D would be operational in 1981. Pending completion of contractual arrangements, water for the project will be supplied from the Bureau of Reclamation's Navajo Reservoir.

A public hearing will be held in Window Rock, Arizona, at the Window Rock Civic Center from 10 a.m. until noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. on March 25 and 26, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, from 10 a.m. until noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. on March 27, 1975, to receive views and comments relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order, and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 5 p.m., March 21, 1975, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Each organization or individual desiring to present a statement at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524–5592, and announce the intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing, should be received by April 3, 1975, for inclusion in the hearing record.

Dated: February 19, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75–4944 Filed 2–24–75;8:45 am]

Fish and Wildlife Service

MARINE MAMMALS

Issuance of Permit

On November 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 38915–16) that an application had been filed with the Fish and Wildlife Service by Dr. Francis H. Fay, Associate Professor of Marine Science, Institute of Marine Science, University of Alaska, Fairbanks, Alaska, for a permit to take Pacific walruses, to purchase parts of walruses taken by Eskimos for subsistence, and to salvage parts from walruses found dead.

Notice is hereby given that on February 10, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to Dr. Francis H. Fay, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: February 20, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–4967 Filed 2–24–75;8:45 am]

Geological Survey

PLATFORMS, STRUCTURES AND ASSOCIATED EQUIPMENT

Revision of OCS Order No. 8, Gulf of Mexico Area

Correction

In FR Doc. 75–1792, appearing at page 3220 in the issue for Tuesday, January 21, 1975, and corrected at page 5545, in the issue for Thursday, February 6, 1975, the headings should read as set forth above.

FISH CREEK BASIN, ALASKA

Power Site Cancellation 330

Correction

In FR Doc. 75–3850, appearing at page 6517 in the issue for Wednesday, February 12, 1975, the headings should read as set forth above.

APPLEGATE RIVER, OREGON

Power Site Cancellation 325

Correction

In FR Doc. 75–3851, appearing at page 6517 in the issue for Wednesday, February 12, 1975, make the following correction. In the third column of page 6517, the last line of the description for the Willamette Meridian, should read: "Sec. 33, W½W½NE¼."

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., c.s.t., March 14, 1975, at the Indiana Dunes National Lakeshore Building, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Public Law 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Mrs. Anna R. Carlson
Mr. Harry W. Frey
Mrs. Ione F. Harrington
Mr. John A. Hillenbrand II
Mr. Harold G. Rudd
Mr. John R. Schnurlein
Mr. William L. Staehle (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. Status of construction of West Beach and Bailly Homestead.
2. Status of land acquisition.
3. Status of Environmental Impact Statements for Indiana Dunes National Lakeshore.
4. Discussion of development plans for Indiana Dunes National Lakeshore.
5. Storm erosion effects on Lakeshore revetment during winter 1974-75.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926-7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

Dated: February 11, 1975.

MERRILL D. BEAL,
Regional Director, Midwest Region, National Park Service.

[FR Doc.75-4946 Filed 2-4-75;8:45 am]

CUYAHOGA MASTER PLAN

Notice of Intent

Notice is hereby given that the process to develop a master plan for Cuyahoga Valley National Recreation Area will begin on Monday, March 31, 1975, at 7:30 p.m. with a workshop at Boston Elementary School, 1930 Bronson Avenue, Peninsula, Ohio. This will be the the first of a series of workshops to provide for public involvement and citizen participation in the planning process.

Times, dates and locations of subsequent workshops on the initial phase of the master plan will be well publicized through advance announcements in news media and through direct contact with interested individuals and organizations. At least one workshop will be held in Cleveland, Ohio, and at least one in Akron, Ohio. Concurrent with the workshops will be a series of consultations between members of the Cuyahoga Master Planning Team and appropriate Federal, State and local government officials.

The initial phase of the master plan will be a Planning Directive. Its purpose will be to establish a clear understanding of the scope and magnitude of the study, analyze planning needs, identify resources available to the planners and review the work to date. The workshops will provide an opportunity for public suggestions, ideas and comments prior to the start of work on the plan itself.

It is the intention of the National Park Service to continue to seek public input during subsequent stages of planning, and when completed to submit the draft master plan to the public for further review through public meetings for which advance notice will be given.

Any one wanting additional information on the workshops and/or the status of the planning process should contact William C. Birdsell, General Superintendent, Ohio Group, P.O. Box 327, Chillicothe, Ohio 45601.

Dated: February 18, 1975.

MERRIL D. BEAL,
Regional Director, National Park Service.

[FR Doc.75-5160 Filed 2-24-75;10:01 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER (39 FR 43562) that a referendum would be conducted among the growers who, during the period January 1, 1974, through October 31, 1974 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 10 to January 24, 1975, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: February 19, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-4962 Filed 2-24-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDIANA UNIVERSITY ET AL.

Notice of Application for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 17, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00322-33-46040. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, Indiana 47401. Article: Electron Microscope, Model EM 201C and Plate Camera. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for investigation of cytoplasmic contents and cell surface specializations in plastic thin sections of nerve cells. Studies will be carried out to obtain precise quantitative data concerning the (i) geometric relationships between neurofilaments and adjacent structure and (ii) the dimensions of gaps separating cell membranes at various sites. Maturational and experimental studies have the objective of obtaining similarly precise data in order to understand basic mechanism of intracellular transport and cell surface adhesion and interaction. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75-00324-00-46040. Applicant: Dartmouth Medical School, Dartmouth College, Hanover, New Hampshire 03755. Article C7-2200-A3-A1 Camera; and C72389-A17-05 Film Magazines (3). Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used as a replacement to a worn-out camera in an electron microscope which is being used for studying many aspects of human experimental disease, including the growth and structure of cancer cells, the morphologic appearance of diseases of the peripheral nerves, and the ultrastructure of various renal, liver and lung diseases. Application received by

Commissioner of Customs: January 20, 1975.

Docket Number: 75-00325-33-90000. Applicant: University of Cincinnati, Cincinnati General Hospital, 234 Goodman Street, Cincinnati, Ohio 45267. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a clinical, education, and research tool. Clinical utilization entails diagnostic evaluation of neurologic, otologic, and ophthalmologic disorders. The article will also be used in the study of cerebral trauma including an indepth study of the problems of chronic subdural hematomas. In addition, post-traumatic hydrocephalus including its serial development and progression is to be evaluated. The article is to also be included in the curriculum of the teaching of neuro-diagnosis to Radiology, Neurology, and Neurosurgery residents, as well as medical students. Application received by Commissioner of Customs: January 20, 1975.

Docket Number: 75-00326-33-90000. Applicant: Vanderbilt Hospital, 21st and Garland Avenues, Nashville, Tennessee 37232. Article: EMI Scanner System with Tape Storage Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigation of patients with symptoms suggesting cerebrovascular accidents, brain damage from other causes, intracranial tumors, intracranial abscesses, and other cerebral disorders. The results of these studies will be compared with conventional diagnostic studies, such as skull films, air and radiopaque contrast studies, and isotopic studies. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00327-33-36200. Applicant: Cardeza Foundation for Hematologic Research, Jefferson Medical College of Jefferson University, 1015 Walnut Street, Philadelphia, Pa. 19107. Article: Platelet Aggregometer. Manufacturer: Cambridge University, United Kingdom. Intended use of article: The article is intended to be used for the study of the aggregation and change in shape of blood platelets over a wide range of temperatures. These studies will help elucidate the mechanisms whereby platelets aggregate to help stop bleeding or to cause thrombosis which is often fatal in certain pathological conditions. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00328-88-46040. Applicant: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. Article: Electron Microscope, Model JEM 200B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the microstructure of geologic materials (both terrestrial and extraterrestrial origin) and appropriate synthetic analogs. These materials include natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural organic materials which occur within inorganic aggregates. The materials are to be studied as single phases or as polyphase aggregates. The experiments to be carried out for the purpose of investigating the properties and phenomena of geologic materials are as follows: (1) characterization of large areas of microstructure using bright field imaging, and (2) characterization of defect structures (dislocation, stacking faults, precipitates, twins, antiphase domains) by dark field and bright field imaging techniques and selected area electron diffraction. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00329-33-90000. Applicant: Scripps Memorial Hospital, P.O. Box 28, 9888 Genesee Avenue, La Jolla, CA 92037. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is a diagnostic device which combines conventional X-Ray with an integrated computer to produce a visual, differentiated image of the interior of a human skull. The computer analyzes the relative absorption of X-Rays as they pass through the skull, the brain and other tissues and organizes the data into a visually presentable form which may be studied and interpreted by a properly trained physician/radiologist. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00330-33-90000. Applicant: University of Utah Medical Center, 50 North Medical Drive, Salt Lake City, Utah 84132. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as part of the basic education of medical students, interns and residents with particular importance in the residency training programs of radiology, neurosurgery, neurology, ophthalmology, and psychiatry. The article will also be used for computer assisted tomographic examination of the brain in studies of neurological disorders such as subdural, epidural and intracerebral hematoma. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00331-33-90000. Applicant: Duke University Medical Center, Department of Radiology, Durham, N.C. 27710. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is being evaluated to determine its impact on related procedures such as arteriograms, pneumoencephalograms, and brain scans as well as its impact on total patient care. In addition, it will be used in an ongoing comparative evaluation of its accuracy as opposed to that of presently used invasive procedures. The article will also be used to train residents in radiology, neurology, and neurosurgery; physicians and X-ray technicians. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75-00332-33-90000. Applicant: C. S. Wilson Memorial Hospital (Chandler Leasing Div., Pepsico Corp.), 33-57 Harrison Street, Johnson City, New York 13790. Article: EMI Scanner System with Magnet Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article will be used for the diagnosis of brain disease in humans. The article will also be used in the graduate training of physicians. Application received by Commissioner of Customs: January 20, 1974.

Docket number: 75-00335-33-46500. Applicant: National Cancer Institute, Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: Ultramicrotone, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, either tumor cells passaged in vivo or in tissue culture, with normal cell controls, or preparations of microorganisms or purified virions. The experiments to be carried out will involve immunoelectronmicroscopy using ferritin-tagged antisera to see if antibody made to virions or microorganisms will react with tumor cell surfaces. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75-00336-33-46500. Applicant: Veterans Administration Hospital, West Spring Street, West Haven, Connecticut 06516. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare virus infected tissues and monolayer cell cultures for electron microscopic examination to determine the presence of certain latent viruses. The tissue and cells to be studied will be derived from naturally and experimentally infected animals. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75-00337-33-46500. Applicant: UCLA School of Medicine, 710 Westwood Plaza, Los Angeles, California 90024. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of tissues obtained from mice, cats, and monkeys, principally from the caudate nucleus, substantia nigra and other midbrain structures. The experiments to be conducted include examining the ultrastructure of specific brain areas using electron microscopy to detect structural modifications produced by various pharmacologic agents. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75-00338-33-46500. Applicant: University of Wisconsin Medical School, Department of Pathology, 470 North Charter Street, Madison, Wisconsin 53706. Article: Uultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian tissues derived from experimental animals, which exhibit both normal and pathological structures. The experiments to be conducted concern mainly the ultrastructural alterations in certain cells and tissues (such as brain, liver, and kidney) following intoxication by various heavy metals, e.g. mercury, lead and cadmium. The article will

also be used for educational purposes in the following courses: 704–993 Heavy Metals and Biological System and 704–990 Pathology Research. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00340–01–40600. Applicant: University of California, San Diego, Receiving Department, Bldg. 509, La Jolla, California 92037. Article: Isotope Micromass Model 602C, with digital printer, inlet option C6. Manufacturer: VG–Micromass Ltd., United Kingdom. Intended use of article: The article is intended to be used for the determination of the abundance of stable isotopes of oxygen (O^{18} and O^{16}), carbon (C^{13} and C^{12}), and nitrogen (N^{15} and N^{14}) in very small samples for paleoclimatic and diagenetic research of deep-sea sediments. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00341–33–02300. Applicant: National Institute of Environmental Health, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: TCV 691 Temperature Control Unit. Manufacturer: EKEG Electronic Co., Ltd., Canada. Intended use of article: The article is intended to be used for studies of the effects of noise on hearing sensitivity using the in vivo guinea pig ear. The article will be used to stabilize the body temperature of the animal during the experiment. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00342–33–90000. Applicant: Saint Joseph Hospital, 1100 West Steward Drive, Orange, California 92668. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the study of neurological and neurosurgical disorders in all age groups. The objectives will be to have an accurate followup of patients after tumor surgery, patients with hydrocephalus, infants with hydrocephalus and porencephaly, and to study the effects of ventricular shunting over a period of years. The article will also be used to instruct radiologists, neurosurgeons and neurologists in the diagnosis of diseases of the brain and the meninges. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00343–33–46040. Applicant: Florida Department of Natural Resources, Marine Research Laboratory, 100 Eighth Avenue, SE., St. Petersburg, Florida 33701. Article: Electron Microscope, Model HS–9–1. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to investigate the ultrastructure of Florida's Red Tide organism, *Gymnodinium breve*, and the effects of the Red Tide toxin on tissues and blood of fishes and invertebrates. The fine structure investigation of *G. breve* will include field specimens of VS cultured specimens, light quality studies on cultured material, cells in log growth phase VS stationary growth phase, determine possibility of endosymbionts, and characterize amphiesma. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75–00344–33–46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to obtain ultrathin sections of both hard (calcified) and soft tissues for viewing with an electron microscope. Some of the hard tissue research being conducted involves limb regeneration in animals inflicted with lathyrism. In addition, studies will be conducted in growth cartilage and other mineralized connective tissues. Soft tissue research will involve fine structure studies of secretory cells and effects of X-irradiation on salivary glands and small intestinal epithelium. The article will also be used to prepare material for presentation to dental students in ANMD 511, Cell Structure and Function, a course given to familiarize the freshman student with new concepts and techniques in the study of cellular structure and function. Application received by Commissioner of Customs: January 23, 1975.

Docket number: 75–00345–33–46040. Applicant: University of Southern California, School of Medicine, Department of Anatomy, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for transmission electron microscopic examination of biological materials. The studies will center on investigations of cell surfaces, the coatings of cell surfaces, the attachment mechanisms between adjacent cells in various tissues, and the filamentous systems within cells which underlie the support of those cells. The article will also be used in analysis of regenerating muscles and the study of attachment mechanisms between adjacent heart muscle cells. Application received by Commissioner of Customs: January 23, 1975.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–4979 Filed 2–24–75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG–15), "Computer Systems Security," will hold a meeting from 10 a.m. to 4 p.m. on Tuesday, April 1, 1975, in Room B–163, Building 222, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to prepare draft guidelines in four areas of computer systems security: information management; internal systems security; teleprocessing and remote access; and security requirements and metrics.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3861).

Dated: February 20, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75–4998 Filed 2–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2811; Docket No. FDC–D–230; NDA 2–811]

CHARCONIC GONADOTROPIN

Follow-Up Notice and Opportunity for Hearing; Correction

Correction

In FR Doc. 75–3890, appearing at page 6523 in the issue for Wednesday, February 12, 1975, correcting FR Doc. 74–28409 appearing at page 42397 in the issue for Thursday, December 5, 1974, capital letters were incorrectly omitted from a portion of the text. Paragraph 3. in FR Doc. 75–3890 should read as follows:

3. (a) On Page 42402 for the sixth line of the second paragraph in the first column, the type size for the sentence which begins, "HCG has no known effect * * *" and continues through the rest of that paragraph and the next, is changed to all capital letters so that the affected text reads as follows:

"* * * HCG HAS NO KNOWN EFFECT ON FAT MOBILIZATION, APPETITE OR SENSE OF HUNGER, OR BODY FAT DISTRIBUTION.

INDICATIONS

HCG HAS NOT BEEN DEMONSRATED TO BE EFFECTIVE ADJUNCTIVE THERAPY IN THE TREATMENT OF OBESITY. THERE IS NO SUBSTANTIAL EVIDENCE THAT IT INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES A MORE ATTRACTIVE OR "NORMAL" DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE RESTRICTED DIETS."

(b) The type size for the last complete paragraph of the third column is changed to all capital letters so that the affected text reads as follows:

"HCG HAS NOT BEEN DEMONSTRATED TO BE EFFECTIVE ADJUNCTIVE THERAPY IN THE TREATMENT OF OBESITY. THERE IS NO SUBSTANTIAL EVIDENCE THAT IT INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES

MORE ATTRACTIVE OR 'NORMAL' DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE-RESTRICTED DIETS."

[GRASP 5G0046]

ROGERS DELINTED COTTONSEED CO. AND TEXAS A AND M UNIVERSITY

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 FCR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0046) has been filed by Rogers Delinted Cottonseed Co., P.O. Box 1340, Waco, TX 76703 and Texas A and M University, College Station, TX 77843 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that glandless cottonseed kernels (Cot-N-Nuts) as an agricultural product when consumed as an edible nut are generally recognized as safe (GRAS).

Preliminary review of this petition by the Food and Drug Administration has concluded that GRAS or food additive consideration of this product must be based upon scientific procedures, as defined in the FEDERAL REGISTER of September 23, 1974 (39 FR 34194).

Interested persons may, on or before April 28, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 14, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-4056 Filed 2-24-75;8:45 am]

Office of Education

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act Pub. L. 92–463 that the next meeting of the National Advisory Council on Extension and Continuing Education will be held March 13–14, 1975, in the Independence Room at the Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C. The meetings will begin at 9 a.m. on both days.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89–329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President and to the Secretary of Health, Education and Welfare on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

This meeting of the Council will be open to the public. The agenda will consist of the following:

1. Preparation of final report and recommendations of the Council's Evaluation of Title I of the Higher Education Act of 1965, as requested by Congress in the Education Amendments of 1972 (sec. 103). This report will be submitted to the appropriate Committees of the Senate and House on March 31, 1975.

2. Preparation of the Ninth Annual Report of the Council to the President, containing recommendations dealing with Title I of the Higher Education Act of 1965, policies affecting extension and continuing education, and the status of adult part-time students. This report is also scheduled to be submitted on March 31, 1975.

All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street, NW., Washington, D.C.

LLOYD H. DAVIS,
Executive Director.

FEBRUARY 19, 1975.

[FR Doc.75-4940 Filed 2-24-75;8:45 am]

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held March 12, 1975, from 10 a.m. to 3:30 p.m. in Room 2328, Regional Office Building 3, 7th & D Streets, SW, Washington, DC.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92–463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under Section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted entirely to the next Annual Report of the Council.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, SW.

Signed at Washington, D.C. on February 20, 1975.

PRESTON VALIEN,
Director of College and University Unit.

[FR Doc.75-5159 Filed 2-24-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27035; Order 75-2-80]

WAGNER AVIATION LIMITED

Renewal Request; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of February, 1975.

By application filed September 19, 1974, Wagner Aviation Limited (Wagner) requests renewal, for a period of five years, of its foreign air carrier permit[1] authorizing it to engage in scheduled foreign air transportation with respect to persons, property and mail between Kingston, Ontario, Canada and Syracuse, New York.[2] The carrier also seeks a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point in Canada and any point within the United States, utilizing "small aircraft" pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the governments of the United States and Canada. Upon issuance of the charter permit, Wagner requests that the foreign air carrier permit issued to it pursuant to Order 70–2–128, approved February 27, 1970, be canceled.[3]

In support of its request the applicant states, *inter alia*, that: since May 1971, it has operated 40 round trips per month over its scheduled route; it is well established as the only carrier operating between Kingston and the United States; passenger traffic now averages 285 per month, and freight has now reached 30,000 pounds per month; and Wagner has recently received authority from the Canadian Transportation Committee to operate a domestic service to run in conjunction with the Kingston-Syracuse run, connecting Ottawa with Kingston. As of March 31, 1974, the carrier had assets of $196,312 and in the first quarter of 1974, earned a net profit of $2,173 on revenues of $45,267. The applicant further states that it has had no major accidents nor tariff violations.

With respect to the request of the carrier for renewal of its permit authorizing scheduled transportation for a period of

[1] Issued pursuant to Order 71-1-110, approved January 22, 1971.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] That permit authorized Wagner to engage in foreign air transportation on a casual, occasional, and infrequent basis, and to conduct off-route charter trips pursuant to Part 212 of the Board's Economic Regulations.

five years, we tentatively find that there have been no intervening circumstances affecting the carrier's ability to perform since the Board originally found Wagner to be fit, willing, and able properly to perform the foreign air transportation authorized pursuant to Order 71–1–110 which would warrant a different finding at this time. Accordingly, we tentatively find and conclude that renewal of the subject foreign air carrier permit, in the form attached hereto as Appendix A,[4] for a period of five years, would be in the public interest.

In regard to Wagner's request for a permit authorizing charter operations with small aircraft,[5] we note that the permits issued pursuant to Orders 70–2–128 and 71–1–110 grant Wagner the authority to perform charter flights using aircraft with a maximum authorized take-off weight of 12,500 pounds or less. Each permit contains a condition making it "subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation * * * that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties." Upon consideration of the Nonscheduled Air Service Agreement, and in light of section 1102 of the Act which requires the Board to exercise its duties consistent with any obligation assumed by the United States in any agreement between the United States and a foreign country, the Board proposes to issue to Wagner a new foreign air carrier permit containing authority limited to that authorized by the charter bilateral, and subject to the conditions of the Agreement and the Exchanges of Notes attached thereto. The proposed issuance of this permit will facilitate the prompt implementation of the terms of the new charter bilateral agreement, and is consistent with action we have taken with respect to other Canadian carriers. In addition, considering the applicant's successful operations under its existing permits and our previous findings in this respect, we tentatively find and conclude that Wagner remains fit, willing, and able properly to perform the charter services authorized in the proposed permit and to conform to the Act and the rules and regulations issued thereunder. Accordingly, the Board tentatively finds and concludes that it is in the public interest to issue to Wagner a foreign air carrier permit, in the form attached hereto as Appendix B, authorizing charter flights with small aircraft.

We also tentatively find and conclude that it is in the public interest to cancel the foreign air carrier permit issued to Wagner pursuant to Order 70–2–128, ap-

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act: renewing and amending the foreign air carrier permit heretofore issued to Wagner Aviation Limited by Order 71–1–110, approved January 22, 1971, in the form attached hereto as Appendix A[6]; issuing to Wagner Aviation Limited a foreign air carrier permit, in the form attached hereto as Appendix B, authorizing charter operations with small aircraft in foreign air transportation; and canceling the foreign air carrier permit issued to Wagner Aviation Limited pursuant to Order 70–2–128, approved February 27, 1970;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions stated herein and issuing the said permits shall, within 30 days after the date of adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections specifying the part or parts of the tentative findings or conclusions objected to and stating the specific grounds of any such objections, supported by statistical data and other materials and evidence relied upon to support the statement of objections; [7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Wagner Aviation Limited and the Ambassador of Canada.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-4995 Filed 2-24-75;8:45 am]

[4] Since the authority to operate charter trips with small aircraft will be included in a separate charter permit, no provision is included in the proposed scheduled foreign air transportation permit to authorize Wagner to engage in charter trips pursuant to Part 212 of the Board's Economic Regulations. Additionally, the renewed permit will be amended to include certain standard conditions that have been recently employed in scheduled permits. See, e.g., Arrow Aviation, Ltd., Order 75–1–49.

[5] In the Nonscheduled Air Service Agreement, small aircraft are defined as aircraft which are not large aircraft. Large aircraft are aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized take-off weight on wheels greater than 35,000 pounds.

[6] Appendices A and B are filed as part of the original document.

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[Docket 22859; Order 75–2–78]

AMERICAN AIRLINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of February, 1975.

By tariff revisions issued on January 22 and marked to become effective February 21, 1975, American Airlines, Inc. (American) proposes, *inter alia,* to increase the pivot weight [1] of its Type D container and minimum charges between Honolulu and St. Louis in both directions. The pivot weight would be raised from 437 to 512 pounds. The carrier asserts that this change was previously "approved" for Type D containers on other segments of its system.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

As American states, the typical pivot weight for Type D containers in its Mainland markets is 512 pounds, and we find no fault with that aspect of the proposal. We believe, however, that the minimum charges for the above weight are excessive. The charges proposed are above industry-average costs of carrying air freight in those containers for the distance involved, including a full return on investment and reflecting recent average increases in fuel- and nonfuel-related capacity costs.

Therefore, upon consideration of the foregoing and all other relevant factors, the Board finds that the proposal should be suspended.[2]

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

It is ordered, That: 1. Pending hearing and decision by the Board, the increased charges and the changes in the pivot weight from Honolulu/Hilo to St. Louis on 9th Revised Page 79 and from St. Louis to Honolulu/Hilo on 7th Revised Page 92 of Tariff C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent, are suspended, and their use deferred to and including May 21, 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; and

2. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[1] The pivot weight is the maximum net weight in pounds of the container allowable at the charge per container shown in the tariff.

[2] Inasmuch as the pivot weight and minimum charges are integral parts of the proposal, it is necessary to suspend both parts if one of them is to be suspended.

[FR Doc.75-4993 Filed 4-24-75;8:45 am]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Notice of Public Availability of Report of Activities

Pursuant to section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and OMB Circular A-63 of March 27, 1974, the Committee on Private Voluntary Agency Eligibility has prepared a report on its activities during calendar year 1974.

The report is available for public inspection and copying at the following location:

U.S. Civil Service Commission, Office of Management Analysis and Audits, Room 7558, 1900 E Street NW., Washington, D.C. 20415.

DONALD J. BIGLIN,
Advisory Committee Management Officer, U.S. Civil Service Commission.

[FR Doc.75-5017 Filed 2-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Deputy Administrator, Programs, Office of the Deputy Administrator, Programs, Office of the Administrator, Agricultural Stabilization and Conservation Service.

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

[FR Doc.75-5012 Filed 2-12-75;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director for Environmental Quality, Directorate for Environmental Quality, Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

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

[FR Doc.75-5013 Filed 2-24-75;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Environmental Quality), Office of the Deputy Assistant Secretary (Environmental Quality), Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

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

[FR Doc.75-5009 Filed 2-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Outdoor Recreation, Assistant Secretary—Fish and Wildlife and Parks.

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

[FR Doc.75-5010 Filed 2-24-75;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, New York Field Office, Antitrust Division.

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

[FR Doc.75-5015 Filed 2-24-75;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President for Financing.

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

[FR Doc.75-5014 Filed 2-24-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, April 2, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-5016 Filed 2-24-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

FEBRUARY 20, 1975.

On March 15, 1967, the United States Government concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles and cotton textile products from Poland to the United States. On February 24, 1970, the two Governments exchanged notes amending and extending the bilateral agreement of March 15, 1967. The agreement was further amended and extended by exchange of notes dated January 22, 1974. Among the provisions of the agreement, as amended and extended, are those applying specific export limitations to Categories 19, 34, 36, 41, 42, 43, 49, 50, 60 and 62 for the final agreement year beginning March 1, 1975.

Accordingly, there is published below a letter of February 20, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Poland, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning March 1, 1975 and extending through February 29, 1976, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended,

but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of March 15, 1967, as amended, between the Governments of the United States and the Polish People's Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective March 1, 1975 and for the twelve-month period extending through February 29, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 19, 34, 36, 41, 42, 43, 49, 50, 60 and 62, produced or manufactured in the Polish People's Republic, in excess of the following twelve-month levels of restraint:

Category		*12-month level of restraint*
19	Square yards	1,050,000
34	units	118,548
36	do	152,174
41	dozen	87,089
42	do	72,574
43	do	145,148
49	do	45,231
50	do	58,999
60	do	10,104
62	pounds	228,261

In carrying out this directive, entries of cotton textile products in the above categories, produced or manufactured in the Polish People's Republic and exported to the United States from the Polish People's Republic prior to March 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1974 through February 28, 1975. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and the Polish People's Republic, which provide, in part, that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from the Polish People's Republic, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-5018 Filed 2-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 245, et al.; (FRL 336-4)]

SCIENCE PRODUCTS CO., ET AL., REGISTRANTS

Cancellation of Hearing

Take notice that the Hearing in the proceeding under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 5 U.S.C. 136 et seq.) dealing with the proposed cancellation of a number of registrations dealing with the product BNOA, which had been scheduled to commence at 10 a.m. on March 18, 1975 (40 CFR 1737), has been postponed indefinitely to a date subsequently to be published.

As a result, the proposed discussion of a date for the commencement of hearings dealing with the product NABAC, which was to be held at the outset of the March 18, 1975 hearing, is also postponed.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 19, 1975.

[FR Doc.75-4933 Filed 2-24-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 75-156]

QUARTERLY INDEX

Determination and Order

FEBRUARY 19, 1975.

The Federal Home Loan Bank Board is required by 5 U.S.C. 552(a)(2), as amended, to publish either a quarterly index to those items specified in 5 U.S.C. 552(a), or an order in the FEDERAL REGISTER that such publication is unnecessary and impracticable. Although the Board has maintained such an index since July 4, 1967, public use of the index has been minimal. The Board publishes periodic, generally monthly, supplements to its Annotated Manual of Statutes and Regulations, which contain the statutes governing and relating to operations of the Board, its regulations, rulings, and statements of policy, as well as interpretative memoranda of the Office of Examinations and Supervision, and digests of opinions rendered by the Office of the General Counsel. A copy of said Manual and Supplements is furnished to each member institution and copies thereof are also available for purchase from the Superintendent of Documents. The orders contained in said index refer in brief to Board actions as to member institutions and other entities supervised, regulated or examined by the Board, and contain little of precedential value.

The Federal Home Loan Bank Board hereby determines and orders that the publication of said index is unnecessary and impractical in that it does not materially assist the public and, in addition, such publication imposes a financial burden on the Board. The Board therefore hereby directs the Secretary to the Board to publish this Order in the FEDERAL REGISTER in accordance with the above-cited provisions of 5 U.S.C. 552(a)(2) and, in accordance with said provisions, that a copy of said index will nonetheless be provided, upon request, at a cost not to exceed the direct cost of duplication at the rate per page specified in § 505.4(e) or the Board's General Regulations.

By the Federal Home Loan Bank Board.

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

[FR Doc.75-4983 Filed 2-24-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-4]

DEPARTMENT OF DEFENSE ET AL.

Notice of Filing of Complaint

In the matter of Department of Defense and Military Sealift Command v. Matson Navigation Co., Inc.

Notice is hereby given that a complaint filed by Department of Defense and Military Sealift Command against Matson Navigation Co., Inc. was served February 19, 1975. The complaint alleges violations of section 18(a) of the Shipping Act, 1916 and requests relief under section 4 of the Intercoastal Shipping Act, 1933 in connection with Matson's failure to file appropriate military class rates applying between the U.S. West Coast and Hawaii.

Hearing in this matter shall commence on or before August 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4991 Filed 2-24-75;8:45 am]

EASTERN FREIGHT FORWARDER, INC., ET AL.

Applicants for Independent Ocean Freight Forwarder Licenses

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the director, Bureau of Certification and Licensing. Federal

Maritime Commission, Washington, D.C. 20573.

Eastern Freight Forwarders, Inc., 7531 N.W. 77th Terrace, Miami, Florida 33166.

Officers

Phyllis Somberg, President.
Jack Bahl, Secretary/Treasurer.
Sybil Pratt, Officer (inactive).

Seaport Shipping and Forwarding, Inc., 1746 East Adams Street, Jacksonville, Florida 32202.

Officers

Frank M. Walters, President.
Richard C. Harrill, Vice President.
David A. Weintraub, Secretary/Treasurer.

Stack Port Services, Robert S. Stack d.b.a., 515 Independent Road, Oakland, California 94621.

Horizon Forwarding, Earl E. Egan, Jr. and Ronald J. Will d.b.a., 4809 Feliciana Drive, New Orleans, Louisiana 70126.

International Activities Corporation of Chicago, P.O. Box 66235, O'Hare A.M.F., Illinois 60666.

Officers

Walter A. Ciszak, President.
Stephen L. Meyers, Vice President/Secretary.
Hugh Polanco, Vice President/Treasurer.
Lawrence M. Parry, Jr., P.O. Box 11133, Chattanooga, Tennessee 37401.

Texana Marine Agency, Louis Edwin Palmer d.b.a., 717 9th Avenue N., Texas City, Texas 77590.

Officers

Louis E. Palmer, President.
James M. Sudela, Vice President.
Janis K. Venegas, Secretary.

H. A. & J. L. Wood, Inc., Pembina, North Dakota 58271.

Officers

John L. Wood, President/Treasurer.
Harry A. Wood, Vice President.
Laverne M. Wood, Secretary.

Lennard DaCosta Webb, Jamaica Import & Export Co., 141 N. E. 3rd Avenue—Room 205, Miami, Florida 33132.

By the Federal Maritime Commission.

Dated: February 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4990 Filed 2-24-75;8:45 am]

[INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1403]

EDWARD MOSQUERA

Order of Revocation

On February 10, 1975, the Federal Maritime Commission received notification that Edward Mosquera, 163 Leverett Avenue, Great Hills, L.I., New York 10308 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1403 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73):

It is ordered, That Independent Ocean Freight Forwarder License No. 1403 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1403 of Edward Mosquera be and is hereby revoked effective February 10, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Edward Mosquera.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-4989 Filed 2-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8999; E-9000; E-9001]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Conference

FEBRUARY 19, 1975.

Take notice that on Thursday, March 6, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room 8402 of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Orange & Rockland's and Rockland Electric's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5106 Filed 2-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

D. H. BALDWIN CO.

Order Approving Acquisition of Computer Congenerics Corporation of Colorado

D. H. Baldwin Company, Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage in a joint venture with Computer Congenerics Corporation, Oklahoma City, Oklahoma ("Oklahoma Company"). The joint venture would be carried out through Computer Congenerics Corporation of Colorado, Denver, Colorado ("Colorado Company") which would engage in bookkeeping and data processing services for the internal operations of Applicant and its subsidiaries and storing and processing other banking, financial, or related data, including performing payroll, accounts receivable or payable, or billing services for others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 41586). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls 11 banks in Colorado with aggregate deposits of $559.3 million, representing approximately 8.4 percent of the total deposits in commercial banks in Colorado, and is the fourth largest commercial banking organization in the State.[1] Applicant also controls nonbanking subsidiaries engaged principally in insurance underwriting, savings and loan, and leasing activities. Applicant is also engaged in the manufacture and marketing of musical instruments and electronic components. Applicant presently has a data processing division, De-Co, which provides computer services for Applicant, its subsidiaries and their customers.

Colorado Company is presently a wholly-owned subsidiary of Oklahoma Company with offices in Denver and Grand Junction. Oklahoma Company was organized in 1969 with Oklahoma as its principal place of business, but has since expanded its operations throughout Oklahoma and into Texas and Colorado. Oklahoma Company specializes in providing data processing services to financial institutions and in exploration data processing services to oil and gas companies.

As part of this proposal, Applicant has already contributed certain computer systems in Denver and Grand Junction; Oklahoma Company has contributed software and personnel and both Applicant and Oklahoma Company have contributed equal sums for the initial capitalization. Under the terms of the preincorporation agreement, the contributions by Applicant are considered loans pending Board consideration of the proposal. Due to the acquisition within the past twelve months of nine banking subsidiaries by Applicant and the resulting increased demand for expanded data processing services for the newly acquired banks and for Applicant's other subsidiaries, De-Co, Applicant's data processing division, is unable to meet Applicant's present data processing requirements. The formation of this joint venture will enable Applicant more efficiently and economically to meet its data processing re-

[1] All banking data are as of June 30, 1974 and reflect holding company formations and acquisitions approved by the Board through January 1, 1975.

quirements and those of its subsidiaries than would the acquisition of equipment and the development of the necessary services by De-Co. After consummation of the proposal, De-Co will continue to provide data processing services to Applicant and its larger subsidiaries while Colorado Company will provide data processing services to Applicant's smaller subsidiaries and the correspondent customers of Applicant's lead bank.

While both De-Co and Oklahoma Company offer similar data processing services to financial institutions, consummation of the proposal would not eliminate any significant existing competition as Oklahoma Company provided computer services to only three financial institutions in Colorado. On the other hand, Oklahoma Company's contribution of software packages and personnel to Colorado Company will enable Colorado Company to immediately become a more competitive influence in the market than either De-Co or Oklahoma Company has been.

It is the Board's opinion, on the basis of the above and other facts of record, that the proposed acquisition would not have an adverse effect on actual competition. Furthermore, it does not appear that consummation of the proposal would eliminate any real probability of competition developing between De-Co and Oklahoma Company in view of the considerable effort and expense, particularly personnel expense, that De-Co would have to undertake to become a strong competitor in this field. Moreover, Oklahoma Company's lack of customer contacts in Colorado, as well as the fact that a considerable percentage of the market for these services has become "captive" to existing Colorado bank holding companies, indicates the improbability of Oklahoma Company becoming a significant competitor in the market. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on actual or potential competition in any relevant area.

There is no evidence in the record in this case indicating that consummation of the present proposal to engage in a joint venture would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

The Board finds that the proposed joint venture would result in public benefits in terms of increased and improved services. In addition, the joint venture would expend the quality, quantity, and efficiency of the services presently offered by both De-Co and Oklahoma Company in Colorado.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 12, 1975.

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

[FR Doc.75-4935 Filed 2-24-75;8:45 am]

EDWARDSVILLE BANK-SHARES, INC.

Order Approving Action To Become a Bank Holding Company and Engage in Credit Life, Health and Accident Insurance Sales

Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1) and § 225.3(a) of Regulation Y (12 CFR 225.3(a)), Edwardsville Bank-Shares, Inc., Edwardsville, Kansas ("Applicant"), has applied for prior approval to become a bank holding company through the acquisition of 88 percent of the voting shares of The Edwardsville State Bank, Edwardsville, Kansas ("Bank"). Concurrently, Applicant has applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y for prior approval to engage directly as The Steffey Agency ("Agency") in the sale of credit life and credit accident and health insurance, previously conducted by an affiliated local agency.

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under provisions of §§ 265.2(f)(22) and (32) of the rules regarding delegation of authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Kansas State Bank Commissioner. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on January 15, 1975 (40 FR 2765), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and none has been received.

This Reserve Bank has considered the application to become a bank holding company in light of the factors set forth in section 3(c) of the Act. Inasmuch as the proposal to form a bank holding company by acquisition of shares of Bank constitutes a corporate reorganization, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on other banks in the trade area. Bank (mid-year 1974 deposits: $3.8 million) is the only bank in Edwardsville and one of the smallest of the 131 commercial banks in the Kansas City market area. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be assumed and incurred by Applicant as a result of the proposal appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Accordingly, banking factors are regarded as being consistent with approval. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are consistent with approval of the application to acquire Bank. It is the Reserve Bank's judgment that consummation of the transaction would be in the public interest and that the application should be approved.

Applicant proposes to engage in the sale of credit life and credit accident and health insurance and will conduct its business from the premises of Bank in Edwardsville, Kansas. Since only Agency will be offering this type of insurance in Edwardsville, it will provide a convenient source of insurance agency services to Bank's customers. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The Reserve Bank, therefore, finds that the public interest factors set forth in section 4(c)(8) of the Act are favorable, and the application to engage in certain credit-related insurance sales in Edwardsville, Kansas, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank should not be consummated before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor Agency shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the authority of the Board of Governors to

[1] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Governor Sheehan.

require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

FEBRUARY 11, 1975.

[FR Doc.75-4938 Filed 2-24-75;8:45 am]

SUN BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Sun Banks of Florida, Inc., Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Peoples Bank of Broward County, Tamarac, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. This Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Florida, controls thirty-seven banks with aggregate deposits of $1.44 billion, representing 6.32 percent of deposits in all commercial banks in the State. (All banking data are as of June 30, 1974, and reflect acquisitions and formations approved through December 31, 1974). Acquisition of Bank, with deposits of $12.8 million, would increase Applicant's share of State deposits by less than one percent, and would not result in a significant increase in the concentration of banking resources in Florida.

Bank is the 32nd largest of 48 banks in the relevant banking market (approximated by North Broward County) holding 0.8 of total deposits in the market. Seven of Florida's ten largest multi-bank holding companies, including Applicant, are represented in the relevant market. Applicant has two banking subsidiaries in the market and ranks as the eighth largest banking organization therein with aggregate deposits of $76.2 million, representing 4.8 percent of total market deposits. It does not appear that consummation of the proposed transaction would have a significant adverse effect on competition in view of the large number of banks in the market, Bank's small market share, and the close relationship that has existed for several years between Bank and Applicant's two subsidiaries in the market. On the basis of the facts herein, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank appear generally satisfactory and are consistent with approval.

While there is no evidence that the banking needs of the community are not being served, Applicant plans to initiate new services at Bank, including the ALL-IN-ONE ten-services plan presently available to customers of Applicant's other banking subsidiaries, and trust services which would be available to Bank's customers through Applicant's lead bank. In addition, affiliation with Applicant will provide Bank with access to loan participations and will also provide Bank internal assistance with data processing, auditing, marketing, personel administration and training, and tax guidance. Accordingly, considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective February 13, 1975.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.75-4937 Filed 2-24-75;8:45 am]

TRUSTEES OF DARTMOUTH COLLEGE

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

The Trustees of Dartmouth College, Hanover, New Hampshire ("Applicant"), a registered bank holding company within the meaning of the Bank Holding Company Act with respect to Dartmouth National Bank of Hanover, Hanover, New Hampshire ("Bank"), have applied to the Board of Governors, pursuant to section 4(d) of the Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 of the Act (relating to nonbanking activities of, and acquisitions by a bank holding company).

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views with respect to this application, has been duly published (39 FR 26946). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Time Share Corporation, Hanover, New Hampshire, and The Cyphernetics Corporation, Ann Arbor, Michigan, in light of the factors set forth in section 4(d) of the Act.

Section 4(d) of the Act provides that, to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to a bank holding company that controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

Applicant is a degree-granting institution of higher learning with a student body in excess of 4,000. Applicant engages in numerous activities incidental to its primary educational efforts, including the ownership of real estate, operation of a fine arts center, and the investing of endowment funds. Applicant is also engaged in the academic and commercial application of data processing, including time-sharing and "software" sales.[1] In addition, Applicant is the owner of an inn and approximately 53 percent of the total outstanding shares of Hanover Water Works Company, Hanover, New Hampshire, a public utility.

Applicant was a charter subscriber to Bank at the time of Bank's organization in 1865. With deposits of approximately $16 million as of December 31, 1973, Bank is the third largest of nine banks in the relevant market (approximated by Grafton County) and holds about 21 percent of the aggregate deposits in commercial banks in that market and about 1 percent of the total deposits in the State. Bank appears to be in generally satisfactory condition, its management capable, and its prospects good. On the basis of the record, the Board finds Applicant's long association with Bank has not had adverse effects on the condition of Bank or the communities served by it.

In its consideration of the subject request for an exemption under section 4(d) of the Act, the Board notes that Time Share Corporation, Hanover, New Hampshire, and the Cyphernetics Corporation, Ann Arbor, Michigan (referred to herein as "Protestants") have objected to approval of the request. In general, the

[1] Kiewit Computer Center (Kiewit) is a division of the college that is used primarily for educational purposes but also sells excess computer time and Dartmouth Time-Share System (DTSS) is a subsidiary of Applicant which develops and sells computer "software."

Protestants' reason for urging disapproval of the request can be summarized as follows: (1) Applicant's competitive advantage in the sale of excess computer time is unfairly gained because of Applicant's involvement with Bank; (2) Applicant's extensive real estate holdings (which resulted from a large grant of land during colonial times) has created an unfair advantage because time-share users in the real estate field who are customers of Bank are likely to use Applicant's time-share services; and (3) Applicant violated the Bank Holding Company Act by expanding its computer activities without the prior approval of the Board and the type of data processing activities engaged in by Applicant are not permissible under section 4(c)(8) of the Act and § 225.4(a)(8) of the Board's Regulation Y.

Initially, it should be noted that it appears that a review of the financial data submitted by Applicant does not indicate that Applicant has been significantly involved in the commercial sale of excess computer time. Since the Kiewit Computer Center is a division of the school and is not a separate corporation, no separate financial data on Kiewit is available. However, a review of the billings for fiscal year ending June 30, 1973, reveals that only 17.7 percent of all computer time-share users were "off-campus" users. Furthermore, only 2.8 percent of the total billings were attributed to commercial use. The remaining off-campus billings were attributed to other education institutions, with the exception of 1.1 percent which was attributed to government use. In terms of income, the revenue received from commercial customers amounted to only about $60,000 for the above period. Moreover, of particular relevance to the inquiry herein is the fact that Applicant recently adopted a policy, effective January 1, 1975, terminating all commercial use of the Kiewit center except for uses of a "demonstration" nature which can be of value in the development of computer technology. Thus, it appears that the commercial use of the Kiewit Computer Center has not been significant in the past and will decrease even further in the future.

Much the same conclusion can be drawn with respect to the competitive position of Applicant's subsidiary (DTSS) in the market for the sale of computer "software." In fiscal years 1973 and 1974, DTSS had operating deficits of $69,949 and $227,145, respectively. In 1973 and 1974, total revenues amounted to $30,000 and $142,500, respectively, while operating expenses amounted to $99,949 and $371,000, respectively. On the basis of the foregoing, it does not appear that Applicant occupies a significant position in the market for the sale of computer "software."

Turning now to the first two objections offered by Protestants, the Board does not believe that Protestants have demonstrated that Applicant possesses a distinctive competitive advantage in the areas of time-sharing of computer time and "software" sales because of Applicant's involvement with Bank. In general, as noted above, Protestants argue that Applicant has some sort of competitive advantage because Bank's customers may also purchase time-sharing services from Applicant and real estate developers that are customers of Bank are also likely to use Applicant's time sharing services because Applicant is a large real estate holder. The record before the Board does not support Protestants' allegations.

As noted above, Applicant does operate a computation center in conjunction with its college curriculum. As a by-product of this effort, Applicant has also engaged through the years in the sale of excess computer time and in the development and sale of software. While Applicant may serve customers in these product lines who are also customers of Bank, it has not been shown that Bank has engaged in any illegal "tie-in" arrangements that would be in violation of section 106(b) of the Act, which generally prohibits any bank from tieing the providing of credit or of any service with the condition or requirement that a customer also purchase some additional service from the bank, the bank's parent holding company, or any of that holding company's subsidiaries. Accordingly, the mere fact that customers of Bank may choose to purchase services from Applicant does not appear to justify the conclusion that Applicant has abused its relationship with Bank or that it is not entitled to an exemption under criteria set forth in section 4(d) of the Act.

Protestants' third contention is that Applicant has violated the Act by engaging in impermissible computer activities and by engaging in such activities without prior approval of the Board. With respect to this contention, it appears that Applicant's time-sharing activities have been continuously engaged in since before June 30, 1968, and is, therefore, indefinitely "grandfathered" under the provisions of section 4(a)(2) of the Act. Similarly, with respect to the development and sale of "software", it appears from the record that Applicant engaged in this activity to a limited extent prior to June 30, 1968, increased the activity after that date, and has been engaged in the development and sale of "software" since prior to December 31, 1970 (the date of the 1970 Amendments to the Act) and is, therefore, entitled to engage in such activity at least until December 31, 1980, under the provisions of section 4(a)(2) of the Act. Accordingly, since the data processing activities of Applicant are "grandfathered" under the Act, the Board finds that no violation of the Act arises even though such activities may not be permissible under section 4(c)(8) of the Act and § 225.4(a)(8) of the Board's Regulation Y. The Board concludes, therefore, that the third contention of Protestants is not sufficient to warrant denial of Applicant's request for an exemption.

On the basis of the entire record, the Board concludes that the business relationship between Applicant and Bank has existed for more than a century without adversely affecting the bank or communities involved. It also appears unlikely that Bank's powers to grant to deny credit would be influenced by a desire to further Applicant's other interests. Granting an exemption to Applicant would not be substantially at variance with the purposes of the Act nor adverse to the public interest, and an exemption is warranted under the provisions of section 4(d) of the Act. Accordingly, an exemption pursuant to section 4(d) of the Act is hereby granted subject to the condition that this determination may be revoked if the facts upon which it is based change in any material respect. Further, the provision of any credit, property, or service by the Applicant or any subsidiary thereof shall not be subject to any condition which would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970. The determination herein is subject to the Board's authority to require modification or termination of the activities of Applicant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] effective February 12, 1975.

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

[FR Doc.75-4936 Filed 2-24-75;8:45 am]

VALLEY VIEW BANCSHARES, INC.

Acquisition of Bank

Valley View Bancshares, Inc., Overland Park, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 24.99 percent of the voting shares of Industrial Bancshares, Inc., Kansas City, Kansas, a bank holding company proposed to be formed through the acquisition of Industrial State Bank, also located in Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Notice of this application was previously published in the FEDERAL REGISTER on December 31, 1974 (39 FR 45330 (1974)).

Valley View Bancshares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to indirectly acquire voting shares of the insurance agency business of Industrial State Bank ("Bank"), which business is presently being conducted at the offices of Bank in Kansas City, Kansas. Notice of that application was published on February 13, 1975 in The Kansas City Times, a newspaper circulated in Kansas City, Missouri.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Governor Sheehan.

Applicant states that the proposed subsidiary would engage in the activity of acting as an insurance agent for the sale of credit-related insurance issued in connection with extensions of credit by Industrial State Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4955 Filed 2-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-265]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad Cities Nuclear Power Station Unit 2 located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

The amendment incorporates a design feature change by specifying the number of fuel assemblies (724) without reference to the fuel rod array in a fuel assembly, and authorizes loading of 8 x 8 fuel assemblies into the reactor. This amendment is a portion of the proposed amendment noticed in the FEDERAL REGISTER on January 7, 1975 (40 FR 1291). No request for a hearing or petition for leave to intervene has been filed in connection with the Notice of Proposed Issuance of Amendment. The remaining changes necessary to complete the proposed amendment to authorize operation of Quad Cities Unit 2 with the 8 x 8 fuel are still under consideration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1974 and supplement thereto dated December 20, 1974, (2) Amendment No. 8 to License No. DPR-30, with Change No. 23, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Moline Public Library at 504—17th Street, Moline, Illinois 61265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of February, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-4953 Filed 2-24-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises portions of Section 5 of the Environmental Technical Specifications to reflect a change in Southern California Edison Company's corporate organization.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1974 and (2) Amendment No. 9 to Provisional Operating License No. DPR-13, with any attachments. These items are available for public inspection at the Commission's Public Document Room, 1717 H St., NW, Washington, D.C., and in the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of Amendment No. 9 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 14th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch 1, Division of Reactor Licensing.

[FR Doc.75-4954 Filed 2-24-75;8:45 am]

ATOMIC SAFETY AND LICENSING BOARD

Establishment of Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

NEW YORK STATE ELECTRIC AND GAS CORP.
(Somerset Power Project, Nuclear Units 1 and 2)
Docket No. P-507-A

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters", which was published by the Commission in the above matter (40 FR 2463) on January 13, 1975. The Members of the Board are:

Marshall E. Miller, Esq., Chairman
John M. Frysiak, Esq., Member
Sidney G. Kingsley, Esq., Member

The address of all of the above is:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

It is so ordered.

Dated at Bethesda, Maryland this 19th day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-4958 Filed 2-24-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL COMMITTEE ON ECOLOGICAL RESERVES

Charter

On November 15, 1974, the charter of the Federal Committee on Ecological Reserves was formally adopted. This interagency committee has been established to provide the leadership for a coherent national program on ecological reserves. Successor to the Federal Committee on Research National Areas, the Committee is concerned with research natural areas and other Federal scientific reserves. Its membership is comprised of representatives from 19 Federal agencies and its Chairman is Dr. Jerry F. Franklin, Program Director, Ecosystem Analysis Program, National Science Foundation. The charter is being published in the FEDERAL REGISTER for public information.

CHARTER OF THE FEDERAL COMMITTEE ON ECOLOGICAL RESERVES

Attainment of national environmental and land use goals depends on the continued progress of ecological and environmental sciences in the United States. Critical to the health of these sciences is an adequate system of field research sites encompassing the array of terrestrial, freshwater, and marine ecosystems and both the strictly reserved Research Natural Areas and experimental areas for basic and applied research in ecology and on environmental and management problems, the baseline control areas for appraising the effects of action programs, and the gene pool reservoirs for many ordinary as well as rare and endangered organisms.

Substantial contributions have already been made to a national system of ecological reserves by a multitude of Federal, State, Academic and private efforts. Over 400 Research Natural Areas have been established on Federal lands alone and this committee's predecessor (Federal Committee on Research Natural Areas) did outstanding work in stimulating, coordinating, and publicizing the federal agency activities. Substantial numbers of experimental sites have developed on either a formal or *ad hoc* basis (Experimental Forests and Ranges of USDA, National Environmental Research Parks of AEC, biological field stations, and IBP Biome research sites, for example).

Today there is clearly a critical need for leadership in planning and coordinating these activities. A coherent national plan is needed so that the numbers and kinds of areas needed for an adequate system of ecological reserves are identified. Relevant activities in the numerous Federal agencies need to be coordinated both within the Federal establishment and with State and private endeavors. Emphasis on comprehensive land planning and environmental impact assessment makes the activity and need for leadership urgent. Planners need responsible and coordinated information on what sites require protection as critical scientific facilities.

For these reasons creation of a permanent Federal Committee on Ecological Reserves is considered essential. It is to provide the leadership for a coherent national program on ecological reserves which can come only at the Federal level. The responsibilities of agencies to lands and natural area programs under their jurisdiction remain unchanged; management of lands and execution of programs remain their domain. The Committee's purpose is to supplement and assist agencies in fulfilling their missions as well as to provide an overall Federal focus.

It is important to realize that the goal of this program is not simply provision of areas for research. The objectives are in fact, contributions to national environmental goals as stated in NEPA, better land planning, and improved resource management.

The Committee will be concerned with *Ecological Reserves* which are those areas dedicated primarily or exclusively to scientific research and education on ecological and environmental problems including: *Research Natural Areas*, where natural processes are allowed to dominate and any management is to preserve a given ecosystem or feature; and *Experimental Ecological Areas*, where various kinds of experiments or management practices can be carried out and studied on wildland and associated aquatic ecosystems in order to provide new scientific knowledge of those systems or as a demonstration.

GENERAL OBJECTIVES OF COMMITTEE

The board objectives of the Federal Committee on Ecological Reserves are:

1. To insure creation and maintenance of an adequate national system of natural and experimental areas for environmental and ecological research including identification, designation, and protection of the essential areas. Included here are major responsibility for working with Federal land agencies on those system components which are Federal lands and leadership and encouragement with regard to components in state, local and private lands.

2. To insure development of permanent data retrieval systems on the location of the areas and the ecological and environmental data available for each to service: (a) the research and development community who need such areas; (b) the land planning agencies at Federal, state and local levels; and (c) decision makers and agencies in the environmental area.

3. To encourage development of research programs, particularly, collection of baseline ecological and environmental data on these key national research sites and their use for long-term monitoring.

4. To encourage a broad array of educational uses of ecological reserves of types and intensities compatible with the other objectives and functions of a specific reserve.

5. To lead in developing the structures for coordinating Federal activities with those of State and local governments and academic groups and private organizations concerned with scientific reserves and experimental areas.

IMMEDIATE TASKS OF THE FEDERAL COMMITTEE

(Completion within 1 year)

1. To update and issue a revised version of the "Directory of Research Natural Areas on Federal Lands."

2. To encourage the adoption of the standard policy statement on establishment and management of Federal Research Natural Areas, prepared by the previous Federal Committee on Research Natural Areas, by the participating Federal agencies.

3. To develop a formal mechanism for review of Federal properties declared excess by the holding agency prior to disposal action by GSA for their value as field research sites; further, when properties are found to be of critical value for ecological and environmental research to recommend appropriate transfers to Federal, State or local agencies for the designation and protection of such sites.

4. To advise and participate actively, when possible, in the pending The Institute of Ecology national study of experimental research sites (including biological field stations, experimental forests and ranges, etc.).

5. Pending development of a comprehensive national plan on Research Natural Areas needs, to identify, on an interim basis and using extant classifications, the most critical gaps in existing Research National Areas, and to advise appropriate Federal agencies of these outstanding needs and encourage them to fill them.

6. Prepare a compilation of the authorities, legislative and regulatory, under which Federal agencies establish ecological reserves.

INTERMEDIATE RANGE TASKS OF THE FEDERAL COMMITTEE

(Completion within 1 to 5 years)

1. To see that a more adequate classification of the natural environments or ecosystems of the United States is developed to serve as a basis for identifying field research site needs, this system to include both biotic and physical elements.

2. To lead in the preparation of a comprehensive plan for a National System of Ecological Reserves including Research Natural Areas and Experimental Areas. This plan is to build in substantial measure upon past and current studies including the National Park Service theme studies and to identify extant areas which are appropriate components of a national system and gaps which remain to be filled through identification and designation of new areas. This plan is to be structured in the context of an overall classification of the natural environments or ecosystems of the United States and identification of how many natural and experimental areas are needed in each ecosystem.

3. To stimulate, as necessary, the completion of a comprehensive computerized inventory and register of Research Natural Areas in the United States. This effort has been partially carried out by various groups but needs to be brought together and completed. Identification of the appropriate "home" and mechanism for this effort should be possible by mid-1974 as analysis of the IBP Conservation of Ecosystems efforts become available.

4. Develop the mechanism, and advertise it, for providing information on critical research areas to land planning groups at all levels; this task is related to but separate from development of the computerized inventory.

5. Develop the appropriate structure for involving State and local governments and private organizations, and academic and governmental scientists, in the deliberations of the Federal Committee. Several possibilities exist and must be evaluated including a separate but related committee, an advisory committee, membership in the Federal Committee, etc. The key objectives here are, communication and coordination, and ultimately agreement on a coherent effort, between various governmental levels and between expert scientists and the administrators. Whatever mechanisms which will accomplish this are the ones we want.

6. Obtain or stimulate financing for monitoring and baseline research needed at the field research sites to insure their value in long-range environmental programs.

7. Develop standard policy statement providing guidelines and criteria for Federal Experimental Ecological Areas and encourage its adoption by the participating Federal agencies.

MEMBERSHIP

Agricultural Research Service, USDA
Atomic Energy Commission
Bureau of Land Management, USDI
Bureau of Outdoor Recreation, USDI
Cooperative State Research Service, USDA
Council on Environmental Quality
Department of Defense

Department of Transportation
Environmental Protection Agency
Fish and Wildlife Service, USDI
Forest Service, USDA
General Services Administration
Geological Survey, USDI
National Oceanic and Atmospheric Administration, USDC
National Park Service, USDI
National Science Foundation
Office of Land Use and Water Planning, USDI
Smithsonian Institution
Soil Conservation Service, USDA

JERRY F. FRANKLIN,
Chairman.

[FR Doc.75-4926 Filed 2-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

FEBRUARY 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 19, 1975 through February 28, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Secretary.

[FR Doc.75-4973 Filed 2-24-75;8:45 am]

[File No. 500-1]

EXECUTIVE SECURITIES CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Executive Securities Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (est) on February 14, 1975 through midnight (est) on February 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4974 Filed 2-24-75;8:45 am]

[Rel. No. 8675]

ELT INC. AND B.S.F. CO.

Notice of Application Pursuant to Section 17(b) of the Investment Company Act of 1940 and Rule 17d-1 Promulgated Under Section 17(d) Thereof

FEBRUARY 14, 1974.

Notice is hereby given the ELT, Inc., 498 North Kings Highway, Cherry Hill, New Jersey 08034, ("ELT") a Pennsylvania corporation, and B.S.F. Company, 25100 La Loma Drive, Los Altos Hills, California 94022, ("B.S.F."), a registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified management investment company (hereinafter collectively referred to as "Applicants"), have filed an application on January 9, 1975 and amendments on January 23, 1975, and February 4, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed merger of B.S.F. into ELT, and pursuant to Rule 17d-1 promulgated tions of Section 17(a) of the Act a order permitting certain transactions incident to the proposed merger. 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.

As of December 31, 1974, ELT, which is engaged in the manufacture and sale of certain goods such as incandescent and negative-glow lamps and lighting products, processed metal products, and disposable plastic products, and which also holds an interest in Baltimore Paint and Chemical Corporation, owned of record and beneficially 385,277 shares of B.S.F. common stock, representing approximately 52.9 percent of B.S.F.'s total outstanding shares. Consequently, Applicants are affiliated persons as defined in Section 2(a)(3) of the Act.

In addition, of the five directors on the ELT and B.S.F. Boards of Directors, three are common to both companies and certain of the ELT and B.S.F. officers and directors hold shares of one or both companies.

B.S.F., which has been registered under the Act since 1962, has approximately 950 shareholders of record. Its shares are listed on the American Stock Exchange, but trading in such shares has been suspended since 1968. Although B.S.F. shareholders, on December 8, 1972, approved a proposal to change the nature of B.S.F.'s business so that it would cease to be an investment company, this was not accomplished due to management's inability to locate investments which would qualify both as investments of the type required to change the nature of B.S.F.'s business and as investments which would otherwise be suitable as businesses to be operated by B.S.F.

The Board of Directors of B.S.F. have now approved a Plan and Agreement of Merger ("Agreement") which provides for the merger of B.S.F. into ELT. The Agreement has also been approved by the Board of Directors of ELT. Upon the effective date of the merger, each outstanding share of B.S.F. common stock issued and outstanding on such date (exclusive of treasury shares and shares owned by ELT, which will be cancelled) will be converted into one share of ELT common stock.

The decision to implement an exchange ratio of one share of ELT for each share of B.S.F. was made after consideration of an appraisal report, dated November 24, 1974, prepared by Duff, Anderson & Clark, Inc. ("Duff Anderson"), acting on behalf of ELT, and concurred in by Bacon, Whipple & Co., ("Bacon Whipple") acting on behalf of B.S.F. Applicants state that neither appraiser has any affiliation or previous business dealings with ELT or B.S.F. The fee charged by Duff Anderson for its services is estimated at $40,000; the fee of Bacon, Whipple is estimated at $10,000. If the merger is consummated, ELT will pay the fees of both appraisers; otherwise, each party will pay the fees of their respective appraiser.

In determining the proposed exchange ratio, consideration was given by Duff Anderson to (1) the reasonableness of the current market price of ELT common stock relative to that company's present status and longer-term outlook and (2) the market or fair value of B.S.F.'s assets. Duff Anderson determined that ELT's common stock is reasonably priced in the current market and that the value of B.S.F.'s total net assets, reported as $5,685,000 in B.S.F.'s November 1, 1974 balance sheet should be adjusted by a reduction of $139,000 to reflect brokerage expense of trading listed securities, thin markets in two over-the-counter securities and uncertainties concerning a third security. Based on the market price of ELT stock on November 1, 1974, and the aforementioned adjusted value of B.S.F.'s assets, Duff Anderson recommended that the exchange ratio be established at 99.8 percent of a share of ELT for each share of B.S.F. Bacon Whipple affirmed that the exchange ratio is fair and reasonable. The Boards of Directors of Applicants, believing that the .2% difference in the proposed exchange did not justify the administrative cost associated with payment for fractional shares, decided that the exchange should take place on the basis of one share of ELT for one share of B.S.F.

Subsequently, the management of Applicants requested that Duff Anderson reexamine its appraisal report and Bacon Whipple reexamine its affirmation, principally because of a change in circumstances regarding South Bay Corporation, a closed-end investment company in which B.S.F. holds 79,180 shares. The increasing likelihood of South Bay's dissolution, pursuant to a court settlement, made it apparent that the valuation of South Bay's shares used in the original appraisal report was too low.

In a letter dated January 21, 1975, Duff Anderson revised the valuation figures of ELT and B.S.F. concluding that the value of a share of ELT would equal 97.5 percent of the adjusted net asset value of a B.S.F. share. Nevertheless, Duff Anderson stated that one for one exchange ratio was still fair and equitable. Bacon Whipple concurred with the Duff Anderson statement.

A subsequent letter from Duff Anderson, dated February 3, 1975, stated that, based on January 30 market prices, ELT common stock's market price of 8⅛ would result in a token discount for those B.S.F. shareholders exchanging their shares since the adjusted net asset value of a B.S.F. share (based on B.S.F.'s December 31 portfolio with January 30 prices for its marketable securities) was $8.14. Again, Bacon Whipple concurred in Duff Anderson's conclusion that a one-for-one exchange is fair and equitable.

Applicants have received a ruling from the Internal Revenue Service to the effect that no gain or loss for Federal income tax purposes will be recognized by ELT, B.S.F., ELT shareholders, or B.S.F. shareholders who participate in the merger. The basis of ELT shares received by former B.S.F. shareholders who participate in the merger will be the same as the basis of the B.S.F. shares exchanged by them for ELT shares.

The Boards of Directors of ELT and B.S.F. have each voted to recommend the merger to their shareholders and intend to call separate special meetings of the shareholders of the two companies to be held for the purpose of voting on the proposed merger.

John J. Harvey, Chairman of the Board of Directors of ELT and President, Treasurer and Director of B.S.F., beneficially owns 6.2 percent of the outstanding shares of B.S.F. and 3.1 percent of the outstanding shares of ELT. Peter R. Harvey, President and Director of ELT and Director of B.S.F. owns 8.3 percent of the outstanding shares of ELT and 4.1 percent of the outstanding shares of B.S.F. The B.S.F. shares owned by all officers and directors of B.S.F. represent approximately 12 percent of the total outstanding. The ELT shares owned by all officers and directors of ELT, represent approximately 13 percent of the total outstanding. In addition, aside from Peter R. Harvey, John J. Harvey and Bert M. Kleinman (who is also a director of both Applicants), one officer-director of ELT owns B.S.F. shares and two directors of B.S.F. (one of whom is also an officer) own shares of ELT.

Each of the aforementioned directors and officers of ELT and B.S.F. intends to vote his respective ELT and B.S.F. shares in favor of the merger and to exchange any B.S.F. shares held by him for ELT shares upon consummation of the merger. If the merger is effectuated, ELT will have outstanding 2,236,527 shares, of which Peter R. Harvey will own 187,380 shares, or approximately 8.3 percent of the total outstanding; John J. Harvey will own 103,001 shares, or approximately 4.6 percent; and all officers and directors of both ELT and B.S.F. will own 337,724 shares, or approximately 15 percent.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such affiliated person, to sell to, or purchase from, such investment company any security or property unless the Commission, upon application pursuant to Section 17(b) of the Act, grants an exemption from the provisions of Section 17(a) after finding that the terms of the proposed transaction are fair and reasonable, do not involve overreaching on the part of any person concerned, and are consistent with the general purposes of the Act. The purchase of the assets of B.S.F. by ELT is a transaction subject to the provisions of Section 17(a) of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act. The actions of the aforementioned officers and directors of B.S.F. and ELT in voting on the merger and exchanging B.S.F. shares for ELT shares upon its consummation may be deemed to constitute a joint arrangement between them and B.S.F. and thus, subjects their action to the provisions of Section 17(d) and Rule 17d–1.

Applicants state that the proposed terms of the merger, including the consideration to be paid or received upon its consummation, are reasonable and fair and do not involve overreaching on the part of any person concerned. The ratio provides a premium over the bid price for B.S.F. shares which B.S.F. shareholders could not expect to achieve by market sales of their shares. ELT, whose financial condition is fairly tight due to sizable short-term and long-term debt, will benefit through the merger because of balance sheet improvements produced by ELT's acquisition of B.S.F.'s liquid assets. Although the proposed ratio involves a discount from estimated adjusted net assets value for B.S.F. shares as of December 31, 1974, Applicants submit that the discount is slight. Moreover, Applicants state that the merger will cause a dilution of ELT's earnings per share and net tangible book values per share which will benefit the B.S.F. shareholders and disadvantage the ELT shareholders. Applicants contend that the projected discount from B.S.F.'s adjusted net asset value is justified, and that any change in the proposed ratio to eliminate the discount would be unduly disadvantageous to the ELT shareholders.

Applicants further allege that the proposed merger would not involve overreaching on the part of any affiliated person of B.S.F. and that all such persons who will participate in the merger as shareholders of B.S.F. will participate on the same basis as all other B.S.F. shareholders.

Notice is further given that any interested person may, not later than March 6, 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, and 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, DC. 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 addresses 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 March 6, 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] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4976 Filed 2-24-75;8:45 am]

NATIONAL ENVIRONMENTAL CONTROLS, INC.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Environmental Controls, 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 12:00 noon (est) on February 14, 1975

through midnight (est) on February 23, 1975.

By the Commission.

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

[FR Doc.75-4975 Filed 2-24-75;8:45 am]

[Rel. No. 8672]

WESTERN/AMERICA FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1975.

Notice is hereby given that Western/America Fund, Inc., 2403 Financial Center, Seattle, Washington 98161 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company, filed an application on November 21, 1974, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Washington corporation, registered under the Act by filing its Notification of Registration on Form N-8A on April 30, 1969, under the name "Fund of the West, Inc."

On September 19, 1974, at a special meeting of Applicant's shareholders, a resolution was adopted by more than two-thirds of the outstanding voting securities to dissolve the corporation by voluntary act pursuant to Title 23A, Revised Code of Washington. Applicant states that pursuant to the action by shareholders all of Applicant's assets have been distributed in cash to its shareholders in cancellation of Applicant's outstanding shares.

Applicant further states that it no longer has any shareholders; that it does not engage nor propose to engage in any investment company or other activity; and that it has filed its Statement of Intent to Dissolve as required by the Revised Code of Washington.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company, has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 12, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.75-4978 Filed 2-24-75;8:45 am]

[Rel. No. 8671]

WASHINGTON INVESTMENT NETWORK, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1975.

Notice is hereby given that Washington Investment Network, Inc., 2030 M St., NW., Suite 602, Washington, D.C. 20036 ("Applicant") originally registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on November 29, 1974, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that pursuant to a Plan of Complete Liquidation and Dissolution ("Plan") adopted by shareholders on July 31, 1974, Applicant converted to a closed-end company, and ceased the redemption of its shares.

Between August and November 1974, Applicant completed the liquidation of its remaining securities holdings and paid its ascertainable liabilities. On November 1, 1974, The United Missouri Bank of Kansas City, Applicant's custodian, and now Agent for Stockholders pursuant to the Plan, commenced distribution of Applicant's assets to its shareholders. Applicant further states that it will file final income and franchise tax returns, and thereafter, the appropriate Certificate of Dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 12, 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, and 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 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.75-4977 Filed 2-24-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

PHILADELPHIA DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Philadelphia District Advisory Council will meet at 9:30 a.m., Eastern Daylight Time, Wednesday, March 19, 1975, at the Host Inn, 4751 Lindle Road, Harrisburg, Pennsylvania to discuss such business as may be presented by members and the staff of the Small Business Administration and others attending. For further information, call or write, William B. Patterson, Small Business Administration, Suite 400 East Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, (215) 597-3201.

Dated: February 14, 1975.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.75-4970 Filed 2-24-75;8:45 am]

WICHITA DISTRICT ADVISORY COUNCIL
Notice of Meeting

The Small Business Administration, Wichita District Advisory Council, will meet at 9:00 a.m., Central Daylight Time, Wednesday, March 19, 1975, in the Wichita Area Chamber of Commerce, Conference Room, Wichita, Kansas, to discuss such business as may be presented by members and the staff of the Small Business Administration and others attending. For further information, call or write, Clayton Hunter, Small Business Administration, 120 South Market Street, Wichita, Kansas 67202, (316) 267-6566.

Dated: February 18, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-4971 Filed 2-24-75;8:45 am]

[License No. 01/01-5273]

MASSACHUSETTS VENTURE CAPITAL CORP.
Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Massachusetts Venture Capital Corporation (licensee), 141 Milk Street, Boston, Massachusetts 02109, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provisions of 13 CFR 107.1004 (1974).

Licensee proposes to invest $150,000 in Geneva Printing and Publishing, Inc. (Geneva), a small business concern located in Boston, Massachusetts.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Charles T. Grigsby, President of the licensee, is also one-third owner of Lee Grigsby Associates, which owns 90 percent of Geneva's outstanding stock.

Notice is hereby given that any person may, not later than March 12, 1975, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

A copy of this notice shall be published in a local newspaper in Boston, Massachusetts.

Dated: February 14, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4972 Filed 2-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY
Elimination of Gateway Applications

FEBRUARY 14, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 29079 (Sub-No. 73G) (Partial Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 20, 1975, and republished, as corrected, in part this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005.

NOTE.—The purposes of this republication are to correct the commodity description in (A) to read as follows: *Iron, steel and iron and steel products, dies, and die parts, die models, hand jigs, tools, patterns and templates* when moving in connection with dies; and correct the territorial description in (D) to read as follows: between Anaconda Wire and Cable Company plantsite near LaGrange, Ky. and North American Rockwell Corporation plantsite and warehouse near Winchester, Ky., on the one hand, and, on the other points in Washington and Greene Counties, Pa. and points in West Virginia north of U.S. Highway 40. The rest of the notice remains as originally published.

No. MC 43670 (Sub-No. 6G) (Partial Correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of January 28, 1975, and republished, in part, as corrected, this issue. Applicant: DELCHER BROTHERS STORAGE COMPANY, a corporation, 262 Riverside Avenue, Jacksonville, Fla. 32201. Applicant's representative: Sheldon Silverman, 1819 H Street NW., Washington, D.C. 20006.

NOTE.—The purpose of this republication is to add the following authority omitted in the original publication: (10) between points in California on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and those in the part of Texas east of Interstate Highway 45 from Galveston to Dallas, points east of U.S. Highway 75 from Dallas to the Oklahoma State Boundary line, points in that part of Oklahoma east of U.S. Highway 75 from Texas to the Kansas State Boundary line, points in Kansas east of Interstate Highway 35 from the Oklahoma State Boundary line to Topeka, and east of U.S. Highway 75 from Topeka to the Nebraska State Boundary line, and points in Iowa east of Interstate Highway 35 from Missouri to the Minnesota State Boundary line. The purpose of this filing is to eliminate the gateway at Florida. The rest of the notice remains as previously published.

No. MC 59247 (Sub-No. 6G) (Amendment), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 14, 1974, and republished, in part as amended, this issue. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 10007.

NOTE.—The purpose of this partial republication is to amend the territorial description in (4) to read as follows: Between Philadelphia, Pa. on the one hand, and, on the other, points in New Jersey north of a line between Phillipsburg and Asbury Park, N.J. The rest of the notice remains as previously published.

No. MC 109172 (Sub-No. 11G), filed June 4, 1974. Applicant: NATIONAL TRANSFER, INC., 4100 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials, and building materials* between points in Washington, on and east of a line extending north and south through the Cascade Tunnel, on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Oreg., and (2) *commodities the transportation of which because of size* or weight requires the use of special *equipment*, between points in that part of Washington east of the western boundaries of Oklahoma, Chelan, Kittitas, Yakima and Klickitat Counties, Wash., on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg. The purpose of this filing is to eliminate the gateway of Seattle, Wash.

No. MC 113855 (Sub-No. 293G) (Amendment), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 27, 1975, and republished as

amended, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted in (2) above to commodities transported on trailers, (a) between points in New York, on the one hand, and, on the other, points in Colorado*, Idaho**, Illinois*, Iowa*, Kansas*, Minnesota*, Montana*, North Dakota*, Nebraska*, Nevada**, Oregon**, South Dakota*, Washington**, and Wyoming*, and (b) between points in Connecticut, District of Columbia, Delaware, Indiana, Kentucky, Massachusetts, Maryland, North Carolina, New Jersey, Ohio, Rhode Island, Virginia, and West Virginia, on the one hand, and, on the other, points in Idaho**, Iowa*, Kansas*, Minnesota*, Montana*, North Dakota*, Nebraska*, Nevada**, Oregon**, South Dakota*, Washington**, and Wyoming* (except between points in Ohio and Indiana, on the one hand, and, on the other, points in South Dakota). (Except that the above noted restrictions shall not apply between points in Indiana, on the one hand, and, on the other, points in Montana, North Dakota, Nebraska, and Wyoming, and between points in Ohio, on the one hand, and, on the other, points in Kansas.) The purpose of this filing in I (a) and (b) is to eliminate the gateways at Scranton, Pa.; Elgin, Ill.; Utah and South Dakota.

(c) Between points in Pennsylvania, on the one hand, and, on the other, points in Idaho**, Iowa, Kansas, Minnesota, Montana, North Dakota, Nebraska, Neveda**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at Elgin, Ill.; points in South Dakota; and Utah. (d) between points in Michigan, on the one hand, and, on the other, points in Idaho**, Minnesota, North Dakota, Nebraska, Oregon**, Washington** and Wyoming and (e) between points in Illinois, on the one hand, and, on the other, points in Idaho**, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, and Wyoming. The purpose of this filing in I (d) and (e) is to eliminate the gateways at Davenport, Iowa; South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming; (f) between points in Iowa, on the one hand, and, on the other, points in Idaho**, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming; (g) between points in Missouri, on the one hand, and, on the other, points in Connecticut*, District of Columbia*, Delaware*, Idaho**, Massachusetts*, Maryland*, Minnesota, Montana, North Dakota, New Jersey*, New York*, Nevada**, Oregon**, Rhode Island*, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Elgin, Ill.; Scranton and Allentown, Pa.

(h) Between points in Wisconsin, on the one hand, and, on the other, points in Idaho**, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, and Wyoming. The purpose of this filing is to eliminate the gateways at South Dakota and points in Minnesota within 50 miles of Sioux Falls, S. Dak.; Montana; Wyoming; and Utah. (i) between points in Minnesota, on the one hand, and, on the other, points in California, Idaho**, Montana, North Dakota, Nevada**, Oregon**, South Dakota, Utah, Washington** and Wyoming. The purpose of this filing is to eliminate the gateways at points in Southern Minnesota, South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming. (j) between points in South Dakota, on the one hand, and, on the other, points in California, Idaho**, Nevada**, Oregon** and Washington**. The purpose of this filing is to eliminate the gateways at points in Nebraska; Utah; Montana; and Wyoming. (k) between points in Nebraska, on the one hand, and, on the other, points in Idaho**, Illinois, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in Utah; South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Montana; Wyoming; and Southern Minnesota. (l) between points in North Dakota, on the one hand, and, on the other, points in California**, Idaho**, Montana, Nevada**, Oregon**, Utah, Washington**, and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota; Utah; Montana; and Wyoming.

(m) Between points in Kansas, on the one hand, and, on the other, points in California, Idaho**, Illinois, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Utah, Washington**, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; southern Minnesota; Utah; Montana; and Wyoming. (n) between points in Colorado, on the one hand, and, on the other, points in California**, Connecticut*, Delaware*, Idaho**, Illinois, Indiana**, Iowa, Kentucky*, Massachusetts*, Maryland*, Minnesota, Montana, North Carolina*, North Dakota, New Jersey*, Nebraska, Nevada**, Ohio, Oregon**, Pennsylvania, Rhode Island*, Virginia*, West Virginia*, Washington**, Wyoming and the District of Columbia*. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Nebraska; Davenport, Iowa; Elgin, Ill.; Scranton and Allentown, Pa. (o) from points in Idaho, Nevada, Oregon, and Washington, to points in Maine**, Vermont** and New Hampshire**. The purpose of this filing is to eliminate the gateway at points in Utah.

(p) (except such aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance, servicing, repair and operation of airplanes as may, because of size or weight, require the use of special equipment or special handling), from points in Oregon and Washington, to points in Mississippi** and Tennessee**.

The purpose of this filing is to eliminate the gateway at points in California.

Restrictions: (1) * in I (a) through and including (p) against the transportation of boats and iron and steel articles as applicable. (2) * * in (a) through and including (p) against the transportation of boats, as applicable. (3) Service to and from Illinois in (a), (b), (c), (m) and (n) above is restricted to the following described portion of Illinois: Points on that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (4) Service to and from Iowa in (a), (b), (c), and (e) above is restricted to the following described portion of Iowa: Points in that part of Iowa on, west and north of a line beginning on the Iowa-Missouri State Boundary line at or near Lineville, Iowa, on U.S. Highway 65, thence northerly along U.S. Highway 65 to Des Moines, Iowa, thence easterly along U.S. Highway 6 to the Iowa-Illinois State Boundary line at or near Davenport, Iowa.

(5) Service to and from the following portion of Iowa in (k) above is restricted to heavy machinery and other contractor's materials, supplies and equipment which because of size or weight requires the use of special equipment and self-propelled machinery each weighing 15,000 lbs. or more (restricted to commodities which are transported on trailers): Points in that part of Iowa south and west of a line beginning at the Iowa-Illinois State Boundary line at or near

Davenport, Iowa, along U.S. Highway 6, thence westerly along U.S. Highway 6 to Des Moines, Iowa, thence north along U.S. Highway 65 to the Iowa-Minnesota State Boundary line north of Northwood, Iowa.

II. *Road construction machinery and equipment*, as described in Appendix VIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *lift trunks* in flat bed trailers only, between points in Idaho, Oregon and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia and South Carolina, restricted to the transportation of so called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association* v. *Rowe Transfer*, 64 M.C.C. 229. The purpose of this filing is to eliminate the gateways at points in the Minneapolis-St. Paul, Minn. Commercial Zone and points within 15 miles thereof.

III. *Road construction machinery and equipment*, as described in Appendix VIII to the Report in *Descriptions in* Motor Carrier Certificates, 61 M.C.C. 209, and *lift trucks* in flat bed trailers only, between points in Minnesota, Montana, North Dakota, South Dakota, Wisconsin and Wyoming on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, South Carolina and Tennessee, restricted to the transportation of so called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association* v. *Rowe Transfer* 64 M.C.C. 229. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Minneapolis-St. Paul, Minn. Commercial Zone and points within 15 miles thereof.

IV. *New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and *pipelayers* and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators, internal combustion engines, and generators and engines combined* (except aircraft and missile engines), and *accessories, attachments, and parts* of or for the above-specified equipment and machinery, which because of size or weight requires the use of special equipment, and *such of the foregoing commodities* not requiring the use of special equipment which are self-propelled articles weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, from points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maryland, Minnesota, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateways at Allentown and Scranton, Pa.; Elgin, Ill. and Davenport, Iowa.

NOTE.—The purpose of this republication is to amend the authority originally requested.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1977 (Sub-No. E1) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 23, 1975. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe, Denver, Colo. 80216. Applicant's representative: Ira E. Neal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Denver, Colo., on the one hand, and, on the other, Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Montrose, Colo. The purpose of this correction is to correct the MC number, previously published as No. MC 1197.

No. MC 2368 (Sub-No. E34), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland on and east of Interstate Highway 95 to points in West Virginia on and west of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to junction Interstate Highway 77, thence south along Interstate Highway 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E35), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 15, thence along U.S. Highway 15 to North Carolina Highway 87, thence along North Carolina Highway 87 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, to points in West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E40), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Delaware, to points in Tennessee (except Memphis), South Carolina, North Carolina on and west of Interstate Highway 95, and West Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding west along U.S. Highway 60 to junction Interstate Highway 64 at Charleston, West Virginia, thence west along Interstate Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E43), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Washington, D.C., to points in North Carolina, South Carolina, Georgia, Kentucky, and West Virginia on and south and west of a line beginning at the West Virginia-Kentucky State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E44), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Washington, D.C., to points in Tennessee. The purpose of this filing is to eliminate the gateway of King George County, Virginia.

No. MC 2368 (Sub-No. E45), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Tennessee (except Chattanooga), to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and proceeding north along Interstate Highway 83 to Harrisburg, Pa. to junction Interstate Highway 81, thence north along Interstate Highway 81 to the Pennsylvania-New York State line and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E46), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Tennessee (except Chattanooga), and points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding west along U.S. Highway 60 at Charleston, W. Va., to junction Interstate Highway 64, thence along Interstate Highway 64 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E47), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Illinois, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and points in Virginia on and south and east of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 85 to Petersburg, Virginia to junction U.S. Highway 1, thence north along U.S. Highway 1 to Fredericksburg, Virginia to junction Virginia Highway 3, thence east along Virginia Highway 3 to its termination at the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E48), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360, to the Virginia Shore of the Chesapeake Bay at Reedville, Virginia to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E49), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in, on, and east and north of a line beginning at the Virginia-Maryland State line and proceeding south along U.S. Highway 15 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in South Carolina on and south of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E50), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and north and west of a line beginning at the Virginia-West Virginia State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia State line, on the one hand, and, on the other, points in Virginia on and east and north of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 95 to junction U.S. Highway 33, thence east along U.S. Highway 33 to its termination at the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E51), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and west of Interstate Highway 81, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 258 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Chesapeake Bay to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of origin, and Northampton and Accomack Counties, Virginia. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E52), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in, on, and south of a line beginning at the Virginia-West Virginia State line and proceeding east along Virginia Highway 311 to junction U.S. Highway 460 at Roanoke, Virginia, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E53), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on and bounded by a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 301 to U.S. Highway 1 at Richmond, Virginia, thence along U.S. Highway 1 to Virginia Highway 3, thence along Virginia Highway 3 to the Chesapeake Bay, thence along the Chesapeake Bay to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to points of origin, to points in West Virginia on and west of a line beginning at the West Virginia on and west of a line beginning at the West Virginia on and west of a line beginning at the West Virginia-Kentucky State line and extending east along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Virginia Highway 12 near Ada, Virginia, thence west along Virginia Highway 12 to junction U.S. Highway 460, thence along U.S. Highway 460 to U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E82), filed June 4, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Marshall Dragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal*

oils, in bulk, in tank vehicles, from the District of Columbia to points in Louisiana. The purpose of this filing is to eliminate the gateway of Portsmouth, Virginia.

No. MC 2368 (Sub-No. E87), filed June 4, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Marshall Kragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Crozet, Virginia to points in Louisiana and Florida. The purpose of this filing is to eliminate the gateway of Portsmouth, Virginia.

No. MC 14702 (Sub-No. E4), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (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, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between points in West Virginia on and east of U.S. Highway 19 beginning at the Pennsylvania-West Virginia State line on U.S. Highway 19, south to junction U.S. Highway 33, thence along U.S. Highway 33 east to junction U.S. Highway 219, thence along U.S. Highway 219 south to Marlington, W. Va. thence along West Virginia Highway 39 southeast to Virginia State line on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 224, beginning at the Pennsylvania-Ohio State line, thence west to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E10), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts* (except commodities in bulk and those requiring special equipment), between points in West Virginia on and south of U.S. Highway 33 from the Ohio-West Virginia State line to the Virginia State line, on the one hand, and, on the other, points in the Pennsylvania Counties of Crawford, Erie, Mercer, and Venango, and Buffalo, N.Y.; between points in Virginia from the West Virginia-Virginia State line on and south of U.S. Highway 33 to junction of Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to Chesapeake Bay, and those points in the Virginia Counties of Accomack, King George, Lancaster, Northampton, Northumberland, Richmond, and Westmoreland, on the one hand, and, on the other, points in the Pennsylvania Counties of Crawford, Erie, Lawrence, Mercer, and Venango, and Buffalo, N.Y.; and between Baltimore, Md., on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19 south from Erie, Pa., to junction Pennsylvania Highway 158, thence along Pennsylvania Highway 158 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to New Castle, Pa., to junction U.S. Highway 224, thence along U.S. Highway 224 west to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E11), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts* (except commodities requiring special equipment and commodities in bulk), between all points in West Virginia except those points in the West Virginia Counties of Grant, Hardy, Hampshire, Mineral, and Morgan; points in Virginia located on, south, and west of U.S. Highway 250 beginning at the West Virginia-Virginia State line east to junction of Interstate Highway 81, thence along Interstate Highway 81 south of junction U.S. Highway 60, thence along U.S. Highway 60 south to junction U.S. Highway 29, thence along U.S. Highway 29 south to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina State line, on the one hand, and, on the other, Rochester, N.Y. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E26), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural frame steel, and metals and metal grading, lathe, mesh, panels, and partitions* (except commodities which because of size or weight require the use of special equipment and except commodities in bulk), between Niles, Warren, Girard, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Nebraska and Council Bluffs, Iowa. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and Vienna, W. Va.

No. MC 14702 (Sub-No. E39), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight, requires the use of special equipment and except in bulk), (1) between points in Tennessee located on and between the following routes west of U.S. Highway 25E beginning at the Kentucky-Tennessee State line south to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina State line and east of U.S. Highway 127 beginning at the Kentucky-Tennessee State line, thence south of the Tennessee-Georgia State line, on the one hand, and, on the other, points in New York on, east, and north of New York Highway 14, south from Lake Ontario to junction of U.S. Highway 20, thence along U.S. Highway 20 east to junction New York Highway 7, thence along New York Highway 7 east to the New York-Vermont State line; (2) between points in Tennessee on, east, and south of U.S. Highway 23 from the Virginia-Tennessee State line south to junction U.S. Highway 11W, thence southeast along U.S. Highway 11W to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction Tennessee Highway 32, thence south along Tennessee Highway 32 south to the Tennessee-North Carolina State line, on the one hand, and, on the other, Rochester, N.Y.; (3) between points in Tennessee on and east of U.S. Highway 25E from the Kentucky-Tennessee State line south to junction Tennessee Highway 32, thence along Tennessee Highway 32 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in New York on, east, and north of New York Highway 18 south from Lake Ontario to Rochester, N.Y., thence along New York Highway 104 east from Rochester, N.Y., to junction New York Highway 38, thence along New York Highway 38 south to junction U.S. Highway 5, thence along U.S. Highway 5 east to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line;

(4) between points in Tennessee on and west of Tennessee Highway 56 south from the Kentucky-Tennessee State line to the Tennessee-Alabama State line and Cookeville, Tenn., on the one hand, and, on the other, points in Massachusetts on and north of U.S. Highway 20 from the New York-Massachusetts State line east to Boston, Mass., and Massachusetts Bay, Maine, New Hampshire, and Vermont; (5) between Chattanooga, Tenn., on the one hand, and, on the other, points in Mnssachusetts on, north, and west of U.S. Highway 20 from the New York-Massachusetts State line to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 north to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 east to junction U.S. Highway 5, thence along U.S. Highway 5 north to the Massachusetts-Vermont State line, points in Maine, Vermont, and New Hampshire; and (6) between points in Tennessee on and west of Interstate Highway 75, south from the Kentucky-Tennessee State line to Knoxville, Tenn., thence along Tennessee Highway 129 south to the Tennessee-North Carolina

State line to junction Interstate Highway other, points in Vermont on and north of U.S. Highway 4 from the New York-Vermont State line to the Vermont-New Hampshire State line, points in New Hampshire on and north of U.S. Highway 4 from the Vermont-New Hampshire State line to junction Interstate Highway 89, thence along Interstate Highway 89 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line, points in Maine on and north of New Hampshire 9 from the New Hampshire-Vermont State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of the plant site of the Alcan Aluminum Corp., at or near Fairmont, W. Va., and the plant site of the Alcan Aluminum Corp., at or near Oswego, N.Y.

No. MC 82063 (Sub-No. E2), filed June 4, 1974. Applicant: KLIPSCH HAULING CO., 112 North Fourth Street, St. Louis, Missouri, 63102. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid printers ink*, in bulk, in tank vehicles, from points in the St. Louis, Missouri-East St. Louis, Illinois, Commercial Zone, to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, Ohio, Colorado, North Dakota, South Dakota, Wyoming, those points in Texas on and south of a line beginning at the Oklahoma-Texas State line, thence Texas Highway 83 to junction U.S. Highway 70, thence U.S. Highway 84 to the Texas-New Mexico State line; those points in Alabama on and south of a line beginning at the Mississippi-Alabama State line, and extending along Alabama Highway 56 to junction U.S. Highway 43, U.S. Highway 43 to junction Interstate Highway 65, Interstate Highway 65 to junction Alabama Highway 21, Alabama Highway 21 to the Alabama-Florida State line, those points in Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 8 to junction U.S. Highway 61, U.S. Highway 61 to junction Mississippi Highway 12, Mississippi Highway 12 to junction U.S. Highway 49, U.S. Highway 49 to junction Interstate Highway 20, Interstate Highway 20 to junction Mississippi Highway 18, Mississippi Highway 18 to junction Mississippi Highway 15, Mississippi Highway 15 to junction to U.S. Highway 84, U.S. Highway 84 to junction U.S. Highway 45, and U.S. Highway 45 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of General Printing Ink Corp., at or near Overland, Missouri, at North Kansas City, Missouri, and at Pine Bluff, Arkansas.

No. MC 83539 (Sub-No. E15), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and *parts* of such commodities when moving in connection therewith (except aircraft and missiles, and parts thereof), between points in that part of Indiana in and north of Posey, Vanderburgh, Gibson, Pike, Daviess, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin Counties, Ind., on the one hand, and, on the other, points in that part of South Carolina in, south, and east of York, Chester, Fairfield, Newberry, Saluda, and Edgefield, S.C. (points in Kentucky, Tennessee, North Carolina, and Georgia)*; (2) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (restricted against the transportation of steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery, from Benton Harbor, Mich., to points in Montana, North Dakota, South Dakota, and Wyoming)*, between points in Delaware, on the one hand, and, on the other, points in that part of Colorado in and west of Logan, Washington, Lincoln, Crowley, Otero, and Los Animas, Colo. (points in Wyoming and Pennsylvania)*; and (3) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, or handling, and *parts* thereof when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special equipment, between points in that part of Alabama on and north of U.S. Highway 80, on the one hand, and, on the other, points in that part of New Jersey in and north of Gloucester and Atlantic Counties, N.J. (points in Tennessee, Virginia, and Pennsylvania)*.

The operations authorized in (1) and (3) above are restricted against the stringing and/or picking up of pipe in connection with the construction and dismantling of main or trunk pipelines between points in Louisiana, Mississippi, and North Carolina. The operations authorized in (1) and (2) above are restricted against the stringing or picking up of pipe along pipelines. The operations authorized in (1) above are restricted against the transportation of heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, between points in Illinois, on the one hand, and, on the other, points in Mississippi, Louisiana, and that part of Arkansas on U.S. Highway 61. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 83539 (Sub-No. E18), filed May 31, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (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 which are transported on trailers, between points in that part of West Virginia in and north of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, Randolph, and Pemdleton Counties, W. Va., on the one hand, and, on the other, points in that part of Alabama in and north of Sumter, Marengo, Dallas, Autauga, Elmore, Tallapoosa, and Lee Counties, Ala. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 83539 (Sub-No. E64), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Rhode Island, on the one hand, and, on the other, points in that part of New Hampshire west and north of U.S. Highway 125. The purpose of this filing is to eliminate the gateway of Worcester, Mass., and points within 25 miles of Worcester.

No. MC 83539 (Sub-No. E65), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in Idaho, on the one hand, and, on the other, points in North Carolina (points in Nebraska, Kansas, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (b) between points in Idaho, on the one hand, and, on the other, points in Virginia (points in Utah and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (c) between points in Iowa, on the one hand, and, on the other, points in Washington (points in Montana and South Dakota)*; and (d) between points in Michigan, on the one hand, and, on the other, points in Washington (points in Montana)*; and (II) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, parts, tools, and supplies moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in Mississippi, on the one hand, and, on the other, points in Virginia (points in Tennessee)*; (b) between points in Nebraska, on the one hand, and, on the other, points in North Dakota (points in South Dakota)*; and (c) between points

in Nebraska, on the one hand, and, on the other, points in Texas (points in Kansas)*. The operations authorized in (I)(a) and (c) and (II)(b) and (c) above are restricted against the transportation of any shipment which (a) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateways, indicated by asterisks above.

No. MC 106920 (Sub-No. E5) (correction), filed June 4, 1974, published in the FEDERAL REGISTER, January 30, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 420, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed or unprocessed, from points in Missouri to points in Indiana on and east of a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 106920 (Sub-No. E13), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed and unprocessed, from points in Minnesota to points in Pennsylvania, North Carolina, South Carolina, Maryland, Massachusetts, New York, Delaware, Connecticut, Rhode Island, West Virginia, Virginia, New Jersey, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E16), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as classified under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, from Elmira, N.Y., to those points in Florida south of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 90 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 75, thence along Florida Highway 247 junction Interstate Highway 4, thence along Interstate Highway 4 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction Florida Highway 542, thence along Florida Highway 542 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E31), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin north of a line beginning at the Minnesota-Wisconsin State line and extending along Wisconsin Highway 35 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan, to points in Mississippi east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E46), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except sweet cream and milk, processed and unprocessed, from points in Arkansas, west of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 67 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 125, thence along Arkansas Highway 125 to the Arkansas-Missouri State line to points in West Virginia (except points in West Virginia on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E73), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along U.S. Highway 41 to junction U.S. Highway 2, thence along U.S. Highway 2 to Thompson, Mich., to points in Mississippi. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E105), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 27, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 49 M.C.C. 628, from points in Missouri on and north of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 51 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107403 (Sub-No. E468) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER, January 29, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except fly ash) in bulk, in vehicles specially designed for the transportation of dry bulk commodities, from points in Ohio within 150 miles of Monongahela, Pa., to points in Indiana, Michigan, Kentucky, those

points in Pennsylvania east of U.S. Highway 220 which are not within 150 miles of Monongahela, Pa., and those points in West Virginia which are not within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne, Ohio, which are within 150 miles of Monongahela, Pa. The purpose of this correction is to clarify the origin and destination descriptions.

No. MC 107515 (Sub-No. E34), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Luling, Tex., to points in Connecticut, Delaware, Massachusetts, New Jersey, Maryland, and the District of Columbia; points in Virginia on and east of U.S. Highway 15; points in Pennsylvania on and east of U.S. Highway 219; and points in New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 110525 (Sub-No. E310) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 7, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Massachusetts to points in Florida. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E391) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals and derivatives of coal tar), in bulk, in tank vehicles, from points in New Jersey to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ironton, Ohio. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E392) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E395) (Correction) filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E420) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 10, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous products), in bulk, in tank vehicles, from points in New York to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to correct the exception.

No. MC 110525 (Sub-No. E516), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 13, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Connecticut, restricted against the transportation of liquid latex from Akron, Ohio. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The purpose of this correction is to correct the restriction.

No. MC 110525 (Sub-No. E1240) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, December 2, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Coal tar products*, (1) from the District of Columbia and points in Delaware and Maryland to points in Connecticut, that part of New Jersey on and north of New Jersey Highway 70, and points in the New York, N.Y., Commercial Zone, as defined in the New York, N.Y., Commercial Zone, 1 M.C.C. 665. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include a portion in (C)(1) above which was omitted in the previous publication. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E351), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, fibre board, wallboard, pulpboard*, and *strawboard, tin roofing caps, roofing cement, metal clamps, roof coating, creosote, metal fasteners, building* or *roofing felts, asbestos* or *felt paper roofing material, nails, asphaltum and coal tar paint, building and roofing paper, roofing pitch, composition roofing, asphalt siding, shingles, sheathing*, and *tin straps*, from Lockland, Ohio, to Baltimore, Md., and those points in Maryland east of the Intercoastal Waterway and points in Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Sunbury, Pa.

No. MC 114019 (Sub-No. E352), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Hancock County, W. Va., to those points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 164, thence along Illinois Highway 164 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Lansing, Ohio, and St. Marys, W. Va.

No. MC 114019 (Sub-No. E400), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South 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: *Dairy products as described* in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Des Moines, Iowa, to those points in Pennsylvania north and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence

U.S. Highway 219 to the Pennsylvania-Maryland State line, West Virginia, those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 20 to junction Ohio Highway 120, then U.S. Highway 40 to the West Virginia-Ohio State line, and Columbus, Mansfield, Massillon, Akron, Canton, Wooster, Ashland, Galion, Lima, Findlay, Toledo, Sandusky, Lorain, Elyria, Avon, Cleveland, Marion, and Bryan, Ohio. The purpose of this filing is to eliminate the gateway of Definance, Ohio.

No. MC 114019 (Sub-No. E401), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery business houses, from Cincinnati, Ohio to points in that part of Illinois on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Jeffersonville, Ind.

No. MC 114211 (Sub-No. E634), 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*, each weighing 15,000 pounds or more and *related machinery tools, parts* and *supplies* moving in connection therewith, between points in that part of Illinois on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E635), 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 Springfield, Illinois, on the one hand, and, on the other, points in Washington, Oregon, Nevada, Idaho, Montana, North Dakota, and South Dakota. Also portions of California, Utah, Wyoming, Minnesota, points in that part of California, on and north of a line beginning at the California-Arizona State line extending along Interstate Highway 10 Highway 74, thence along California Highway 74, to junction California Highway 74, thence along California Highway 74, to junction California Highway 71, thence along California Highway 71, to junction California Highway 79, thence along California Highway 79 to junction Interstate Highway 8, thence along Interstate Highway 8 to San Diego, California points in that part of Utah on and west of a line beginning at the Wyoming-Utah State line extending along U.S. Highway 189 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Arizona-Utah State line, points in that part of Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 25 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Wyoming State line, and points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to the United States-Canada Boundary line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and points in Iowa.

No. MC 114211 (Sub-No. E636), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from McAllen, Tex., to points in Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, and to points in that part of Maryland on and north of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 219, thence along U.S. Highway 219, to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and points, in Kansas.

No. MC 114211 (Sub-No. E639), 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 implements* and *parts* therefore when moving incidental to and in the same vehicle with said commodities (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459) from Lincoln, Nebr., to points in Florida, Louisiana, and to points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 74, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 123 to junction U.S. Highway 29, thence along U.S. Highway 29 to the South Carolina-North Carolina State line, to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along Georgia Highway 48 to junction U.S. Highway 27, thence along U.S. Highway 27, to junction Georgia Highway 140, thence along Georgia Highway 140, to junction U.S. Highway 411, thence along U.S. Highway 411, to junction U.S. Highway 76, thence along U.S. Highway 76 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 72 to junction Alabama Highway 117.

Thence along Alabama Highway 117 to the Alabama-Georgia State line, to points in that part of Mississippi on and south of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 72 to the Mississippi-Alabama State line, to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along Interstate Highway 40 to the Arkansas-Tennessee State line, to points in that part of Oklahoma on, east and south of a line beginning at the Texas State line extending along H. E. Bailey Turnpike to junction Oklahoma Highway 7, thence along Oklahoma Highway 7, to junction Oklahoma Highway 1, thence along Oklahoma Highway 1, to junction Oklahoma Highway 99, thence along Oklahoma Highway 99, to junction Interstate Highway 44, thence along Interstate Highway 44, to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, to points in that part of New Mexico on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 62–180 to the New Mexico-Texas State line, and to points in that part of Tennessee on and south of a line beginning at the Arkansas-Tennessee State line extending along Interstate Highway 40 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Tennessee-Mississippi State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr. and Claremore, Okla.

No. MC 114211 (Sub-No. E640), 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 commodities and farm machinery*, between Baxter Springs, Kans., on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 183 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E641), 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 Clay Center, Kans., to points in Minnesota, Wisconsin, Illinois, Indiana, Ohio, and to points in that part of Missouri on and north of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 275 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line to points in that part of Texas on and south of a line beginning at the Louisiana-Texas State line extending along Interstate Highway 20 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E756), 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*, from Madison, S. Dak., to points in Texas, and to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 36 to the Indiana-Ohio State line, to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, to points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line, and to points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, restricted against commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling, and restricted against movement of oil field movements. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E758), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicants representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts thereof* in mixed loads with such commodities, from Valley, Nebr., to points in Washington; to points in that part of Oregon on and north of a line beginning at the Oregon-Washington State line extending along Oregon Highway 11 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction Oregon Highway 206, thence along Oregon Highway 206 to junction Oregon Highway 19, thence along Oregon Highway 19 to junction Oregon Highway 218, thence along Oregon Highway 218 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Oregon Highway 242, thence along Oregon Highway 242 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line; to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 west to the Idaho-Washington State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; to points in that part of North Dakota on and north of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to the North Dakota-Montana State line; and to points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 north to the United States-Canada International Boundary 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 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., Fargo, N. Dak., and points in South Dakota.

No. MC 114211 (Sub-No. E759), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Perry, Okla., on the one hand, and, on the other, points in Colorado, South Dakota, Nebraska, Minnesota, Iowa, and Illinois. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E760), 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 Durant, Okla., on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Washington, Montana; points in that part of Oregon on and north of a line beginning at the Idaho-Oregon State line extending along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 140, thence along Oregon Highway 140 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line; points in that part of Idaho on and north of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 20 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Idaho Highway 41, thence along Idaho Highway 41 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Idaho High-

way 324, thence along Idaho Highway 324 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Oregon State line; points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line; and points in that part of Wisconsin on and north of a line beginning at Sheboygan, Wis., extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Canton, S. Dak.

No. MC 114211 (Sub-No. E761), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* (designed for use in conjunction with farm tractors), and *parts* in mixed loads with such commodities, from Madison, S. Dak., to points in Washington, Oregon, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, District of Columbia; to points in that part of California on and northwest of a line beginning at San Diego, Calif., extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line; to points in that part of Nevada on and west of a line beginning at the California-Nevada State line extending along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.H. Highway 95, thence along U.S. Highway 95 to the Nevada-Oregon State line; to points in that part of Idaho on and northwest of a line beginning at the Oregon-Idaho State line extending along U.S. Highway 95 to junction Idaho Highway 55, thence along Idaho Highway 55 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to the Idaho-Montana State line; to points in that part of Montana on the northwest of a line beginning at the Idaho-Montana State line extending along Montana Highway 43 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Interstate Highway 94, thence along Interstate Highway 94 to the Montana-North Dakota State line; to points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 94 to junction U.S. Highway 83.

Thence along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; to points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line; to points in that part of Michigan on and north of a line beginning at the Lake Michigan extending along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction Interstate Highway 75 Temp., thence along Interstate Highway 75 Temp. to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction Michigan Highway 142, thence along Michigan Highway 142 to Lake Huron; to points in that part of New York on and east of a line beginning at the Lake Erie, extending along Interstate Highway 20 to junction New York Highway 249, thence along New York Highway 249 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line.

To points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 220 to the Maryland-West Virginia State line; to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 220 to the Virginia-North Carolina State line; to points in that part of West Virginia on and east of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 220 to the West Virginia-Virginia State line; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line; to points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 221 to the South Carolina-Georgia State line; to points in that part of Georgia on and east of a line beginning at the South Carolina-Georgia State line extending along U.S. Highway 221 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-Florida State line; and to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 221 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Fargo, N. Dak.

No. MC 114211 (Sub-No. E762), 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 Valley, Nebr., to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 141, thence along U.S. Highway 141 to Manitowoc, Wis., 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 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E763), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Road building equipment (except commodities which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, from Madison, S. Dak., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina; to points in that part of North Carolina on and south of a line beginning at Beaufort, N.C., extending along U.S. Highway 70 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 27, thence along North Carolina Highway 27 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 west to the North Carolina-Tennessee State line; to points in that part of Tennessee on and south of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 70 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the Tennessee-Missouri State line; and to points in that part of Oklahoma on and southeast of a line beginning at the Oklahoma-Missouri State line extending along U.S. Highway 66 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E764), 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 Springfield, Mo., to points in North Dakota, South Dakota, Minnesota; and to points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Wisconsin Highway 27 to junction Wisconsin Highway 171, thence along Wisconsin Highway 171 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin Highway 173 thence along Wisconsin Highway 173 to junction Wisconsin Highway 54, thence along Wisconson Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 66, thence along Wisconsin Highway 66 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Marinette, Wis. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E765), 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 Lincoln, Nebraska, to points in Wisconsin, and to points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 92, thence along Minnesota Highway 92 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada boundary line, to points in that part of Illinois on and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line, to points in that part of Indiana on and east of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 64 to junction U.S. Highway 41, thence along Indiana Highway 41 to junction Indiana Highway 68, thence along Indiana Highway 68, to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E766), 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 Lincoln, Nebraska, to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Pennsylvania, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E767), 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 Independence, Mo., to points in North Dakota, Minnesota; to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along Interstate Highway 90 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction South Dakota Highway 87, thence along South Dakota Highway 87 to the South Dakota-Nebraska State line; and to points in that part of Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 18 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Des Moines and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E768), 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, and except commodities described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459), from Great Bend, Kans., to points in Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, District of Columbia, Kentucky, New Jersey; to points in that part of Oklahoma on, south, and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; and to points in that part of Arkansas on and south of a line beginning at the Okla-

homa-Arkansas State line extending along Arkansas Highway 68 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 101, thence along Highway 101 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and Beatrice, Nebr.

No. MC 114211 (Sub-No. E769), 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 implements and parts thereof* when moving in mixed loads with agricultural implements (except commodities the transportation of which because of size or weight require the use of special equipment), from Lincoln, Nebr., to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 60 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 east to the Texas-Oklahoma State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Tulsa, Okla.

No. MC 114211 (Sub-No. E770), 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, the transportation of which, because of size or weight, requires special equipment, from Springfield, Missouri, to points in North Dakota, and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 212 to the South Dakota-Minnesota State line, to points in that part of Montana on and north of a line beginning at the Montana-Idaho State line extending along Montana Highway 324 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 41, thence along Montana Highway 41 to junction U.S. Highway 10.

Thence along U.S. Highway 10 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, to points in that part of Idaho on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction Idaho Highway 324, thence along Idaho Highway 324 to the Idaho-Montana State line, to points in that part of Washington on and northwest of a line beginning at the Washington-Oregon State line extending along Washington State Highway 11 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line, and to points in that part of Oregon on and northwest of a line beginning at the Oregon-California State line extending along U.S. Highway 199 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, then along Oregon Highway 126 to junction Oregon State Highway 242, thence along Oregon State Highway 242 to junction Oregon Highway 126, thence along Oregon State Highway 126 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Highway 11, thence along Oregon State Highway 11 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of points in Iowa and Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E771), 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 Great Bend, Kansas, to points in Minnesota, Wisconsin, Indiana, Michigan, Ohio, and to points in that part of Illinois on, north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Kentucky State line, and to points in that part of Missouri on and north of a line beginning at the Iowa-Missouri State line extending along Missouri Highway 13 to junction Missouri Highway 6, thence along Missouri Highway 6, to junction U.S. Highway 65, thence along U.S. Highway 65, to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska.

No. MC 114211 (Sub-No. E775), 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 Lincoln, Nebr., on the one hand, and, on the other, points in North Dakota; points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line; and points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 127 to junction Illinois Highway 16, thence along Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E776), 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* (except in each instance, commodities which because of size or weight, require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Grandview, Mo., to points in Florida, Louisiana, Arizona, California; to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 10 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction County Highway 70, thence along County Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line; to points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 82 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line; to points in that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Arkansas

Highway 24, thence along Arkansas Highway 24 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line.

To points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 144, thence along Oklahoma Highway 144 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line; to points in that part of New Mexico on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 66 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Arizona State line; and 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 junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of Martin City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E777), 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), from Baxter Springs, Kans., to points in Texas (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E778), 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 Independence, Mo., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Martin City, Mo.

No. MC 114211 (Sub-No. E779), 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 Lincoln, Nebr., to points in Wisconsin, Michigan, Ohio, Indiana, Illinois; Illinois to points in that part of Missouri on, south, and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Missouri Highway 139, thence along Missouri Highway 139 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Iowa-Missouri State line; and to points in that part of Minnesota on and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota 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 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5004 Filed 2-24-75;8:45 am]

[Notice No. 705]

ASSIGNMENT OF HEARINGS

FEBRUARY 20, 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 25, 1975.

MC 138276 Sub 2, J & G Transport Ltd., now assigned February 19, 1975 at Olympia, Wash., is postponed indefinitely.

MC-F-12194, F-B Truck Line Company—Purchase—Dalzell Corporation and MC 125433 Sub 50, F-B Truck Line Company, now assigned February 24, 1975, at San Francisco, Calif., is cancelled and application dismissed.

MC-F-12187, Hunt Transportation, Inc.—Investigation of control—Jack's Machinery Transportation Corporation, now assigned February 27, 1975 at Omaha, Nebr., is cancelled.

MC 126266 Sub 8, Dudley Boat & Trailer Transportation, Inc., Extension—Oregon and Washington, now assigned March 3, 1975, at Olympia, Washington is transferred to Room 2886, Federal Building, 915 2nd Ave., Seattle, Wash., same date.

MC 56640 Sub 32, Delta Lines, Inc., now assigned March 3, 1975, at Carson City, Nevada, is postponed to April 14, 1975 (2 wk) at Carson City, Nevada, in a hearing room to be later designated.

MC 95084 Sub 106, Hove Truck Line, now assigned April 4, 1975, at Omaha, Nebr., is postponed indefinitely.

MC 1263 Sub 18, McCarty Truck Line, Inc., now assigned March 10, 1975 at Lincoln, Nebr. is postponed to April 7, 1975, at Lincoln, Nebr., in a hearing room to be later designated.

MC 110683 Sub 99, Smith's Transfer Corporation, now being assigned April 21, 1975 (1 wk), at Indianapolis, Ind., in a hearing room to be designated later.

MC 44735 Sub 13, Kissick Truck Line, Inc., continued hearing now assigned March 19, 1975, at Kansas City, Mo. is postponed to March 20, 1975, at Kansas City, Mo. in Room 609, Federal Building, 911 Walnut St.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75-4999 Filed 2-24-75;8:45 am]

[Notice No. 238]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 25, 1975.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 27, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75322. By order entered 2.14.75 Division 3, acting as an Appellate

Division, approved the transfer to National Mehl Tours, Inc., Springfield, Ill., of License No. MC-12543, issued by the Commission September 9, 1969, to Travel Systems International, Ltd., doing business as Vanderbilt Better Tours, Oak Brook, Ill., authorizing operations at Chicago, Ill., as a broker in connection with the transportation by motor vehicle of passengers and their baggage between all points in the United States (except Alaska and Hawaii). Harold M. Olsen, 712 South Second St., Springfield, Ill. 62704, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5001 Filed 2-24-75;8:45 am]

[Notice No. 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 14, 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 official 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 4687 (Sub-No. 15TA), filed February 10, 1975. Applicant: BURGESS & COOK, INC., P.O. Box 458, 21 N. 2nd Street, Fernandina Beach, Fla. 32034. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethelene* and *Polystyrene Plastic Products* (except in bulk), from the warehouse facilities utilized by Mobil Chemical Company Plastics Division, at or near Conyers, Ga., to points in Florida, for 180 days. Supporting shipper: Mobil Chemical Company, Plastics Division, P.O. Box 71, Covington, Ga. 30209. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC-38227 (Sub-No. 8TA), filed February 7, 1975. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marrett Avenue, Louisville, Ky. 40208. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Campbellsville, Ky., and its commercial zone, and Louisville, Ky., serving no intermediate points, via Campbellsville over U.S. Highway 68 to Greensburg; thence over Ky. Highway 61 to Elizabethtown, Ky.; thence over I-65 to Louisville, Ky., for 180 days. Supporting shippers: G. W. Hugues, Purchasing Manager, USM Corporation, Parker-Kalon Division, Roberts Road, Campbellsville, Ky. 42718. Richard E. Ogden, Traffic Manager, Ingersoll-Rand Company, Campbellsville, Ky. 42718. W. P. Compton, Assistant Traffic Manager, Union Underwear Company, Inc., Campbellsville, Ky. 42718. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 52574 (Sub-No. 49TA), filed February 10, 1975. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from East Hartford, Conn., to Edison, N.J., for 180 days. Supporting shipper: Gourmet Bakers, Inc., P.O. Box B, Edison, N.J. 08817. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 107496 (Sub-No. 989TA), filed January 30, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk, in tank vehicles), from Omaha, Nebr., to points in Indiana and Illinois, for 180 days. Supporting shipper: Stauffer Chemical Co., Westport, Conn. 06880. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109708 (Sub-No. 60TA), filed February 4, 1975. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, State Highway 70, East Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products* (in bulk, in tank vehicles), from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississppi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, South Dakota, North Dakota, Nebraska, and California; (2) *Alcoholic beverages* (in bulk, in tank vehicles), from Miami and Ft. Pierce, Fla., to points in California, there is no environmental impact involved in this application, for 180 days. Supporting shippers: Hiram Walker & Sons, Inc., Foot of Eduund Street, Peoria, Ill. 61601. Sun-Pac Foods, Inc., P.O. Drawer T, Longwood, Fla. 32750. Indian River Processors, Inc., P.O. Box 1297, Vero Beach, Fla. 32960. Alcoma Packing Company, Inc., P.O. Box 231, Lake Wales, Fla. 33853. Caulkins Indiantown Citrus Co., P.O. Box 458, Indiantown, Fla., 33456. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BOP Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 109708 (Sub-No. 61TA), filed February 10, 1975. Applicant: INDIAN RIVER TRANSPORT CO., doing business as P.O. Box 966, State Highway 70, East at West 14th Street, Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, (in bulk, in tank vehicles), from Ft. Pierce and Miami, Fla., to Burlingame, Calif., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Foot of Edmund Street, Peoria, Ill., 61601. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 112520 (Sub-No. 297) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as corrected this issue. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Opelika, Ala., to points in North Carolina, for 180 days. Supporting shipper: Reliance Gas Corporation, P.O. Box 42, Columbus, Ga. 31902. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West

Bay Street, Jacksonville, Fla. 32202. The purpose of this republication is to add the Sub number.

No. MC 117574 (Sub-No. 259TA), filed February 7, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, 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: *Cranes, crane attachments and accessories, and parts of such commodities, and, materials and supplies used in the construction thereof*, between the plant and warehouse facilities of the Grove Manufacturing Co., Division of Walter Kidde, in Horry County, S.C., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Grove Manufacturing Company, P.O. Box 21, Shady Grove, Pa. 17256. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 71708.

No. MC 117574 (Sub-No. 263TA), filed February 11, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, 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: *Lumber*, from the plantsite of Diamond International Corp., Passadumkeag, Maine, to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Diamond International Corporation, 733 Third Avenue, New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123544 (Sub-No. 7TA), filed February 10, 1975. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements and parts thereof*, from ports of entry on the United States-Canada boundary line at or near Neche and Pembina, N. Dak., and Noyes, Minn., to points in Mississippi, for 180 days. Supporting Shipper: Versatile Manufacturing, Ltd., 1260 Clarence, Winnipeg, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 129034 (Sub-No. 8TA), filed February 3, 1975. Applicant: LOOMIS COURIER SERVICE, INC. 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: John L. Glovka, 808 Burlway Road, Burlingame, Calif. 94010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial documents, business records, accounting and audit media and data processing media*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Barron, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, La Crosse, Pepin, Pierce, Polk, St. Croix, Trempealeau, and Washburn Counties, Wis., under contract with Banks or Banking Institutions, for 180 days. Supporting shippers: Federal Reserve Bank of Minneapolis, 250 Marquette Avenue, Minneapolis, Minn. 55480. First Computer Corporation, P.O. Box 3603, St. Paul, Minn. 55165. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 133646 (Sub-No. 16TA) (Correction), filed January 22, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as corrected this issue. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pellets* (in bulk), from Minn-Dak Farmers Cooperative at or near Wahpeton, N. Dak., and the Red River Valley Cooperative, Inc., at or near Hillsboro, N. Dak., to Minneapolis, Minn., and points within its Commercial Zone, for 180 days. Supporting shippers: Minn-Dak Farmers Cooperative, Wahpeton, N. Dak. 58075. The Red River Valley Cooperative, Inc., Box 43, Hillsboro, N. Dak. 58045. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

NOTE.—The purpose of this republication is to add the destination points, which was omitted in the previous publication.

No. MC 133922 (Sub-No. 9TA), filed February 10, 1975. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soya flour and soya flour products*, from Remington, Ind., to points in the United States (except Alaska and Hawaii), restricted to a contract or continuing contract with Griffith Food Products, for 180 days. Supporting shipper: Griffith Laboratories, Inc., doing business as Griffith Food Products, 1415 W. 37th Street, Chicago, Ill. 60609. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 134319 (Sub-No. 5TA), filed January 31, 1975. Applicant: BRAFLADT TRANSPORT COMPANY, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, 1607 Broadway, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* using tank type vehicles, from the plantsite and storage facilities of Beker Industries Corporation, at or near Carlsbad, N. Mex., to points in Texas, Arizona, Oklahoma, Colorado, California, and Louisiana (restricted to those movements originating at the plantsite of Beker Industries Corporation, at or near Carlsbad, N. Mex.), for 180 days. Supporting shipper: Beker Industries Corporation, 124 West Putnam Avenue, Greenwich, Conn. 06830. Send Protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135364 (Sub-No. 22TA), filed February 6, 1975. Applicant: MORWALL TRUCKING, INC., R.D. No. 3—Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18444. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Jessup, Pa., to Los Angeles and Richmond, Calif., Denver, Colo., Atlanta, Ga., Chicago, Ill., Indianapolis, Ind., Boston, Mass., Detroit, Mich., Minneapolis, Minn., St. Louis, Mo., Nashua, N.H., Metuchen, N.J., New York City, and New York Piers and Wharves, N.Y., Sparks, Nev. Cincinnati, Cleveland, Columbus, and Dayton, Ohio; Charleston, S.C., Memphis, Tenn., Corpus Christi, Dallas, Fort Worth, Houston, and Waco, Tex., *and materials, supplies, and equipment used in the manufacture and distribution of printed matter*, from Plainfield, N.J., and points in Massachusetts, Michigan, Maine, New Hampshire, and New York, to Jessup, Pa., for 180 days. Supporting shipper: Eureka Security Printing Company, Inc., 101 Church Street, Jessup, Pa., 18434. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 136678 (Sub-No. 1TA), filed February 10, 1975. Applicant: ALABAMA-TENNESSEE EXPRESS, INC., 440 Finley Avenue, West, Birmingham, Ala. 35204. Applicant's representative: Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Chattanooga, Tenn., and its commercial zone and Birmingham, Ala., and

its commercial zone, over Interstate Highway 59 and also over U.S. Highway 11, serving no intermediate points. (2) Between Birmingham, Ala., and its commercial zone, and Leeds, Ala., over U.S. Highway 78, serving all intermediate points. (3) Between Birmingham, Ala., and its commercial zone, and Pelham, Ala., over U.S. Highway 31 and also over Interstate Highway 65, serving all intermediate points on both routes.

NOTE.—Applicant intends and seeks authority to tack together the authority described in the above three paragraphs, and applicant intends and seeks authority to interline with other common carriers at Birmingham, Ala., and Chattanooga, Tenn., for 180 days.

Supporting shippers: There are approximately 82 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: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139391 (Sub-No. 2TA), filed February 11, 1975. Applicant: G. & H. TRANSPORTATION CO., INC., P.O. Box 157, Widener, Ark. 72394. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and Periodicals*, from the plantsite of Holiday Press at Olive Branch, Miss., to Phoenix, Ariz., Burbank, Los Angeles, Oakland, Sacramento, San Bernardino, San Diego, San Francisco, and Westminister, Calif., Denver, Colo., Albuquerque and Deming, N. Mex., Tulsa and Oklahoma City, Okla., Portland, Oreg., Dallas, Tex., and Seattle, Wash., for 180 days. Supporting shipper: Select Magazines, Inc., 229 Park Ave. South, New York, N.Y. 10003. Send protests to: William H. Land Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139495 (Sub-No. 32TA), filed February 6, 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: *Wines and related advertising matter* (except in bulk, in tank vehicles), from Elkhart, Indiana, to points in Tennessee, Kentucky, Illinois, Wisconsin, Missouri, Arkansas, Louisiana, Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: Michigan Wines Limited Inc., 1919 Middlebury Street, P.O. Box 57, Elkhart, Ind. 46514. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139843 (Sub-No. 1TA), filed February 7, 1975. Applicant: VERNON G. SAWYER, P.O. Box 847, Bastrop, La. 71220. Applicant's representative: Paul Caplinger, P.O. Box 7114, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* (except in bulk, in tank vehicles), from the plantsite and storage facilities of Pellets, Inc., at Mer Rouge, La., to points in Arkansas, Alabama, Mississippi, Texas, Oklahoma, and Georgia, for 180 days. Supporting shipper: Pellets, Inc., P.O. Box 261, Mer Rouge, La. 71261. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139945 (Sub-No. 2TA) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 10, 1975, and republished as corrected this issue. 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, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04111. The purpose of this republication is to correct the Sub number.

No. MC 140569 TA (Correction) filed January 21, 1975, published in the FEDERAL REGISTER issue of February 4, 1975, and republished as corrected this issue. Applicant: ROGERS TRUCKING, INC., P.O. Box 27 (Ky. Hwy. 61), Columbia, Ky. 42728. Applicant's representative: Ben K. Wilmot, Lancaster Street, Stanford, Ky. 40484. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, spent, ground or unground*, loose, in truckload shipments, from points in Allen, Green, Jefferson, Pulaski, and Wayne Counties, Ky., to Seymour, Ind., Evanston, Ind., and commercial zones of each destination point, for 180 days. Supporting shippers: Herman W. Edlin, Traffic Mgr.; Gamble Brothers, Inc., Traffic Manager, 4601 Allmond Ave., Louisville, Ky. 40221. Rexford D. Kelley, Off. & Traffic Mgr., Greensburg Mfg. Company, Greensburg, Ky. 42743. Send protests to: R. W. Schmeiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202. The purpose of this rehabilitation is to correct the docket number.

No. MC 140627 (Sub-No. 1TA), filed February 7, 1975. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, recreational vehicles and machines, accessories, parts, and materials, equipment, and supplies* (except commodities in bulk), between the facilities of Kawasaki Motors Corp., U.S.A., located in the commercial zone of Lincoln, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Kawasaki Motors Corp., 1062 McGaw Avenue, Santa Ana, Calif. 92705. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140626 (Sub-No. 1TA), filed February 7, 1975. Applicant: DALE E. NICHOLSON, Glendale Street, Potosi, Mo. 63664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, sometimes referred to as fluxstone, used in the steel industry blast furnaces, increases endurance of furnaces and assists in the control of pollution, various size stone is used, from the plantsite of Valley Minerals Product Company, Bonne Terre, Mo., to Granite City, Ill., no transportation of products on return trip, for 180 days. Supporting shipper: Valley Mineral Products Corporation, 915 Olive Street, St. Louis, Mo. 63101. Send protests to: J. P. Werthamann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140628 (Sub-No. 1TA), filed February 3, 1975. Applicant: CHARLES R. PALS, doing business as PALS CARTAGE, 31 W. 168th Street, South Holland, Ill. 60473. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Door and made up window units*, not boxed & shipped in trailers that are set up to handle glass and made up window units, that are not boxed, from the plantsite of Dekker Brish Millwork, Dolton, Ill., to points in Indiana west of Route 31 and North of Route 24; also two points in Wisconsin (Namely Twin Lakes & Silver Lakes) which are west of route 41, south of route 50 & east of route 12, for 180 days. Supporting shipper: Howard L. Dekker, Secretary, Dekker-Brish Millwork Co., 14901 S. Indiana Avenue, Dolton, Ill. 60419. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

APPLICATION OF PASSENGERS

No. MC 133048 (Sub-No. 3TA) (Correction), filed December 31, 1974, published in the FEDERAL REGISTER issue of January 17, 1975, and republished as corrected this issue. Applicant: JAMES D. KINNEY AND B. R. LINDSEY, doing business as PIONEER TRANSIT LINES, 234 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: James D. Kinney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and express and newspapers in the same vehicle with passengers, between Medicine Bow, Wyo., and Laramie, Wyo., via U.S. 30, serving all intermediate points.

NOTE.—Applicant intends to tack at Medicine Bow, Wyo., with Pioneer Transit Lines Docket No. 133048 Sub 2, and interline at Laramie, Wyo., with Colorado Motorway, Inc., MC-98903; Gray hound Lines, Inc. MC-1515; and American Bus Lines, Inc. MC-28426, for 180 days. Supporting shippers: There are approximately 23 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: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 East B St., Casper, Wyo. 82601. The purpose of this republication is to state the correct docket number.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5002 Filed 2-24-75;8:45 am]

[Notice No. 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 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 official 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 6461 (Sub-No. 15 TA), filed February 14, 1975. Applicant: B-LINE TRANSPORT CO., INC., 7100 East Broadway, Spokane, Wash. 99206. Applicant's representative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrate residuals*, in bulk, in dump trucks and containers, from Kellogg and Smelterville, Idaho to points in Spokane County, Stevens County and Pend Oreille County, Wash., for 180 days. Supporting shipper: The Bunker Hill Company, P.O. Box 29, Kellogg, Idaho 83837. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 15859 (Sub-No. 8 TA), filed February 14, 1975. Applicant: THE HINE LINE, 247 Emmett Street, Newark, N.J. 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces therof*, between Tupelo, Miss., on the one hand, and, on the other, points in Texas, Louisiana, Wisconsin, Pennsylvania, New York, New Jersey, Illinois, Minnesota, Massachusetts, Maine, Maryland, Indiana, Kentucky and Tennessee, for 180 days. Supporting Shipper: Dietrich Hide Corporation, 225 Broadway, New York, N.Y. 10007. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 22195 (Sub-No. 159 TA), filed February 10, 1975. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from Dickinson, N. Dak., to points in Minnesota, for 180 days. Supporting shipper: Northland Oil & Refining Company, P.O. Box 1246, Dickinson, N. Dak. 58601. Kenneth L. Thomas, President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 22195 (Sub-No. 160 TA), filed February 12, 1975. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Ave., Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (in bulk, in tank vehicles), from Ports of Entry on the United States-Canada boundary line in North Dakota and Minnesota, to points in North Dakota and Minnesota, for 180 days. Supporting shipper: Cominco-American, Inc., 818 West Riverside, Spokane, Wash. 99201. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 61403 (Sub-No. 231TA), filed February 11, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents* (in bulk, in tank vehicles), from Smithfield, Ky., to Brownwood (Brown County), Tex. (2) *Scrap solvents* (in bulk, in tank vehicles), from Brownwood (Brown County), Tex., to Smithfield, Ky., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 71459 (Sub-No. 47 TA), filed February 11, 1975. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, Esq., 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Questa, New Mexico and Albuquerque, N. Mex., serving all intermediate points and the off-route points of; Espanola, N. Mex., the facility of the Amalia Lumber Company located 8 miles east and north of Costilla, N. Mex., the facilities of the Chad Land Company, located approximately 2½ miles east of the junction of U.S. Highway 64 and New Mexico Highway 38; the facility of the Angel Fire Construction Company, located approximately 3 miles east of the junction of U.S. Highway 64 and New Mexico Highway 38; and the facilities of the Angel Fire Ski Resort and Country Club, located approximately 4½ miles east to the junction of U.S. Highway 64 and New Mexico Highway 38, from Questa, over New Mexico State Highway 38 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to its junction with New Mexico Highway 68, thence over New Mexico Highway 68 to its junction with U.S. Highway 84, thence over U.S. Highway 84 to its junction with U.S. Highway 85, thence over U.S. Highway 85, thence over U.S. Highway 85 to Albuquerque, New Mexico, and return over the same route. Applicant requests the right to serve the commercial zones of all points. Carrier intends to tack requested authority with existing authority at Questa and Taos, N. Mex., Carrier intends to interline with other carriers at

Albuquerque, Santa Fe and Taos. Supporting shippers: There are approximately 41 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: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 106674 (Sub-No. 158 TA), filed February 11, 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: *Anhydrous ammonia*, (in bulk, in tank vehicles), from points in Arkansas, Louisiana, Mississippi, on the one hand, and, on the other, points in Illinois, Indiana and Ohio, for 180 days. Supporting shipper: Willight Chemicals, Inc., Box 254, Drew, Miss. 38737. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107002 (Sub-No. 467 TA), filed February 6, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205, Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, (in bulk, in tank vehicles), from Pensacola, Fla., to Belle Chasse, La., for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107010 (Sub-No. 53TA), filed February 13, 1975. Applicant: BULK CARRIERS, INC., Box 423, Aubrun, Nebr. 68305. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, bagged, fom points in Richardson County, Nebr., to points in Iowa, Texas, Kansas, Missouri, Illinois, Tennessee, Arkansas, Colorado, North Dakota, South Dakota, Minnesota, Wisconsin and Oklahoma, for 180 days. Supporting shipper: Don Wenz, Plant Manager, The Pillsbury Company, 5th & Morton, Box 586, Falls City, Nebr. 68355. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg. & Court House, Lincoln, Nebr. 68508.

No. MC 108676 (Sub-No. 77 TA), filed February 12, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Ghicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse trailers, and refuse trailer chassis and material and supplies and parts of such commodities*, from Northumberland, Penn., to points in Mississippi, South Carolina, Michigan, Ohio, New York, Pennsylvania, Tennessee, Texas, Nebraska, New Jersey, and Massachusetts, for 180 days. Supporting shipper: Dempster Dumpster Systems, Division of Carrier Corporation, Springdale & North Central, Knoxville, Tenn. 37917. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.DS. Court House, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 515 TA), filed February 13, 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: *Radiopharmaceuticals, radioactive drugs, medical isotopes, test kits and nuclear instruments*, (a) between North Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia, (b) between Dallas and Lubbock, Tex., on the one hand, and, on the other, points in New Mexico, for 180 days. Supporting shipper: Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111812 (Sub-No. 512 TA) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 4, 1975, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags*, envelopes, packets or pouches, or wrappers flat, folded flat or in rolls, requiring separation into individual units, with or without compliment of bag ties, from Sioux Falls, S. Dak., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: American Western Corporation, 1500 M Avenue, Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501. The purpose of this republication is to add the origin and destination points, which were omitted in the previous publication.

No. MC 117068 (Sub-No. 35TA) (Correction), filed December 5, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected this issue. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer spreaders, lift trucks, front-end loaders, and solid waste compactors* (restricted against the transportation of self-propelled vehicles each weighing 15,000 lbs. or more) on flat-bed trailers and with winch-equipped tractors from the plants and other facilities of TCI, Inc., located at Benson, Minn., and Yankton, S. Dak., to points in Alabama, Arizona, California, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, New York, Michigan, Mississippi, New Jersey, North Carolina, Pennsylvania, Texas, Virginia, Utah, and Washington; and (2) *materials and supplies* used in the manufacture of the above-named commodities (except commodities in bulk) on return movements. Supporting shipper: TCI, Inc., W. Hwy. 12, Benson, Minn. 56215. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 14th St., Minneapolis, Minn. 55401.

No. MC 123233 (Sub-No. 54 TA), filed February 14, 1975. Applicant: PROVOST CARTAGE INC., 7887 Grenache, Ville d'Anjou, Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, (in bulk, in tank vehicles), from Baltimore, Dundalk, and Relay, Md., to the Port of Entry on the International Boundary Line, between the United States and Canada, located at or near Detroit, Mich., restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce, for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 124211 (Sub-No. 257 TA), filed February 12, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Motorcycles, recreational vehicles and machine accessories and parts,* and (2) *equipment materials and supplies* used in the manufacture, distribution, or sale of the commodities named in (1) above, for 180 days. Supporting shipper: Kawasaki Motors Corp., U.S.A., 1062 McGaw Avenue, Santa Ana, Calif. 92705. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 125474 (Sub-No. 45 TA), filed February 3, 1975. Applicant: BULK HAULERS, INC., P.O. Box 3601, Wilmington, N.C. 28401. Applicant's representative: Ralph Simmons (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contaminated ethylene glycol*, (in bulk, in tank vehicles), between the plantsite of Fiber Industries, Inc., at or near Darlington, S.C., on the one hand, and, on the other, the plantsite of Fiber Industries, Inc., in or near Fiberton, N.C., for 180 days. Supporting shipper: Celanese Corporation, 1211 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 133095 (Sub-No. 72 TA), filed February 12, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats and cured meats*, from Fort Worth, Dallas, and Paris, Tex., and Little Rock, Ark., to Landover, Md.; Newark, N.J.; New York, N.Y.; and Boston, Mass., for 180 days. Supporting shipper: Texas International Packers, Inc., 601 West Center St., Paris, Tex. 75460. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133123 (Sub-No. 7 TA), filed February 10, 1975. Applicant: RUJAC TRUCKING CORP., 1133 Avenue of the Americas, Room 3210, New York, N.Y. 10009. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods, and bicycles*, from points in the New York, N.Y., Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to points in that part of New Jersey south of New Jersey Highway 33 (except Atlantic City, N.J.), and points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line, and extending southerly and easterly along the western boundaries of Susquehanna, Wyo., Luzerne, Schuylkill, Berks, and Montgomery Counties, Pa., and the commercial zone of Philadelphia, Pa., with no transportation for compensation on return, except as otherwise authorized, for 180 days. Supporting shipper: Matsushita Electric Corporation of America, Herbert Cadel, General Manager, 50 Meadowlands Parkway, Secaucus, N.J. 07094. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133922 (Sub-No. 8TA), filed February 7, 1975. Applicant: JENKINS AND NAGEL TRUCKING CO., Box 98, Wolcott, Ind., 47995. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal and dairy products*, between Chicago Heights and Decatur, Ill., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), under a continuing contract or contracts with Dry Milk Products, Inc., for 180 days. Supporting shipper: Dry Milk Products, Inc., 1301 West 22nd Street, Oak Brook, Ill. 60521. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 134145 (Sub-No. 58TA), filed February 14, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Hwy. 1 and 59 West, 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: *Three wheeled utility truck*, self-propelled, weighing less than 1,500 pounds, from Roseau, Minn., to Houston, Dallas, and Arlington, Tex., Plainview, N.Y., Grove City and North Royalton, Ohio, New Kensington and Bethlehem, Penn., Bordentown, N.J., and Falmouth, Mass., for 180 days. Supporting shipper: Polaris, Division of Textron, Inc., Roseau, Minn. 56751. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134182 (Sub-No. 29TA) (Correction), filed February 4, 1975, published in the FEDERAL REGISTER issue of February 18, 1975, and republished as corrected this issue. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as, ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, with *metal closures*, from the plantsites of Brockway Glass Company at Muskogee, Okla., Keer Glass Company at San Springs, Okla., and Obear-Nestor Glass Company at East St. Louis, Ill. to the plantsite of Milk Producers Marketing Company at Lawrence, Kans., restricted to the transportation of shipments originating at and destined to the above named points; and (2) *fruit juices, fruit punches, and fruit flavored drinks*, from the plantsite of Milk Producers Marketing Company at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above named origin point, for 180 days. Supporting shipper: A. E. Staley Manufacturing Company, 220 Eldorado St., Decatur, Ill. 62525. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603. The purpose of this republication is to correct the name of the applicant.

No. MC 134454 (Sub-No. 7TA), filed February 10, 1975. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second St., Dayton, Ohio 45401. Applicant's representative: Paul F. Beery, 8 East Broad St., 9th Floor, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete pressure pipe and fittings thereto*, for the account of Price Brothers Company, from the site of Price Brothers Company in Dutchess County, N.Y., to Jefferson County, Ky. (except the Louisville, Ky., Commercial Zone), for 180 days. Supporting shipper: Price Brothers Company, 367 West Second St., Dayton, Ohio 45401. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514 B FOB, 550 Main St., Cincinnati, Ohio 45202.

No. MC 134992 (Sub-No. 113TA), filed February 12, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor furniture, in cartons*, from North Little Rock, Ark., to points in California. Supporting shipper: Arkco Manufacturing Company, Inc., 1312 East 8th St., North Little Rock, Ark. 72114. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135884 (Sub-No. 6TA), filed February 13, 1975. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 219 Northwest 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Clark and Walla Walla Counties, Wash., and Linn County, Oreg. to points in Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts,

California, Wisconsin, New Jersey, Oregon, Washington, and Nebraska, for 180 days. Supporting shipper: Harris Pine Mills, Main Office, Drawer 1168, Pendleton, Oreg. 97801. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136375 (Sub-No. 5TA), filed February 11, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies* used in the manufacture and for assembly of bicycle parts and bicycle accessories, between the plantsite of Raleigh Industries of America, Inc., Enid, Oklahoma, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Oklahoma), restricted on shipments originating at Enid, Okla., to truckload shipments which require three or more stops in transit and one final stop for off loading of the commodities described therein, for 180 days. Supporting shipper: Raleigh Ind., of America, Inc., Douglas M. Martin, T. M. U.S. 64 & Raleigh St., Enid, Okla. 73701. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 139323 (Sub-No. 2 TA), filed February 10, 1975. Applicant: KARS TRANSPORT, INC., 666 Northwest 20th Street, Miami, Fla. 33178. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 Northwest 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding household goods, as defined by the Commission, Class A and B explosives, articles of unusual value, articles in bulk and articles which, by reason of size or weight require unusual handling), between points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having an immediate, prior or subsequent movement by rail or water, for 180 days. Supporting shippers: There are approximately 9 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: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 Northwest 87th Avenue, Miami, Fla. 33178.

No. MC 139468 (Sub-No. 5 TA), filed February 7, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 14628 Hempstead Highway, Houston, Tex. 77040. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and related parts and equipment*, from the plantsite of National Steel Products Company, Inc., at or near Terre Haute, Ind., to points in Illinois, Wisconsin, Minnesota, Missouri, Iowa, Nebraska, North Dakota, South Dakota, Oklahoma, Kansas, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, California, Nevada, Idaho, Oregon, Washington, Kentucky, West Virginia, and Virginia, under a continuing contract with National Steel Products Company, Inc., for 180 days. Supporting shipper: National Steel Products Company, Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: John P. Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 140567 (Sub-No. 1 TA), filed February 5, 1975. Applicant: EDWARD L. NORTHINGTON, doing business as ED NORTHINGTON TRUCKING, P.O. Box 51, Gattman, Miss. 38844. Applicant's representative: John A. Crawford, 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed stone, and riprap stone*, in dump trucks or trailers, from points in Colbert, Franklin, Fayette, Shelby, Bibb, and Jefferson Counties, Ala., to all points in Mississippi, for 180 days. Supporting shippers: Pennebaker Ready Mix Concrete, Inc., P.O. Box 562, West Point, Miss. 39773. Philips Contracting Company, Inc., P.O. Box 2069, Columbus, Miss. 39701. Mississippi Aggregate Co., Inc., 1504 North Mills St., Jackson, Miss. 39205. United Cement Company, P.O. Box 185, Artesia, Miss. 39736. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140597 (Sub-No. 1 TA), filed February 14, 1975. Applicant: DON'S TOWING SERVICE, 723 Earle Street, Mullan, Idaho 83846. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, in truckaway service, between points in Shoshone County, Idaho, and Mineral County, Mont. on the one hand, and, on the other, points in Shoshone County, Idaho, Mineral County, and Missoula, Mont., and Spokane, Wash., for 180 days. Supporting shippers: Nalley's Fine Foods, 4120 East Broadway, Spokane, Wash. 99220. Ringsby-United, N. 1001 Havana, Spokane, Wash. 99220. Roundup Co., 11016 E. Jackson, Spokane, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 140602 (Sub-No. 1TA), filed February 11, 1975. Applicant: GORDON PAUL, P.O. Box 545, Ottawa, Kans. 66067. 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: *Coal*, from the mine site and/or storage facilities of Lamb Coal Company, located approximately 5 miles east of Altoona, Kans., to St. Joseph, Mo., and the site and/or storage facilities of Thomas Hill Generating Plant, located approximately 7 miles east and 4 miles north of Moberly, Mo., for 180 days. Supporting shipper: Lamb Coal Co., P.O. Box 157, Thayer, Kans. 66776. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 140613 (Sub-No. 1TA), filed February 10, 1975. Applicant: HAROLD ABBAS, doing business as ABBAS TRUCKING, P.O. Box 98A, Dakota City, Iowa 50529. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and scrapped vehicles, implements, machinery, and parts*, from points in Iowa (except Woodbury County, Iowa), to Fon du Lac, Wis.., Minneapolis and St. Paul, Minn., Chicago, South Beloit, and Alton, Ill., and St. Louis and Kansas City, Mo., under a continuing contract or contracts with Dennis Steib, doing business as Tri-Pak Auto Crushers, for 180 days. Supporting shipper: Dennis Steib, doing business as Tri-Pak Auto Crushers, Route 3, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140640 (Sub-No. 1 TA), filed February 11, 1975. Applicant: ROGER W. ANDERSON, 114 Sunset Avenue, Lodi, Wis. 53555. Applicant's representative: Rolfe E. Hanson, 121 West Doty St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Martinsville (Springfield Township) Dane County, Wis., to Brooklyn, N.Y., for 180 days. Supporting shipper: Clarence Busse Livestock, First St., Prairie du Sac, Wis. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140642 TA, filed February 10, 1975. Applicant: DONALD D. RAY, doing business as DON RAY DRIVE-AWAY COMPANY, 304 North Thirteenth, Decatur, Ind. 46733. Applicant's representative: Jay M. DeVoss. 155 South Second St., Decatur, Ind. 46733. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured motor homes (recreational vehicles), and multiple passenger vehicles (converted motor homes), or in parts thereof*, from points in Decatur, Adams

County, Ind., and Quincy, Branch County, Mich., on the one hand, to points in the Continental United States of America on the other hand, for 180 days. Supporting shippers: Jamboree Industries of Indiana, Inc., 1420 West Patterson St., Decatur, Ind. 46733. Tioga Industries of Indiana, Inc., 1420 West Patterson St., Decatur, Ind. 46733. Southwind of Michigan, Inc., U.S. Hwy. 12 East, Quincy, Mich. Pace-Arrow of Indiana, Inc., 1410 W. Patterson, Decatur, Ind. 46733. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 140643 TA, filed February 11, 1975. Applicant: HOWARD N. CHILD, doing business as EIGHT BALL LINE TRUCKING, 2717 Goodrick Avenue, Richmond, Calif. 94804. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Mineral wool*, from LaMirada and Union City, Calif., to points in Arizona, Idaho, Montana, New Mexico, Oregon, Utah, Washington, Wyoming, and Nevada, for 180 days. Supporting shipper: Certain-Teed Products, Inc., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5003 Filed 2-24-75;8:45 am]

[Notice No. 237]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 25, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75693. By application filed February 10, 1975, CURTIS TRANSPORTS, INC., 161 Laurie Circle, Jackson, TN 38301, seeks authority to temporarily lease the operating rights of SOUTHERN FORWARDING COMPANY, 728 Alston, Memphis, TN 38106, under section 210a(b). The transfer to CURTIS TRANSPORTS, INC., of the operating rights of SOUTHERN FORWARDING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5000 Filed 2-24-75;8:45 am]

[Ex Parte No. 293; Sub-No. 4]

ACQUISITIONS OF RAIL PROPERTIES

Consideration by the Commission Under Interstate Commerce Act and Request for Necessary and Appropriate Information; Proposal by U.S. Railway Association in Preliminary System Plan

Section 206(d)(3) of the Regional Rail Reorganization Act of 1973 requires that the Interstate Commerce Commission make the following determination: that each acquisition of rail properties by a profitable railroad operating in the region which is proposed by the United States Railway Association in its preliminary system plan "will be in full accord and comply with the provisions and standards of section 5 of Part I of the Interstate Commerce Act." The Commission's determinations must be completed within 90 days of release of the preliminary system plan, presently scheduled for February 26, 1975.

In compliance with the statutory plan and timetable for processing acquisitions of rail properties by profitable carriers as established by the Regional Rail Reorganization Act, the Commission's consideration of the proposals will be on an informal, expedited basis, without application or hearing. Use will be made of currently available resources within the Commission, including annual reports and other materials filed by the railroads themselves.

Consideration will be given in reaching each determination to numerous factors, including: the anticipated effect of each acquisition, and all acquisitions cumulatively, upon the continuation of adequate rail service to the public, the potential effect upon other railroads of each and all acquisitions, the propriety of fixed charges arising from each acquisition, and the impact of the acquisitions, individually and cumulatively, upon the availability of competitive rail service.

To assure an adequate data base for thorough consideration of each proposed acquisition, information with respect to and comments on each such proposal are requested from all interested persons, including but not limited to the United States Railway Association, railroads involved in or affected by proposed acquisitions, Amtrak, concerned State, regional, and local organizations, and shippers served by the rail properties involved, and the Commission's Rail Services Planning Office. Such materials should be filed with the Secretary of the Commission on or before March 28, 1975. Upon receipt of the preliminary system plan by the Commission, each acquisition proposed therein will be given a numerical designation, which will be published in the FEDERAL REGISTER, and all comments and information should be filed with reference thereto. It is requested that separate statements be filed for each individual proposed acquisition.

In particular, information should be submitted with respect to the following matters:

(1) The value of the rail properties proposed to be acquired or an estimate of such value, with supporting information on the method used to determine value.

(2) The compensation to be paid by the profitable railroad operating in the region in exchange for the rail properties to be acquired or the amount of compensation offered by the profitable carrier for such properties or an estimate of the compensation to be paid.

(3) The present uses or purposes of the rail properties proposed to be acquired, and the proposed uses or purposes of such properties under ownership of the profitable railroad, if different.

(4) The classes of service presently, and performed, such as passenger, commuter or inter-city), freight, express, switching, etc., and the kind of motive power used and to be used.

(5) Each station on the rail properties proposed to be acquired and its distance from a designated initial point.

(6) Those points located on a rail line proposed to be acquired which are presently served by a railroad other than the railroad in reorganization from which the rail properties would be acquired and the name of such other railroad or railroads.

(7) The railroads with which rail properties proposed to be acquired connect and the location, nature, and condition of those connections.

(8) Rail properties, other than lines, in the territory adjacent to the rail properties proposed to be acquired which are similar or comparable to those rail properties and the distance between such properties.

(9) Industry or industries existing in the area of the rail properties proposed to be acquired and their probable future growth and performance and reasons therefor.

(10) Whether a rail line proposed to be acquired has been or is presently operated for direct profit from rail operations or for the advantage of any other industry or business.

(11) If a rail line proposed to be acquired may become an extension, a branch, a connecting track, or a cutoff, the extent to which that line is expected to be directly profitable in itself and the extent to which acquisition of that line is expected to be justified by its effect on the business of other existing lines of the profitable carrier to whom it may be offered.

(12) If a rail line proposed to be acquired is presently and will remain or may become a connecting link between existing railroads, the kind and volume of traffic, expressed in tons or carloads, that is currently and will be interchanged and economies that are and would be thereby affected.

(13) If a rail line proposed to be acquired is or may become such a connecting link, the manner in which and carriers by which interchange traffic is currently and is proposed to be transported.

(14) Any agreement, tentative or otherwise, with existing railroads covering operation, interchange of traffic, division of rates, or trackage rights in connection with a rail line proposed to be acquired or any such agreements which could or should be undertaken.

(15) Whether any aid, gift, grant of right-of-way, or other donation has been promised or proposed in connection with the proposed acquisition of rail properties; if so, state specifically the nature, amount, and value of such promised donations.

(16) Detailed information as to traffic handled by or upon the rail properties proposed to be acquired, for the most extensive period available, including:

(a) Traffic volume by line, by station, and by industry, including overhead traffic and traffic originating on and destined for industries on the line, broken down by carload, by ton, and by commodity.

(b) Traffic densities per mile for a line.

(c) Cars handled by yard, terminal, and similar facilities on a daily, weekly, and annual basis.

(d) Frequency of service offered.

(e) Projections as to future changes in the above-requested data.

(17) Detailed information as to the directional flows of traffic presently handled by or on the rail properties proposed to be acquired and the relationship of those flows to the traffic patterns of the railroad from which the properties would be acquired, the profitable railroad operating in the region to which the properties may be offered, and of the region as a whole.

(18) Detailed information as to the potential for diversion of traffic from the rail properties proposed to be acquired and from other rail lines and facilities to the rail properties proposed to be acquired as a result of the proposed acquisition.

(19) Detailed cost and revenue figures for the rail properties proposed to be acquired, for the most extensive period available, including:

(a) Gross revenues derived from the traffic handled which is attributable to to a particular property.

(b) Operating expenses attributable to a particular property.

(c) Net revenue (or loss) attributable to a particular property, in total and by carload.

(d) Net railway operating income attributable to a particular property.

(e) Projections as to future changes in the above-requested data, if the proposed acquisition occurs and if such an acquisition is not completed.

(20) Information as to the effect of the proposed acquisition of rail properties upon the continued provision of adequate rail service to the public and upon the improvement of such rail service.

(21) Information as to the effect upon the public interest and upon other profitable railroads operating in the region of the proposed acquisitions of rail properties, including the specific effect on the profitability of those profitable railroads and the potential for diversion of traffic from those profitable railroads and from other railroads in reorganization.

(22) Information as to the effect of the proposed acquisition of rail properties upon the continued existence and quality of competition in the provision of rail service in the region.

(23) Information as to the economies in operation and improvements in efficiency which may result from the proposed acquisition of rail properties.

(24) Information as to the general benefits to be achieved through each proposed acquisition of rail properties and through the total acquisition proposal.

(25) Information as to the actual effect of the proposed acquisition of rail properties upon the viability, profitability, and operations of the Consolidated Rail Corporation.

Notice of the intent of the Interstate Commerce Commission to consider the acquisitions of rail properties proposed by the United States Railway Association and to request information from interested parties with regard thereto shall be given to: the United States Railway Association, the Rail Services Planning Office, Amtrak, all Class I and Class II railroads operating in the region, the Governors of all States located within the region, the Public Utility Commissions of all of the States located within the region, the Departments of Transportation of all of the States located within the region.

Dated: February 18, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5182 Filed 2-24-75;10:56 am]

federal register

TUESDAY, FEBRUARY 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 38

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

CRITICAL HEALTH MANPOWER SHORTAGE AREAS

Designations and Withdrawals

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CRITICAL HEALTH MANPOWER SHORTAGE AREAS

Designations and Withdrawals

Section 329(b) of the Public Health Service Act, as amended by the Emergency Health Personnel Act Amendments of 1972 (Pub. L. 92-585), provides that the Secretary of Health, Education, and Welfare shall designate those areas which he determines have critical health manpower shortages and thus would be areas eligible for assignment of National Health Service Corps personnel. On October 23, 1974, a list of areas was so designated in the FEDERAL REGISTER (39 FR 37756).

The purpose of this notice is, first, to update the list of such areas by adding to such previously published list areas of the United States which the Secretary has now determined meet the criteria for such designation. Further, this notice sets forth and clarifies the procedures utilized by the Secretary in making such a designation. In addition, notice is also given that the designation of certain areas (specified separately below) as shortage areas will be withdrawn effective May 27, 1975.

With respect to the designation of areas, § 23.5(b) of the regulations governing the National Health Service Corps program (42 CFR Part 23) provides that in determining whether an area has a critical health manpower shortage the Secretary shall take into account, where applicable, the following factors:

(1) health resource statistics; (2) health status indicators; (3) accessibility of health care services in the community and the ability of the community to obtain those services on a timely basis; and (4) other socioeconomic, demographic, and environmental factors of community life affecting the ability to procure such services.

In applying the first and third of the above referred to factors, the Secretary adopted the specific measures listed below and requested the appropriate areawide comprehensive health planning agencies or State comprehensive health planning agencies to identify those areas within their respective jurisdictions which met or exceeded those measures:

(a) *For critical medical shortage areas* (physician and physician extenders): (1) If the area in question consists of a group of census tracts within a city it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000, (ii) no neighborhood health center, (iii) no organized hospital outpatient department within 10 miles of the center of the area, and (iv) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (2) If the area in question is a group of census tracts within a county (not located in a tracted city) it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000, (ii) no neighborhood health center, (iii) no organized hospital outpatient department within 20 miles of the center of the area, and (iv) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (3) If the area in question is made up of one or more minor civil divisions or census county divisions within an untracted county (or counties), it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000 within the boundaries of the shortage area itself and (ii) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (4) If the area in question is an entire county, it must have a primary care physician-to-population ratio of less than 1 to 4,000.

In making the above determinations, primary care physicians are defined to include: (1) in metropolitan areas, physicians in general or family practice, internal medicine and pediatrics; and (2) in non-metropolitan areas, physicians in general or family practice, internal medicine, pediatrics, obstetrics and gynecology, and general surgery; *provided, however*, that those physicians spend 50 percent or more of their time in the practice of primary care. Further, interns, residents, and physicians employed by the Federal Government are not included in making such determinations.

(b) *For critical dental shortage areas:* (A) If the area in question consists of an entire county, a minor civil division or a census county division or a group of census tracts within a county, the overall dentist-to-population ratio (including general and specialty practice dentists) in the county within which the area is located must be less than 1 to 5,000. (B) If the area in question consists of a group of census tracts within a city, the overall dentist-to-population ratio within that city must be less than 1 to 5,000.

In making the above determinations, only dentists spending 50 percent or more of their time giving direct patient care are counted and dentists employed by the Federal Government are not included.

After reviewing the areas identified by the health planning agencies, and also taking into account health status indicators as well as socioeconomic, demographic, and environmental factors affecting the community's ability to procure health services, the Secretary has designated the following areas (counties, or specified parts of counties) as having critical medical and/or dental shortages:

ALABAMA

Critical Medical Shortage Areas

Bibb
Blount
Bullock
Calhoun—the Piedmont medical service area
Chambers—the Lafayette medical service area
Chilton
Choctaw
Cleburne
Colbert—the Cherokee Census County Division
Conecuh
Coosa
Covington—the Florala medical service area
Dale
Dekalb—the Census County Divisions of Crossville, Fyffe, Geraldine-Rainsville and Sylvania

ALABAMA—Continued

Escambia—the Flomaton medical service area
Fayette
Franklin—the Red Bay Census County Division
Geneva
Henry
Hale
Jackson—the Census County Divisions of Bridgeport, Long Island and Stevenson
Jefferson—the Morris-Warrier medical service area
Lawrence
Limestone—the Salem-Elkmont Census County Division
Lowndes
Marion
Macon
Marshall—the Guntherville medical service area
Perry
Pickens
Randolph—the Wadley medical service area
Randolph—the Wedowee medical service area
Russell
Washington
St. Clair
Wilcox
Shelby
Winston—the Addison Census County Division

Critical Dental Shortage Areas

Bibb
Blount
Bullock
Butler
Chambers
Cherokee
Chilton
Choctaw
Clay
Cleburne
Conecub
Coosa
Crenshaw
Dale
Dekalb
Fayette
Franklin
Geneva
Greene
Hale
Jackson
Lamar
Lawrence
Macon
Marengo
Perry
Pickens
Randolph
Russell
Sumter
Talladega
Washington
Wilcox
Winston—the Addison Census County Division

ALASKA

The entire State of Alaska, except for the Anchorage and Fairbanks Divisions, has been designated as a critical medical shortage area.

ARIZONA

Critical Medical Shortage Areas

Apache
Cochise—the Benson medical service area
Cochise—the town of Bowie
Cochise—the town of San Simon
Maricopa—the Gila Bend medical service area
Navajo
Pima—the town of Marana

Critical Dental Shortage Areas

Apache
Pima—the town of Marana

ARKANSAS

Critical Medical Shortage Areas

Ashley—Eastern half—the townships of Banner, Bayou, Beech Creek, Boarhouse, De Bastrop, Montrose, Portland, Prairie, Union and Wilmot
Calhoun
Chicot
Cleveland
Crawford
Crittenden
Desha
Franklin
Fulton
Jefferson—Northeast quadrant—the townships of Bogy, Dudley Lake, Dunnington, Plum Bayou and Roberts
Johnson
Lafayette
Lee
Lincoln
Logan
Madison
Montgomery
Nevada
Newton
Perry
Poinsett
Prairie
Scott
Searcy

ARKANSAS—Continued

Union, Quachitas } the Smackover medical service area
Van Buren
Washington—the Lincoln medical service area
Washington—the Winslow medical service area
Woodruff

Critical Dental Shortage Areas

Ashely—eastern half

Clay	Fulton
Cleveland	Grant
Crawford	Greene
Cross	

Jefferson—northeast quadrant

Johnson	Perry
Lafayette	Phillips
Lee	Prairie
Lincoln	Scott
Logan	Searcy
Marion	Sharp
Monroe	St. Francis
Montgomery	Stone
Nevada	Van Buren
Newton	Woodruff

CALIFORNIA

Critical Medical Shortage Areas

Alpine, Inyo, Mono } the Tri-County Indian Health Project area
Contra Costa—the Brentwood medical service area
Glenn—the Orland Census County Division
Humboldt—the North Central Census County Division
Imperial
Kern—the Lamont, Arvin, and Greenfield medical service area
Kern—the Mojave medical service area
Merced—the Livingston medical service area
Modoc—Adin-Lookout, Alturas, and Surprise Valley Census County Divisions
Monterey—the town of Seaside
Monterey—the Soledad Hospital District
Riverside—the Idyllwild Census County Division
Riverside—Morongo Indian Reservation area
San Bernardino—the Baker medical service area
San Bernardino—the Morongo Basin medical service area
San Bernardino—the Victorville medical service area
San Benito
Sierra—the Downieville medical service area
Siskiyou—Etna and Fort Jones Census County Divisions
Siskiyou—Happy Camp Census County Division
Siskiyou, Modoc } the Tule Lake/Butte Valley medical service area
Solano—the Dixon medical service area
Solano—the Vacaville medical service area
Sonoma—the Cloverdale-Geyserville medical service areas
Sonoma—the Guerneville medical service area
Yuba—the Yuba Foothills Census County Division

Critical Dental Shortage Areas

Alpine, Inyo, Mono } the Tri-County Indian Health Project area
Riverside—the Idyllwild Census County Division
Riverside—Morongo Indian Reservation area
San Bernadino—the Victorville medical service area

COLORADO

Critical Medical Shortage Areas

Archuleta—the Pagosa Spring medical service area
Bent
Custer—the Westcliffe medical service area
Dolores—the Dove Creek medical service area
Fremont
Huerfano—the Walsenburg medical service area
Lincoln—Northern Portion, Elbert—Eastern Portion } the Limon medical service area
Logan—the Sterling medical service area
Otero—the Rocky Ford medical service area
Park—the Fairplay medical service area
Rio Blanco—the Rangley medical service area
Saguache
Yuma—the Yuma medical service area
Washington

Critical Dental Shortage Areas

Bent	Saguache
Crowley	Washington
Phillips	

CONNECTICUT

Critical Medical Shortage Areas

Hartford—the Enfield medical service area

Critical Dental Shortage Areas

None

DELAWARE

Critical Medical Shortage Areas

New Castle—Wilmington Census Tracts Nos. 1, 8, 9, 17, 20, 154, 155, 156

Critical Dental Shortage Areas

None

FLORIDA

Critical Medical Shortage Areas

Baker	Bay
Bradford	
Collier—the Immokalee medical service area	
Dixie	Okeechobee
Gilchrist	Osceola
Franklin	Palm Beach—the Belle Glade medical service area including Pahokee and South Bay
Gadsden	
Glades	
Holmes	
Jackson	
Jefferson	Pasco
Liberty	Seminole
Madison	Suwanee
Martin	Wakulla
Okaloosa	Washington

Critical Dental Shortage Areas

Baker	Lafayette
Citrus	Levy
Collier—the Immokalee dental service area	Liberty
	Madison
	Nassau
Dixie	Osceola
Flagler	Palm Beach
Franklin	Pasco
Gadsden	Polk—the Frostproof medical service area
Glades	
Gulf	
Hardee	Union
Holmes	Wakulla
Jackson	Walton

GEORGIA

Critical Medical Shortage Areas

Atkinson	Long
Brantley	Grady
Bryan	McIntosh
Crawford	Mitchell
Dawson	Stewart } 2-county
Dooly	Webster } area
Early	Talbot
Effingham	Taliafero
Lee	Warren

GEORGIA—Continued

Critical Dental Shortage Areas

Atkinson	Lee
Berrien	Long
Brantley	Macon
Brooks	McIntosh
Bryan	Miller
Calhoun	Mitchell
Crawford	Seminole
Cook	Stewart } 2-county
Decatur	Webster } area
Dooly	Talbot
Early	Taylor
Fannin	Turner
Grady	Union
Irwin	Worth
Lanier	

IDAHO

Critical Medical Shortage Areas

Bannock—the Downey medical service area
Owyhee

Critical Dental Shortage Areas

None

ILLINOIS

Critical Dental Shortage Areas

Alexander	Edwards

Fulton—the Avon medical service area

Hardin	Johnson

Lake—the Round Lake medical service area

Mercer	Wayne
Pulaski	

Critical Dental Shortage Areas

Fulton—the Avon medical service area

Gallatin	Pulaski
Mercer	Wayne

INDIANA

Critical Medical Shortage Areas

Brown	Pike
Clinton	Posey
Crawford	Rush
Franklin	Shelby
Jennings	Spencer
Ohio	Switzerland
Owen	Union

Critical Dental Shortage Areas

Dearborn	Dubois

Jackson—Western Portion—including the townships of Brownstown, Carr, Driftwood, Grassy Fork, Hamilton, Owen, Pershing, Salt Creek and Washington

Ohio	Shelby
Owen	Starke
Pike	Union
Rush	

IOWA

Critical Medical Shortage Areas

Butler	Lyon
Tama	

Critical Dental Shortage Areas

Adams	Louisa
Butler	Mills
Clarke	Monona
Fremont	Tama
Guthrie	Warren
Harrison	

KANSAS

Critical Medical Shortage Areas

Cherokee	Gray
Elk	Jackson

Jefferson—the Valley Falls medical service area
Linn
Meade
Miami—the community of Louisburg
Nemaha
Phillips

KANSAS—Continued

Reno—the community of Haven
Rush — Wichita
Woodson

Critical Dental Shortage Areas

Brown	Jewell
Chase	Lane
Coffey	Linn
Comanche	Osage
Elk	Osborne
Greeley	Stanton
Geary	Wabaunsee
Haskell	Wallace

KENTUCKY

Critical Medical Shortage Areas

Ballard	Carter
Bath	Crittenden
Breathitt	Cumberland
Bullitt	Edmonson
Butler	Elliott
Carlisle	Estill

Floyd—Wheelwright Census County Division

Gallatin	Menifee
Greenup	Metcalf
Hancock	Ohio
Henry	Owen
Jackson	Owsley
Jessamine	Pendleton
Knott	Powell
Lee	Robertson
Leslie	Rockcastle
Lewis	Russell
Lincoln	Todd
Lyon	Trimble
McCreary	Webster
Magoffin	Wolfe
Martin	

Knott, Perry — the Dice-Dwarf/Emmalena medical service area

Pike—the medical service area of Long Fork, Dorton and Robinson Creek Census County Divisions
Pike—Millard Census County Division
Pike—Phelps Census County Division
Pike—Fedscreek Census County Division

Critical Dental Shortage Areas

Ballard	Laurel
Bath	Leslie
Bracken	Letcher
Breathitt	Lewis
Breckinridge	Lincoln
Bullitt	Livingston
Butler	Logan
Carlisle	McCreary
Carter	Magoffin
Casey	Martin
Clay	Meade
Edmonson	Ohio
Elliott	Oldham
Estill	Pendleton
Grant	Perry
Grayson	Pike
Greenup	Powell
Hancock	Spencer
Hardin	Todd
Jackson	Trigg
Jessamine	Trimble
Johnson	Webster
Knott	Wolfe
LaRue	

LOUISIANA

Critical Medical Shortage Areas

Assumption	Bossier
Bienville	DeSoto

Evangeline—the town of Basile

Grant	Livingston

Natchitoches—the town of Marthaville

St. Bernard	St. John
St. Helena	St. Martin

LOUISIANA—Continued

Vermilion—the town of Gueydan

West Baton Rouge	West Feliciana
West Carroll	

Critical Dental Shortage Areas

Bienville	Madison
Bossier	Plaquemines
Caldwell	Pointe Coupee
Cameron	Red River
Catahoula	Sabine
Claiborne	St. Helena
DeSoto	Tensas
East Carroll	Vernon
East Feliciana	West Carroll
Franklin	West Feliciana
Grant	Winn
Jackson	

MAINE

Critical Medical Shortage Areas

Aroostook—the Island Falls medical service area

Critical Dental Shortage Areas

Washington

MARYLAND

Critical Medical Shortage Areas

Garrett

Critical Dental Shortage Areas

None

MICHIGAN

Critical Medical Shortage Areas

Alcona	Barry

Cass, St. Joseph, Van Buren — the Dowagiac medical service area

Clinton — Eaton

Luce—the Newberry medical service area
Mackinac—Mackinac Island
Montmorency
Roscommon

Critical Dental Shortage Areas

Missaukee	Ontonagon
Montmorency	

MINNESOTA

Critical Medical Shortage Areas

Cass	Roseau
Marshall	Sibley

St. Louis, Aitkin, Carlton, Itasca — the Floodwood medical service area

Critical Dental Shortage Areas

Marshall

St. Louis, Aitkin, Carlton, Itasca — the Floodwood dental service area

Traverse

MISSISSIPPI

Critical Medical Shortage Areas

Amite
Bolivar—the Rosedale medical service area
Calhoun
Clarke—the Shubuta medical service area
Clarke—the Quitman medical service area

DeSoto	Itawamba
Holmes	Kemper

Lamar—the Lumberton medical service area
Lawrence—the New Hebron medical service area
Marshall
Oktibbeha—District 3, Choctaw—District 2, Clay—District 5, Webster—District 4 — the Maben medical service area
Pontotoc — Rankin

MISSISSIPPI—Continued

Sharkey, Issaquena, Humphreys—western portion, Warren—northern portion, Washington—southern portion, Yazoo—northwest portion — the Sharkey-Issaquena medical service area

Smith — Tallahatchie
Tippah—the Walnut medical service area
Tunica

Critical Dental Shortage Areas

Amite	Montgomery
Calhoun	Neshoba
Carroll	Newton
Claiborne	Noxubee
Clarke	Perry
DeSoto	Pontotoc
Greene	Quitman
Holmes	Rankin
Humphreys	Sharkey
Itawamba	Smith
Jasper	Stone
Kemper	Tallahatchie
Lamar	Tippah
Lawrence	Tunica
Leake	Walthall
Madison	Webster
Marshall	Yalobusha
Monroe	

MISSOURI

Critical Medical Shortage Areas

Carter	McDonald
Clark	Mercer
Dallas	New Madrid
Hickory	Platte
Knox	Shannon

Critical Dental Shortage Areas

Bollinger	Mercer
Caldwell	Mississippi
Carter	Moniteau
Chariton	Ozark
Clark	Pemiscot
Dallas	Platte
Hickory	Scotland
Holt	Shannon
Knox	Stoddard
Maries	Stone
McDonald	Sullivan

MONTANA

Critical Medical Shortage Areas

Big Horn
Chouteau—the Fort Benton medical service area
Daniels—the Scobey medical service area

Fallon	Garfield

Liberty—the Chester medical service area
Mineral—the Superior medical service area
Musselshell
Prairie—the Terry medical service area
Roosevelt—the Poplar medical service area
Toole—the Shelby medical service area

Wheatland, Golden Valley — 2-county area

Critical Dental Shortage Areas

Big Horn	Garfield
Fallon	Roosevelt

NEBRASKA

Critical Medical Shortage Areas

Arthur	Blaine
Banner	Clay

Custer—the Arnold medical service area

Fillmore	Gosper
Frontier	Grant

Hayes, Hitchcock — 2-county area

Hooker, Cherry — the Mullen medical service area

Keya Paha	Loup
Logan	McPherson

NEBRASKA—Continued

Sheridan—the Rushville medical service area
Sherman
Sioux
Thomas
Wheeler

Critical Dental Shortage Areas

Arthur
Banner
Blaine
Hayes, Hitchcock — 2-county area
Keya Paha
Logan
Loup
McPherson
Clay
Grant
Sioux
Thomas
Thurston
Wheeler

NEVADA

Critical Medical Shortage Areas

Elko—the Wells medical service area
Eureka
Humboldt—northern section
Mineral, Esmeralda — 2-county area

Critical Dental Shortage Areas

Eureka
Lander
Mineral, Esmeralda — 2-county area
Nye
Lincoln
Pershing

NEW HAMPSHIRE

Critical Medical Shortage Areas

Coos—the Gorham medical service area

Critical Dental Shortage Areas

None

NEW MEXICO

Critical Medical Shortage Areas

Dona Ana—the Hatch medical service area
Guadalupe
Lincoln—the Garrizozo medical service area
Mora
Rio Arriba
Sandoval
Harding
San Miguel
Taos
Torrance

Critical Dental Shortage Areas

Catron
De Baca
Grant
Guadalupe
Harding
Hidalgo
Mora
Quay
Rio Arriba
Sandoval
San Miguel
Sierra
Socorro
Taos
Torrance
Valencia

NEW YORK

Critical Medical Shortage Areas

Cayuga—the Aurora medical service area
Greene
Herkimer—the West Winfield medical service area
Madison, Chenango — the Hamilton medical service area
Oneida—the Boonville medical service area
Orleans—the Albion medical service area
Wyoming, Cattaraugus, Allegheny — the Arcade medical service area

Critical Dental Shortage Areas

Cattaraugus—the Salamanca dental service area

NORTH CAROLINA

Critical Medical Shortage Areas

Alleghany
Anson
Bertie
Bladen
Camden
Caswell
Clay
Dare
Gates
Graham
Granville
Greene
Hertford
Hoke
Hyde
Jones

NORTH CAROLINA—Continued

Madison—the Hot Springs medical service area
Northampton
Pamlico
Pasquotank
Pender
Perquimans
Person
Randolph
Richmond
Robeson—Pembroke Township
Robeson—Red Springs Township
Robeson—St. Paul's Township
Rockingham, Stokes — the Madison medical service area
Rowan—Western portion
Stokes
Tyrrell
Union
Warren
Washington
Wilkes
Yadkin

Critical Dental Shortage Areas

Alexander
Alleghany
Anson
Ashe
Avery
Beaufort
Bertie
Bladen
Brunswick
Caldwell
Camden
Caswell
Cherokee
Clay
Columbus
Currituck
Dare
Davidson
Duplin
Edgecombe
Franklin
Gaston
Gates
Granville
Graham
Greene
Halifax
Harnett
Hertford
Hoke
Hyde
Johnston
Jones
Macon
Madison
Montgomery
Northhampton
Pamlico
Pender
Perquimans
Person
Randolph
Richmond
Robeson
Rockingham

Rowan—Western portion

Rutherford
Sampson
Scotland
Stanly
Stokes
Tyrrell
Union
Warren
Washington
Yadkin
Yancey

NORTH DAKOTA

Critical Medical Shortage Areas

Billings
Burke
Cavalier
Dunn
Golden Valley
Grant
Griggs
Hettinger
Lamoure
Logan
McKenzie
Oliver
Pembina
Sargent
Sheridan
Slope
Steele

Ward—the Des Lacs Census County Division
Ward—the Kenmare medical service area

Critical Dental Shortage Areas

Billings
Eddy
Emmons
Griggs, Steele — 2-county area
Hettinger
Logan
McHenry
McIntosh
McKenzie
Nelson
Golden Valley
Grant
Oliver
Rolette
Sargent
Sioux
Slope

OHIO

Critical Medical Shortage Areas

Brown
Jackson—the Oak Hill medical service area
Mahoning—Smith Township
Clermont

OHIO—Continued

Medina—the Medina medical service area
Pike
Putnam
Vinton
Warren

Critical Dental Shortage Areas

Adams
Brown
Mahoning—Smith Township
Monroe
Noble
Perry
Clermont
Harrison
Pike
Vinton
Warren

OKLAHOMA

Critical Medical Service Areas

Beaver—the Beaver medical service area
Choctaw
Cimarron
Jefferson—the Ringling medical service area
Johnston
Le Flore
McCurtain
Murray
Woods—the Alva medical service area
Delaware
Dewey
Noble
Okmulgee
Osage
Sequoyah

Critical Dental Shortage Areas

Adair
Atoka
Beaver
Coal
Creek
Delaware
Dewey
Haskell
Johnston
Le Flore
Love
McCurtain
McIntosh
Nowata
Osage
Wagoner

OREGON

Critical Medical Service Areas

Curry
Jackson—Northeast section
Morrow
Union—the Elgin medical service area
Wheeler
Gilliam

Critical Dental Shortage Areas

Klamath

PENNSYLVANIA

Critical Medical Shortage Areas

Armstrong—the Cowansville medical service area
Butler—Northeast portion
Cambria—Northern portion
Cameron, Potter — the Austin/Emporium medical service area
Delaware—City of Chester—census tracts 4048 through 4060
Indiana—Northern portion
Pike
Potter, Allegheny, McKean — the Shinglehouse medical service area
Potter, Tioga — the Galeton medical service area
Washington—the Burgettstown medical service area
Wayne

Critical Dental Shortage Areas

Indiana—Northern portion

PUERTO RICO

Critical Medical Shortage Areas

Barranquitas (Municipio)
Las Marias (Municipio)
Maricao (Municipio)

Critical Dental Shortage Areas

Anasco (Municipio)
Barranquitas (Municipio)
Cabo Roso (Municipio)
Hormigueros (Municipio)
Maricao (Municipio)
Mayaguez (Municipio)

SOUTH CAROLINA

Critical Medical Shortage Areas

Abbeville, Anderson } the Iva medical service area
Allendale
Berkeley
Calhoun
Cherokee
Chester
Dorchester
Fairfield
Jasper
Lancaster
Laurens
Lee
McCormick
Saluda
Union

Critical Dental Shortage Areas

Abbeville, Anderson } the Iva dental service area
Allendale
Beaufort
Berkeley
Calhoun
Cherokee
Chesterfield
Clarendon
Colleton
Dillon
Edgefield
Fairfield
Jasper
Lancaster
Laurens
Lee
Marion
Marlboro
Saluda
Union
Williamsburg

SOUTH DAKOTA

Critical Medical Shortage Areas

Aurora
Bennett
Buffalo
Campbell
Clark
Corson
Custer
Deuel
Dewey
Douglas
Edmunds
Faulk
Haakon—the Philip medical service area
Hamlin
Hanson
Harding
Hyde
Jones
McPherson
Meade
Mellette
Moody
Roberts
Sanborn
Shannon
Stanley
Sully
Todd
Union
Washabaugh
Ziebach

Critical Dental Shortage Areas

Aurora
Buffalo
Campbell
Charles Mix
Clark
Corson
Custer
Deuel
Dewey
Douglas
Edmunds
Faulk
Gregory
Haakon
Hamlin
Hand
Harding
Jones
Lyman
McCook
Marshall
Mellette
Moody
Roberts
Sanborn
Shannon
Spink
Sully
Todd
Union
Washabaugh
Ziebach

TENNESSEE

Critical Medical Shortage Areas

Campbell—the Jacksboro medical service area
Carroll
Cheatham
Cocke
Crockett
Decatur
Fayette
Fentress—the Jamestown medical service area
Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Haywood
Hickman
Johnson
Lauderdale
Loudon
McNairy
Macon
Meigs
Moore
Morgan
Perry

TENNESSEE—Continued

Putnam—the Monterey medical service area
Rhea
Roane
Scott
Stewart
Trousdale
Union
Wayne
White
Williamson
Wilson

Critical Dental Shortage Areas

Bledsoe
Campbell
Carter
Carroll
Cheatham
Claiborne
Clay
Cocke
Crockett
Cumberland
Decatur
DeKalb
Fayette
Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Hickman
Jackson
Lake
Macon
Meigs
Morgan
Overton
Perry
Pickett
Robertson
Scott
Smith
Stewart
Trousdale
Unicoi
Union
Van Buren
Wayne
White

TEXAS

Critical Medical Shortage Areas

Armstrong—the Claude medical service area
Atascosa
Bandera
Briscoe
Cameron, Willacy } the Harlingen/Raymondsville medical service area
Carson
Dickens
Frio
Gaines
Gonzales
Hidalgo—the Elsa-Edcouch-La Villa medical service area
Hudspeth
Jim Hogg
Kent
King
Kinney
Lipscomb
Maverick
Newton
Oldham
Randall
Roberts
San Jacinto
Shelby
Sherman
Starr
Stonewall
Terrell
Ward
Yoakum
Zapata

Critical Dental Shortage Areas

Armstrong
Atascosa
Bandera
Briscoe
Carson
Castro
Frio
Hall
Hansford
Hidalgo
Hudspeth
Jim Hogg
Maverick—the Eagle Pass dental service area
Newton
Oldham
Parmer
Randall
Roberts
Shelby
Sherman
Somervell
Starr
Trinity
Willacy

UTAH

Critical Medical Shortage Areas

Daggett
Emery—the Castle Dale/Huntingdon medical service area
Emery—the Green River medical service area
Garfield, Piute } 2-county area
Millard—the Fillmore medical service area
Rich
San Juan—the Blanding medical service area
Tooele

Critical Dental Shortage Areas

None

VERMONT

Critical Medical Shortage Areas

Caledonia—the Hardwick medical service area
Essex—the Island Pond medical service area

Critical Dental Shortage Areas

None

VIRGINIA

Critical Medical Shortage Areas

Accomack
Augusta—the Craigsville medical service area
Bedford
Botetourt—the Fincastle/Amsterdam medical service area
Buchanan
Buckingham
Charlotte—The Drake's Branch medical service area
Chesapeake City
Craig
Cumberland
Grayson—the Independence medical service area
Isle of Wight
Lee
Smyth, Tazewell, Washington } the Saltville medical service area
Southampton—the Capron medical service area
Surry
Virginia Beach—the boroughs of Pungo and Blackwater
Amherst
Bland
Campbell
Dickenson
Floyd
Fluvanna
Nansemond
Russell

Critical Dental Shortage Areas

Amherst
Bedford
Buchanan
Campbell
Chesapeake City
Craig
Floyd
Nansemond
Southampton

WASHINGTON

Critical Medical Shortage Areas

Adams—the Ritzville medical service area
Clallam—the Forks medical service area
Ferry
Grant—the Grand Coulee medical service area
Grays Harbor—the McCleary-Elma medical service area
Kittitas—the Cle Elum medical service area
Okanogan—the Twisp medical service area
Skamania
Snohomish—the Darrington medical service area
Stevens—the Chewelah medical service area

Critical Dental Shortage Areas

Mason—the Union dental service area
Okanogan—the Twisp dental service area

WEST VIRGINIA

Critical Medical Shortage Areas

Boone
Cabell—excluding the Huntington urban area
Calhoun
Clay
Doddridge
Fayette—excluding the Kanawha district
Gilmer
Grant—the Mt. Storm medical service area
Hampshire—the Bloomery, Cacapon, Gore and Sherman Minor Civil Divisions
Hardy
Kanawha—except Charleston
Lewis
Lincoln
Logan—excluding the Logan-Man medical service area

WEST VIRGINIA—Continued

McDowell—the War medical service area
Marshall—Cameron District
Mercer—excluding the Bluefield/Princeton area
Mineral—the Frankfort and Cabin Run Minor Civil Divisions
Mingo—excluding the Williamson district
Monongalia—the Blacksville medical service area
Monroe
Nicholas—the Grant, Hamilton, Jefferson, Summerville, and Wilderness Minor Civil Divisions
Pendleton
Pleasants—the Grant, Jefferson, Lafayette, McKim, and Union Minor Civil Divisions
Pocahontas—the Edray, Huntersville and Little Levels Minor Civil Divisions
Preston
Putnam
Randolph, Upshur, Webster—the Middlefork/Hacker Valley medical service area
Ritchie
Summers
Taylor
Tucker
Tyler—the Centreville, Ellsworth, McElroy, Meade and Union Minor Civil Divisions
Wayne
Wirt
Wyoming

Critical Dental Shortage Areas

Barbour
Boone
Calhoun
Clay
Doddridge
Fayette—excluding the Kanawha District
Gilmer
Kanawha—excluding Charleston
Lincoln
Logan
McDowell
Mercer—excluding the Bluefield/Princeton area
Mingo—excluding the Williamson district
Monongalia—the Blacksville dental service area
Monroe
Nicholas—the Beaver and Kentucky Minor Civil Divisions
Pleasants—the Grant, Jefferson, Lafayette, McKim, and Union Minor Civil Divisions
Putnam
Ritchie
Summers
Taylor
Tucker
Tyler—the Centreville, Ellsworth, McElroy, Meade and Union Minor Civil Divisions
Wayne
Webster
Wyoming

WISCONSIN

Critical Medical Shortage Areas

Ashland—the Mellen medical service area
Bayfield
Buffalo—Western portion
Crawford, Richland, Vernon—the Kickapoo River Valley medical service area
Florence
Forest
Iowa
Iron
Lafayette
Manitowoc—the Reedsville medical service
Marathon—the Athens medical service area
Menominee
Price—Central and Southern portions
Rusk
Vernon—Western portion

Critical Dental Shortage Areas

Adams
Bayfield
Burnett
Calumet
Crawford, Richland, Vernon—the Kickapoo River dental service area
Florence
Jackson
Lafayette
Marquette
Menominee

WYOMING

Critical Medical Shortage Areas

Crook
Niobrara—the Lusk medical service area
Sweetwater—the Green River medical service area

Critical Dental Shortage Areas

Campbell
Crook

With respect to the withdrawal of designation of an area as a critical health manpower shortage area, § 23.5 (d) of the regulations governing the National Health Service Corps program (42 CFR Part 23) provides that the Secretary may withdraw such designation upon his determination that there has been a substantial change in the circumstances within the area upon which the previous designation was made. The determination having been made in each case either that there has been such a substantial change or that the previous designation was the result of the use of incorrect data concerning the circumstances in the area, 90 days after this publication the designation of the following areas (counties, or specified parts of counties) will be withdrawn:

ARKANSAS

Critical Medical Shortage Areas

Clay
Cross
Grant
Greene
Marion
Monroe
Phillips
Sharp
St. Francis
Stone

CALIFORNIA

Critical Medical Shortage Areas

Sacramento—the Isleton medical service area

GUAM

Critical Dental Shortage Areas

Agana

ILLINOIS

Critical Medical Shortage Areas

Gallatin

INDIANA

Critical Dental Shortage Areas

Vanderburgh—Evansville census tracts 11–16, 21, 23, 25, 27

KENTUCKY

Critical Medical Shortage Areas

Grant

MONTANA

Critical Medical Shortage Areas

Custer—the community of Miles City
Flathead—the community of Kalispell

NORTH CAROLINA

Critical Medical Shortage Areas

Currituck
Henderson

NORTH DAKOTA

Critical Medical Shortage Areas

Emmons
Rolette

Critical Dental Shortage Areas

Cavalier
Lamoure
Sheridan

OKLAHOMA

Critical Medical Shortage Areas

Woods—the Waynokoa medical service area

WASHINGTON

Critical Medical Shortage Areas

King—the city of Seattle

Critical Dental Shortage Areas

King

WEST VIRGINIA

Critical Medical Shortage Areas

Raleigh

Date: February 18, 1975.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

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