July 28, 1975—Pages 31591–31736

MONDAY, JULY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 145

Pages 31591–31736

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

The following bill was vetoed by the President: H.R. 4035, Petroleum Pricing Review Act. Message dated July 21, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 30.

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federal register

Area Code 202 Phone 523-5240

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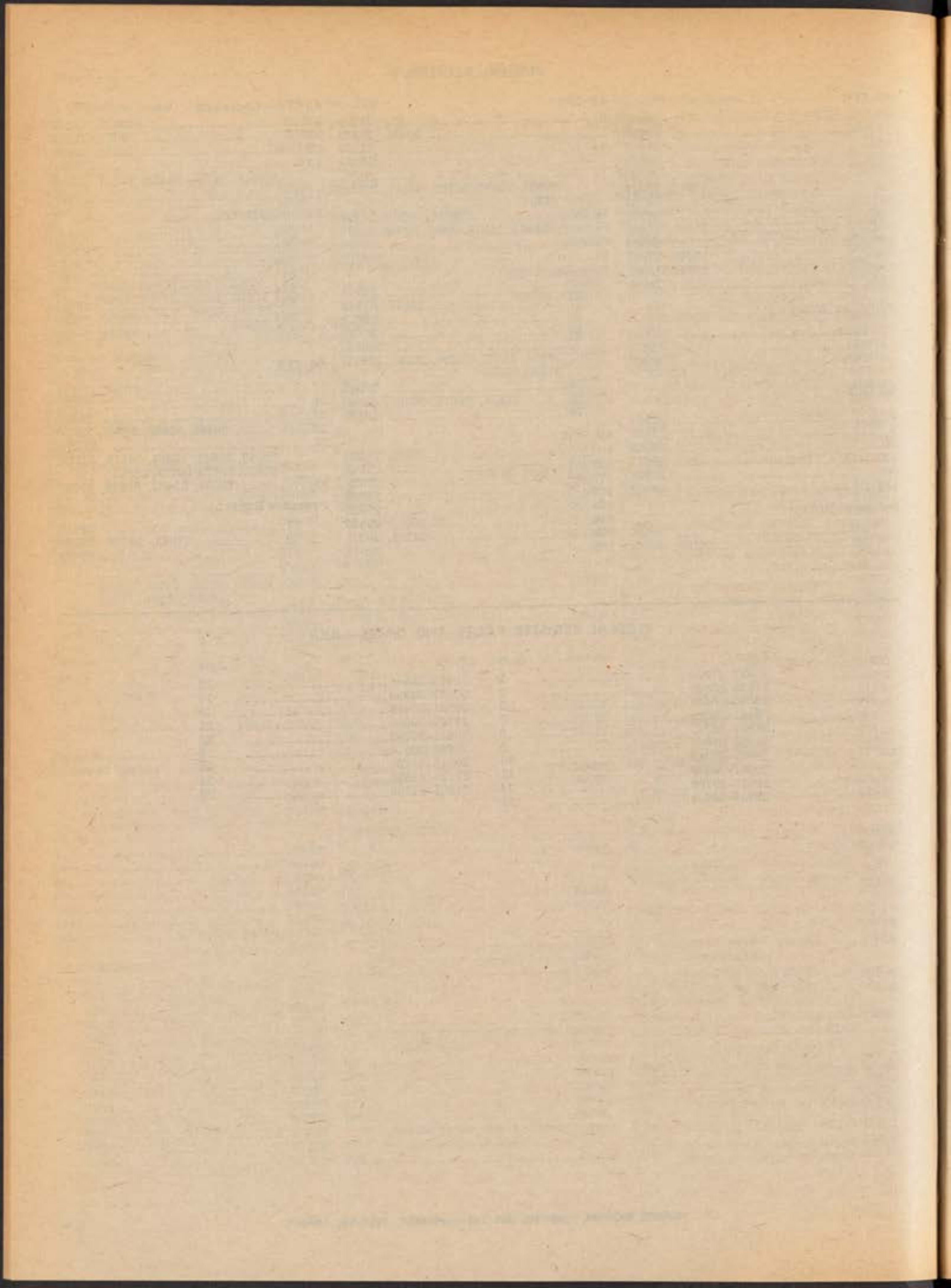

rules and regulations

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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Deputy Administrator, National Fire Prevention and Control Administration is excepted under Schedule C.

Effective on July 28, 1975, § 213.3314 (u) (2) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(u) *National Fire Prevention and Control Administration.* * * *

(2) One Private Secretary to the Deputy Administrator.

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

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

[FR Doc.75-19427 Filed 7-25-75;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Deputy Director of Congressional Affairs is excepted under Schedule C.

Effective on July 28, 1975, § 213.3337 (a) (18) is added as set out below.

§ 213.3337 General Services Administration.

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

(18) Deputy Director of Congressional Affairs.

(5 U.S.C. 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.75-19428 Filed 7-25-75;8:45 am]

Title 7—Agriculture

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

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service Eligibility for Price Support

On May 23, 1975, notice of proposed rule-making was published in the Federal Register (40 F.R. 22551) containing proposals by the Department to amend its regulations relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets (7 CFR Part 29). The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of The Tobacco Inspection Act (49 Stat. 731, 7 CFR 511 *et seq.*); the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 *et seq.*); and the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421 *et seq.*)

Interested parties were afforded an opportunity to file written data, views and arguments on the proposed amendments. Only one party submitted comments. That party supported the proposal contained in Section 29.9407(a) which requires the warehouse to report any information requested by the Secretary. The commentor further stated that it objected to the proposal contained in Section 29.9407(c) which provides for suspension of tobacco inspection service of a noncomplying warehouse. The commentor suggested that in lieu of suspension a daily monetary penalty be imposed until such time as the warehouse came into compliance. In addition, the commentor suggested that producers who had designated a warehouse whose inspection services were suspended pursuant to the proposed amendment be permitted to immediately redesignate their tobacco to another warehouse. The first suggestion is not feasible since the Department lacks statutory authority for such monetary penalties. The second suggestion, however, is already provided for in the regulations. Section 1464.2 (7 CFR 1464.2) provides that producers may redesignate their tobacco in an emergency situation and this would include the suspension of tobacco inspection service of a non-complying warehouse. Furthermore, any temporary inconvenience to producers caused by a warehouse's suspension is offset by the greater benefit to producers under the designation program gained by requiring warehouses to provide the required reports and to keep and make available to the Secretary records which will verify such reports.

After consideration of all relevant material, including the material set forth in the aforesaid notice, the data, views, and arguments filed thereon, and other available information, it is concluded that such amendments filed thereon, and other available information, it is concluded that such amendments to the tobacco inspection and price support regulations should be made effective without change.

Statement of Consideration: Pursuant to the Department's regulations (see 7 CFR Part 725) warehouses selling flue-cured tobacco are already required to make certain reports to the Agricultural Stabilization and Conservation Services with regard to the flue-cured tobacco purchased or sold at these warehouses. However, experience in the prior year's tobacco marketing program indicates a need for additional identification of the tobacco and information relating to the sale of tobacco at auction on designated markets.

Section 29.9401 of the regulations is, therefore, amended to define "resale tobacco" as any tobacco offered for sale or sold by someone other than its producer; "nonauction-purchased tobacco" is that tobacco purchased at other than a bona fide auction sale, as defined in 7 CFR 29.1(d) on a designated market, as defined in 7 CFR 29.1(e); and "nonauction-purchased resale tobacco" is defined as that tobacco offered for sale, or sold at auction by a person who purchased it at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market as defined in 7 CFR 29.1(e).

The regulations are further amended, by adding a new section 7 CFR 29.9407, which will require warehouses to provide the Secretary information, as requested, on forms provided these warehouses by the Secretary. Moreover, warehouses will be required to keep records for a period of two years from the opening of the marketing season in which the tobacco is sold. This two-year period is determined to be a reasonable length of time. Failure to provide said information or keep said records will result in suspension of inspection service until the warehouse comes into compliance.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) Producers, warehousemen, and buyers are familiar with the amendments since notice of proposed rule-making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the amendments involved;

(b) Farmers, warehousemen, and buyers are now making plans for the marketing of the 1975 crop which is expected to begin before mid-July; and

(c) These amendments are necessary to continue orderly marketing conditions in the flue-cured marketing area

under the grower designation plan which was made effective in the 1974 marketing season and will involve no significant change in procedures.

Therefore, good cause exists for making the amendments to the regulations effective July 28, 1975.

Accordingly, Part 29 of this Title is amended as follows:

1. Section 29.9401 is amended by adding paragraphs (c), (d), and (e) as follows:

§ 29.9401 Definitions.

As used in this Subpart, the following terms shall have the following meanings:

* * * * *

(c) "Resale tobacco" means any tobacco offered for sale, or sold, by someone other than its producer.

(d) "Nonauction-purchased tobacco" means tobacco purchased at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

(e) "Nonauction-purchased resale tobacco" means tobacco being offered for sale, or sold, at auction by a person who purchased it at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

2. Subpart G is amended by adding a new § 29.9407, as follows:

§ 29.9407 Records and reports.

(a) Each warehouse, on a designated market, shall provide the Secretary with any information that is requested on forms provided said warehouse by the Secretary.

(b) Each warehouse shall keep records for a period of two years from the opening of the marketing season in which the tobacco is sold, and make available to the Secretary such records as are necessary for the Secretary to verify the information required by paragraph (a) of this section.

(c) Failure to comply with the requirements of this section shall result in suspension of tobacco inspection service at the warehouse until such time as the warehouse comes into compliance.

The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on July 23, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-19514 Filed 7-25-75;8:45 am]

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

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment for the 1975–76 Fiscal Period and Carryover of Unexpended Funds

This document authorizes expenses of $655,581 of Nectarine Administrative Committee, under Marketing Order No. 916, for the 1975–76 fiscal period and fixes a rate of assessment of $0.06 per No. 22D standard lug box of nectarines handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses. Unexpended assessment funds from the previous fiscal year are carried over into the reserve.

On July 3, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 F.R. 28090) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1975, through February 29, 1976, and carryover of unexpended funds from the period March 1, 1974, through February 28, 1975 pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted by July 18, 1975. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that Part 916 is amended by adding § 916.214:

§ 916.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1975, through February 29, 1976, will amount to $655,581.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.06 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1975, shall be carried over as a reserve in accordance with § 916.42 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1975, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 1387.11 of the "Regulations of the California Department of Food and Agriculture."

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

Dated: July 22, 1975.

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

[FR Doc.75-19512 Filed 7-25-75;8:45 am]

[Peach Regulation 15]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Regulation by Grade and Size

This regulation requires that all Colorado peaches shipped to points outside of Colorado grade at least U.S. No. 1, and be at least 2⅛ inches in diameter during the period July 28, through September 30, 1975. This action is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based on the Department's appraisal of the crop and current and prospective market conditions for Colorado peaches. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 28, 1975, of any peaches which do not comply with such requirements, so as to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553), in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this

regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 28, 1975. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Administrative Committee until July 10, 1975, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were submitted to the Department on July 14, 1975; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.316 Peach Regulation 15.

Order. (a) During the period July 28, through September 30, 1975, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions*. As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1", "diameter", and "count" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

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

Dated: July 22, 1975.

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

[FR Doc.75-19463 Filed 7-25-75;8:45 am]

Title 9—Animal and Animal Products

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

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Release of Area Quarantined

This amendment excludes portions of Jim Wells County, a portion of Kleberg County and a portion of Nueces County in Texas from the areas quarantined because of splenetic or tick fever. Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will not apply to the excluded areas, but the restrictions in Part 72 pertaining to interstate movement from nonquarantined areas will apply to the excluded areas.

Accordingly, § 72.5 of Part 72, Title 9, Code of Federal Regulations, as amended, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

In § 72.5, the provisions in paragraphs (i), (j), and (k) are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 F.R. 28464, 28477; 38 F.R. 19141.)

Effective Date. The foregoing amendment shall become effective on July 22, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of splenetic or tick fever and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-19465 Filed 7-25-75;8:45 am]

PART 112—PACKAGING AND LABELING

Correction

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Part 112, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by correcting the discrepancy between the test requirements in § 113.147(c) and the label requirements in § 112.7(d)(4) for modified live rabies vaccine. Licensees cannot comply with the label requirements until the test requirements have been completed. Since each licensee is responsible for testing the vaccine produced in his establishment, completion of the duration of immunity tests for all licensees by a given date will be affected by many uncontrollable factors. Label recommendations will depend upon the results obtained by each licensee.

§ 112.7 is amended by revising the introductory paragraph of § 112.7(d)(4) and deleting paragraphs (d)(4) (i), (ii), (iii), and (iv) to read:

§ 112.7 Special additional requirements.

* * * * *

(d) * * *

(4) Intramuscular injection at one site in the thigh shall be recommended.

* * * * *

(37 Stat. 832–833; 21 U.S.C. 151–158)

Effective date. The foregoing amendment shall become effective July 28, 1975.

The amendment relieves certain label requirements and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

The foregoing amendments shall become effective upon issuance.

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

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-19466 Filed 7-25-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Amendments of Table S–3 and Summary Table S–4

Table S–3—Summary of environmental considerations for uranium fuel cycle, of 10 CFR Part 51 contains a typographical error which was carried over from the original Table S–3 in the "Environmental Survey of the Uranium Fuel Cycle." The amendments set forth below correct the words now reading "Thermal (billions)" in the first column of Table

S-3 to read "Effluents—Thermal (billions of Btu):".

The Commission's Office of Standards Development has prepared "NUREG-75/038, Environmental Survey of Transportation of Radioactive Materials to and from Nuclear Power Plants Supplement I" dated April 1975 which presents the data and identifies the methods used in deriving the values in Summary Table S-4—Environmental Impact of Transportation of Fuel and Waste to and from One Light-Water-Cooled Nuclear Power Reactor. The amendments of 10 CFR Part 51 set forth below amend footnote 1 of Summary Table S-4 to reflect the availability of "NUREG-75/038" which may be obtained from the National Technical Information Service, Springfield, Virginia 22161. A copy of "NUREG-75/038" is available for inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

The amendments also correct the line in the body of Summary Table S-4 beginning with "Transportation workers" to show that the range of doses is 0.01 to 300 millirem rather than 0.0 to 300 millirem.

Because these amendments relate solely to corrections and minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective on July 28, 1975.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 51, are published as a document subject to codification.

1. Summary Table S-3 is amended by changing the words "Thermal (billions)" in the first column to read "Effluents—Thermal (billions of Btu):" and moving the words to the left margin of the table in line with "Effluents—Radiological (curies):" as follows:

TABLE S-3.—*Summary of environmental considerations for uranium fuel cycle*

[Normalized to model LWR annual fuel requirement]

Natural resource use	Total	Maximum effect per annual fuel requirement of model 1,000 MWe LWR
* * *	*	* * *
Effluents-radiological (curies):		
* * *	*	* * *
Effluents-thermal (billions of British thermal units).	3,360	<7 percent of model 1,000 MWe LWR.
* * *	*	* * *

2. Summary Table S-4 is amended by changing the line in the body of the table beginning with "Transportation workers", and by amending footnote 1, to read as follows:

SUMMARY TABLE S-4.—*Environmental impact of transportation of fuel and waste to and from 1 light-water-cooled nuclear power reactor* [1]

[Normal conditions of transport]

Exposed population	Estimated number of persons exposed	Range of doses to exposed individuals [2] (per reactor year)	Cumulative dose to exposed population (per reactor year) [3]
* * *		*	* *
Transportation workers	200	0.01 to 300 mrem	4 man-rem.
* * *		*	* *

[1] Data supporting this table are given in the Commission's "Environmental Survey of Transportation of Radioactive Materials to and from Nuclear Power Plants," WASH-1238, December 1972, and Supp. I, NUREG-75/038, April 1975. Both documents are available for inspection and copying at the Commission's Public Document Room, 1717 H St. NW., Washington, D.C., and may be obtained from National Technical Information Service, Springfield, Va. 22161. WASH-1238 is available from NTIS at a cost of $5.45 (microfiche, $2.25) and NUREG-75/038 is available at a cost of $3.25 (microfiche, $2.25).

* * * * * * *

Effective date. These amendments become effective on July 28, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201), Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841)).

Dated at Bethesda, Maryland, this 30th day of June 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.75-19213 Filed 7-25-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14231; Amdt. No. 39-2283]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-129—(30 FR 11169), AD 65-20-4, to require a repetitive 2500 flight inspection of the rear pressure bulkhead boundary members for cracks, and repair as necessary, on British Aircraft Corporation Viscount Models 744, 745D, and 810 Series airplanes was published in 39 FR 45299.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has re-evaluated the need for the proposed revision to Amendment 39-129, AD 65-20-4, and determined that it should be adopted.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising paragraph (b)(2) of Amendment 39-129 (30 FR 11169), AD 65-20-4, to read as follows:

BRITISH AIRCRAFT CORPORATION: Applies to Viscount Models 744, 745D, and 810 Series airplanes.

* * * * *

(b) Pressure Bulkheads—Section 3

* * * * *

(2) Rear Pressure Bulkhead—Stn. 761 (Models 744 and 745D airplanes) and Stn. 871.71 (Model 810 airplanes). Compliance required as indicated in BAC PTL 221 Issue 6 or BAC PTL 94 Issue 6, as applicable, or an FAA-approved equivalent, except that with respect to circumferential boundary members compliance is required before the accumulation of 2500 flights since the inspection required by AD 71-19-4 and AD 71-20-8, as applicable, or within the next 10 flights after the effective date of this amendment, whichever occurs later, and thereafter at intervals not to exceed 2500 flights since the last inspection.

* * * * *

This amendment becomes effective August 27, 1975.

Issued in Washington, D.C. on July 22, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19432 Filed 7-25-75;8:45 am]

[Docket No. 12735; Amdt. 39-2278]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11, 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require detection and securing of loose ring nuts in the flap primary transmission system on British Aircraft Corporation Model BAC 1-11, 200 and 400 Series airplanes was published in 38 FR 9441.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received which recommended that the 1000 hour intervals between the first and second inspection and the sec-

ond and third inspection be increased to 1050 hours in order that the inspections could be accomplished at one of the operator's 350 hour period balance checks. The FAA agrees and the requirement has been set accordingly.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.-89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding a new airworthiness directive to read as follows:

BRITISH AIRCRAFT CORPORATION: Applies to Model BAC 1-11,200 and 400 Series airplanes. Compliance is required as indicated.

To detect and secure loose ring nuts in the flap primary transmission system, accomplish the following:

(a) Within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished within the last 1,000 hours' time in service, comply with paragraph (d) of this AD.

(b) Before the accumulation of 1,050 hours' time in service after compliance with paragraph (a), but not before the accumulation of 800 hours' time in service after compliance with that paragraph—

(1) Inspect, by hand, all ring nuts in the flap primary transmission system in the landing gear bays and wings for tightness; and

(2) Inspect for broken ring nut lock wires.

(3) If any ring nut is found to be loose or any ring nut lock wire is found to be broken during the inspections required by subparagraphs (1) and (2) of this paragraph, before further flight comply with paragraph (d).

(c) Before the accumulation of 1,050 hours' time in service after compliance with paragraph (b) of this AD but not before the accumulation of 800 hours' time in service after compliance with that paragraph—

(1) Inspect all ring nuts in the flap primary transmission system in the landing gear bays and wings for a correct torque loading of 35 to 45 pound feet, and inspect for any broken ring nut lock wires; and

(2) Comply with paragraph (d)

(d) Comply with the following as required by paragraphs (a), (b), and (c) of this AD:

(1) Adjust the torque loading of all ring nuts in the flap primary transmission system in the landing gear bays and wings to 35 to 45 pound feet; and

(2) Double wire lock each ring nut using two separate pieces of locking wire.

(e) It is requested that, after complying with paragraphs (b) and (c) of this AD, reports of any loose ring nuts or broken ring nut lock wires found be forwarded to the Chief, Aircraft Certification Staff, AEU-100, FAA, c/o American Embassy, APO New York 09667. Reports should specify the aircraft serial number and location of the ring nuts involved. (Reporting approved by the Bureau of the Budget under BOB No. 04-RO174). (British Aircraft Corporation BAC 1-11 Alert Service Bulletin No. 27-A-PM 5065, dated March 9, 1972, covers this same subject.)

This amendment becomes effective August 27, 1975.

Issued in Washington, D.C. on July 21, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19434 Filed 7-25-75;8:45 am]

[Docket No. 6729; Amdt. 39-2282]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-114 (30 FR 10155), AD 65-18-3, to require repetitive inspections of support tubes at intervals of seven years and to update the reference to the current manufacturer's maintenance leaflets on British Aircraft Corporation Viscount Models 744, 745D, and 810 series airplanes was published in 38 FR 11112.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The FAA has reevaluated the need for the proposed revision to Amendment 39-114, AD 65-18-3, and determined that it should be adopted.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.-89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-114 (30 FR 10155), AD 65-18-3, is amended by revising paragraphs (a), (a)(2), and (b), and by adding a new paragraph (c) to read as follows:

* * * * *

(a) Within the next 4,000 hours' time in service or at next engine overhaul period, whichever is the sooner, after the effective date of this AD, unless already accomplished, conduct an inspection of the support tubes in accordance with British Aircraft Corporation Preliminary Technical Leaflet No. 252, Issue 2, dated May 22, 1971, for the 700 Series (for 744 and 745D aircraft), and No. 117, Issue 2, dated May 22, 1971, for the 800/810 Series (for 810 Series aircraft), to determine if corrosion exists on the surface of the bore and, if corrosion exists, to determine its depth.

* * * * *

(2) If, on inspection, no corrosion exists or the depth of existing corrosion does not exceed 0.030 inch, subject the support tubes to the dewatering and reprotection scheme set forth in paragraphs 5.1 and 5.1.2 of the applicable Preliminary Technical Leaflet.

* * * * *

(b) In addition to the inspection and reprotection requirements in paragraph (a), accomplish the dewatering and reprotection scheme in paragraphs 5.1 and 5.1.2 of the applicable Preliminary Technical Leaflet whenever the engine mount assembly is broken down for any reason. Accomplish the dewatering and reprotection after the end fittings have been assembled.

(c) Within seven years from the date of compliance with paragraph (a) or before the accumulation of 500 hours' time in service after the effective date of this amendment, whichever occurs later, repeat the inspection and action specified in paragraph (a). Thereafter, continue to accomplish the inspection and action specified in paragraph (a) at intervals not to exceed seven years from the last inspection.

This amendment becomes effective August 27, 1975.

Issued in Washington, D.C. on July 22, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19430 Filed 7-25-75;8:45 am]

[Airworthiness Docket No. 75-WE-35-AD; Amdt. 39-2276]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes, Certificated In All Categories, Including Military C-9A, C-9B and VC-9C Airplanes

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an emergency airworthiness directive was adopted on May 28, 1975, and made effective immediately by individual airmail letters, dated May 28, 1975, as to all known United States operators of McDonnell Douglas DC-9 Series Airplanes, certificated in all categories, including Military C-9A, C-9B and VC-9C airplanes, incorporating the nose landing gear emergency uplock release mechanism pressure can, P/N 9910073-87.

The directive superseded Amendment 39-2215 (40 F.R. 22538), AD 75-11-08. The AD was adopted on an emergency basis to provide for an expanded and more accurate applicability statement, and authorized an additional and alternate means of compliance, i.e., drilling an additional .190/.194 diameter drain hole, with a specified repetitive inspection.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of McDonnell Douglas DC-9 Series airplanes, certificated in all categories, including Military C-9A, C-9B and VC-9C airplanes, by individual airmail letters dated May 28, 1975. These conditions still exist and the airworthiness directive is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

MCDONNELL DOUGLAS: Applies to all Model DC-9 Series airplanes, certificated in all categories, including Military C-9A, C-9B, and VC-9C. Compliance required as indicated.

To prevent possible restriction of operation of the nose landing gear manual release system as the result of the accumulation of liquids and formation of ice in the nose landing gear emergency uplock release mechanism pressure can, P/N 9910073-87, accomplish the following:

(a) Within 12 flight hours time in service after the effective date of this AD, unless already accomplished:

(1) Permanently remove the pressure can drain plug, P/N 1103-1 (refer to paragraph (c)(2) for disposition of plug); and,

(2) Inspect for and drain any liquid.

(b) Thereafter, for those airplanes with the nutplate retained and the cover not installed:

(1) Check once daily while in service, until (c) below is accomplished, to ascertain that the drainhole is clear; or,

(2) Drill a .190/.194 diameter hole in bottom of the can, ⅝ inch outboard of center-

line of and in line with the existing .190/.194 diameter nutplate clearance hole, and inspect at intervals not to exceed 100 hours time in service, until (c) below, is accomplished, to ascertain that the drain hole is clear.

(c) Within the next 1600 hours time in service after the effective date of this AD, unless already acomplished:

(1) Modify the nose landing gear emergency uplock release mechanism pressure can, P/N 9910073-87, in accordance with the instructions in Douglas Service Bulletin 53-91, or later FAA-approved revisions, or an equivalent means approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: 1. The drain plug nutplate, listed in S/B 53-91 as an optional removal item, must be permanently removed per the requirements of this paragraph; or,

2. Incorporate a .190/.194 diameter hole as outlined in (b)(2), above, in lieu of removing the nutplate.

(2) For those airplanes that do not have the nutplate removed after compliance with (c)(1), above, the drain plug may be reinstalled at the operator's discretion, provided that the drain hole is incorporated.

NOTE: The checks required per this AD may be performed by a flight crew member or other person designated by the operator.

(d) The requirements of this AD may be terminated when (c), above, has been accomplished.

This supersedes Amendment 39-2215, 40 F.R. 22538, AD 75-11-08.

This amendment is effective August 1, 1975 for all persons except those to whom it was made effective by airmail letters dated May 28, 1975, which contained this amendment.

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

ROBERT H. STANTON,
Director,
FAA Western Region.

Issued in Los Angeles, California on July 17, 1975.

[FR Doc.75-19429 Filed 7-25-75;8:45 am]

[Docket No. 14817; Amdt. 39-2280]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft Ltd. B4-PC11 Gliders

Aileron control connecting bolts on Pilatus Aircraft Ltd. B4-PC11 gliders have been inadvertently installed head forward on the aileron control differential bellcrank touching the wing spar fitting that could result in an aileron system jam. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires a one-time inspection of aileron control differential bellcrank bolts and shortening or replacing of the airbrake control bellcrank bolts and aileron control differential bellcrank connecting bolts on the affected Pilatus B4-PC11 gliders.

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS AIRCRAFT LTD. Applies to B4-PC11 gliders Serial Numbers up to and including 159, certificated in all categories.

Compliance is required as indicated.

To detect improper aileron control connecting bolt installation and to prevent aileron jamming accomplish the following:

(a) Within the next ten hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the aileron control connecting bolts on the aileron control differential bellcrank to ensure the bolts are oriented correctly in accordance with Pilatus B4-PC11 Operating Manual, Figure 1, Page 26, or an FAA-approved equivalent.

(b) Within 25 hours' time in service after the effective date of this AD, unless already accomplished, shorten all bolts P/N 116.35.11.070 used on aileron control differential bellcranks and airbrake control bellcranks, in accordance with the accomplishment instructions contained in Pilatus Aircraft Ltd. Service Bulletin No. 1003 dated June 1974, or an FAA-approved equivalent, or replace with modified or replacement bolts supplied by manufacturer or with equivalent FAA-approved bolts.

This amendment becomes effective July 28, 1975.

Issued in Washington, D.C. on July 22, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19431 Filed 7-25-75;8:45 am]

[Docket No. 75SO79; Amdt. 39-2272]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-151 Series Airplanes

There have been reports of over-travel and binding of the carburetor air box valves on PA-28-151 airplanes that could result in the loss of engine power due to loss of capability to control carburetor air. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the carburetor air box on PA-28-151 airplanes.

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

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

PIPER AIRCRAFT CORPORATION. Applies to PA-28-151 airplanes serial numbers 28-7415001 through 28-7515425; certificated in all categories.

Compliance required within the next 50 hours' time in service or at the next scheduled inspection, whichever occurs first, after the effective date of this AD, unless already accomplished.

To prevent over-travel of the carburetor air box valve, accomplish the following or accomplish an alternate modification method approved by Chief, Engineering and Manufacturing Branch, Southern Region.

(1) Remove lower nose cowl and metal bottom panel for access to the carburetor air box.

(2) Loosen clamps attaching carburetor heat and induction air hoses to air box. Remove hoses from air box.

(3) Remove control cable from bracket and lever on air box. Retain all hardware except cotter pin for reinstallation.

(4) Remove air box bottom and valve by removing (12) #6 screws, nuts, and washers around the bottom of the air box. Retain the air box bottom and valve and attaching hardware for reinstallation.

(5) Remove safety wire securing (4) MS20074-04-04 bolts which mount air box to carburetor. Remove the bolts and AN936A416 washers. Remove air box from carburetor. Remove and discard old 73451-07 gasket, but retain mounting hardware for reinstallation.

(6) Install (2) plates, Piper Part Number 35646002, to top stiffener, secured with 8 (4 each plate) MS28470AL3-4 (Piper P/N 420-201) rivets. Installation must prevent valve over-travel.

(7) Install new gasket Piper P/N 73451-07, and reworked air box on carburetor using (4) MS20874-04-04 bolts and AN936A416 washers. Safety wire bolts.

(8) Reinstall bottom and valve assembly to air box using (12) #6 screws, nuts, and washers previously removed. Insure lever on valve is on the same side of box as control cable bracket.

(9) Reinstall control cable. Tighten the swivel fitting nut to draw the core wire into the recess ½ its diameter.

(10) Reinstall carburetor heat and induction air hoses on air box and secure with clamps.

(11) Replace cowling and metal bottom panel.

Piper Service Bulletin 474 also pertains to this same subject.

This amendment becomes effective July 30, 1975.

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

Issued in East Point, Georgia, on July 16, 1975.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.75-19436 Filed 7-25-75;8:45 am]

[Docket No. 14341; Amdt. 39-2281]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Model RB-211 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the oil tank filler cap and housing on Rolls Royce Model RB-211 series engines was published in the Federal Register on March 10, 1975 (40 FR 11003).

Interested persons have been afforded an opportunity to participate in the making of the Amendment. No objections were received. Consistent with the requirements of the AD, in view of the effective date of this amendment, the time for compliance has been deferred until September 1, 1975.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLL ROYCE (1971) LIMITED. Applies to Rolls Royce RBS 211 series engines, serial numbers 10479 and prior.

Compliance required before September 1, 1975, unless already accomplished.

To prevent engine loss of oil and possible inflight engine shutdown, modify the HS external gearbox oil tank filler cap and housing in accordance with Rolls Royce (1971) Limited Service Bulletin RB211-72-3533, dated August 12, 1974, or an FAA-approved equivalent.

This amendment becomes effective August 27, 1975.

Issued in Washington, D.C., on July 22, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19433 Filed 7-25-75;8:45 am]

[Docket No. 14816; Amdt. 39-2279]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (Sud Aviation) Alouette Helicopters

There have been reports of out-of-tolerance screw threads installed on the tail rotor pitch change control shaft on Societe Nationale Industrielle Aerospatiale (S.N.I.A.S., formerly Sud Aviation) Alouette II, Alouette-Astazou, and Alouette III helicopters equipped with certain tail rotor gearboxes that could result in jamming of the tail rotor directional control. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires a one-time inspection of the screw threads to determine that the screw width is correct, and to modify, as necessary, certain S.N.I.A.S. Alouette II, Alouette-Astazou, and Alouette III helicopters.

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (S.N.I.A.S. formerly SUD AVIATION). Applies to Alouette Helicopters SE3130, SE-313B, SA315B, SE3160, SA316B, SA3180, SA-318B, SA318C, and SA319B equipped with tail rotor gearbox, P/Ns 3130S.66.20.000, 3130S.-66.30.000, 3130.66.40.000, 3130S.66.50.000, 31-30S.66.60.000, or 3130S.66.70.000 without modification AM 1004, or P/Ns 3160S.66.00.000 or 3160S.66.10.000 without modification AM 1582.

Compliance is required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Lama Service Bulletin No. 01.03 for Model SA315B or Alouette Service Bulletin No. 01.29 for the other designated models.

To prevent possible jamming of the tail rotor directional control, accomplish the following:

(a) Determine the width of the top of the square thread at each end of screws P/N 3130S.66.23.002 or 3130S.66.50.016. If the width is between 1.5 and 2.0 mm, the assembly may be reinstalled without further work.

NOTE: Access to the screws is gained by removing the tail rotor pitch change control shaft.

(b) If the thread width is not within 1.5 and 2.0 mm, rework the extreme end of the thread and reinstall the tail rotor pitch change assembly in accordance with Aerospatiale Service Bulletin No. 01.29 dated November 10, 1971 (except Aerospatiale Service Bulletin No. 01.03 dated November 10, 1971 for Model SA315B), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

This amendment becomes effective July 28, 1975.

Issued in Washington, D.C. on July 21, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19435 Filed 7-25-75;8:45 am]

[Airspace Docket No. 75-SO-65]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Elizabeth City, N.C., control zone and transition area.

The Elizabeth City control zone is described in § 71.171 (40 F.R. 354) and the Elizabeth City transition area is described in § 71.181 (40 F.R. 441). The present VOR-RWY-1 Instrument Approach Procedure serving Elizabeth City CGAS has been revised to preclude flight within Restricted Area R-5302, which necessitates an alteration of the control zone and transition area descriptions. The NDB-A Instrument Approach Procedure final approach course has been realigned by one degree, which also necessitates a change in the transition area description. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 F.R. 354), the Elizabeth City, N.C., control zone is amended as follows: "* * * within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; * * *" is deleted and "* * * within 3 miles each side of Elizabeth City VOR 188° radial, extending from the 5-mile radius zone to 10 miles south of the VOR; * * *" is substituted therefor.

In § 71.181 (40 F.R. 441), the Elizabeth City, N.C., transition area is amended to read:

ELIZABETH CITY, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36° 15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 128° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 5 miles east and 3 miles west of Elizabeth City VOR 188° radial, extending from the 8.5-mile radius area to 12.5 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

(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 East Point, Ga., on June 18, 1975.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.75-19437 Filed 7-25-75;8:45 am]

[Airspace Docket No. 75-WE-4]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On May 30, 1975, a Notice of Proposed Rule Making (NPRM) was published in the Federal Register (40 F.R. 23475) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of J-88 from Los Angeles, Calif., to Santa Barbara, Calif.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, October 9, 1975, as hereinafter set forth.

In § 75.100 (40 F.R. 705) Jet Route No. 88 is amended to read as follows:

Jet Route No. 88 From Los Angeles, Calif., via Santa Barbara, Calif.; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland.

(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 July 22, 1975.

WILLIAM E. BROADWATER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-19438 Filed 7-25-75;8:45 am]

Title 29—Labor

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Industrial Slings

Correction

In FR Doc. 75-16221 appearing at page 27368 in the issue of Friday, June 27, 1975, on page 27372 words were dropped and added and type styles set incorrectly in § 1910.184(e)(9)(i) The words now reading "Alloy *steel chain slings.* (i) Worn or damaged formed master links," should read "Alloy steel chain slings with cracked or deformed master links,".

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2555—INTERPRETIVE BULLETINS RELATING TO FIDUCIARY RESPONSIBILITY

Employee Retirement Income Security

In order to provide a concise and ready reference to its interpretations of the provisions of Part 4 of Title I of the Employee Retirement Income Security Act of 1974 relating to fiduciary responsibilities, the Department of Labor will hereafter publish its interpretive bulletins pertaining to fiduciary responsibilities in the Rules and Regulations section of the FEDERAL REGISTER.

Interpretive bulletins IB-75-1 through 75-5, which are published in this issue of the FEDERAL REGISTER and are now included in Part 2555, were previously issued to the public by the Department of Labor.

Copies of the various interpretive bulletins may be obtained from the Labor-Management Services Administration Information Office, Rm. N-5641, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, 29 CFR Chapter XXV is amended by adding a new Part 2555, Interpretive Bulletins Relating to Fiduciary Responsibility.

Signed at Washington, D.C. this 21st day of July, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

Sec.
2555.75-1 Interpretive Bulletin Relating to Section 414(c)(4) of the Employee Retirement Security Act of 1974.
2555.75-2 Interpretive Bulletin Relating to Prohibited Transactions.
2555.75-3 Interpretive Bulletin Relating to Investments by Employee Benefit Plans in Securities of Registered Investment Companies.
2555.75-4 Interpretive Bulletin Relating to Indemnification of Fiduciaries.
2555.75-5 Questions and Answers Relating to Fiduciary Responsibility.

AUTHORITY: Sec. 414(c)(4), Employee Retirement Income Security Act of 1974.

§ 2555.75-1 Interpretive bulletin relating to section 414(c)(4) of the Employee Retirement Income Security Act of 1974.

On December 31, 1974, the Department of Labor issued an interpretive bulletin, ERISA IB 75-1, outlining and clarifying the scope of section 414(c)(4) of the Employee Retirement Income Security Act of 1974. That section provides that section 406 and 407(a) of the Act (relating to prohibited transactions) shall not apply to the provision of certain services before June 30, 1977, between a plan and a party in interest if the three requirements contained in section 414(c)(4) are met. The Department of Labor emphasized that section 414(c)(4) does not delay the applicability of any of the other fiduciary responsibility provisions of Part 4 of Title I of the Act.

The first requirement contained in section 414(c)(4) is that such services must be provided either (1) under a binding contract in effect on July 1, 1974 (or pursuant to renewals of such contract), or (2) by a party in interest who ordinarily and customarily furnished such services on June 30, 1974.

The second requirement is that at all times the services be provided on terms at least as favorable to the plan as would be terms newly negotiated in a current arm's-length transaction with an unrelated party.

The third requirement is that the provision of services must not be or have been, at the time of such provision, a prohibited transaction within the meaning of section 503(b) of the Internal Revenue Code of 1954 or the corresponding provisions of prior internal revenue laws.

If the three requirements of section 414(c)(4) are met, section 406 of the Act will not apply to services provided before June 30, 1977, to customers to whom such services were being provided on June 30, 1974, as well as to new customers.

To the extent section 406 would apply to the receipt of compensation for services rendered, section 406 shall not apply to the receipt of compensation for such services provided before June 30, 1977, if the three requirements of section 414(c)(4) are met.

To the extent section 406 would apply to the providing of multiple services to a plan, section 406 will not apply to the providing of services to the plan before June 30, 1977, if the three requirements of section 414(c)(4) are met.

Thus, if the three requirements of section 414(c)(4) are met, a person serving as fiduciary to a plan who already receives full-time pay from an employer or an association of employers whose employees are participants in such plan, or from an employee organization whose members are participants in such plan, may continue to receive reasonable compensation from the plan for services rendered to the plan before June 30, 1977.

Similarly, until June 30, 1977, for example, a plan consultant who may be a fiduciary because of the nature of the consultative and administrative services being provided may, if the three requirements of section 414(c)(4) are met, continue to cause the sale of insurance to the plan and continue to receive commissions for such sales from the insurance company writing the policy.

Similarly, if the three requirements of section 414(c)(4) are met, a securities broker-dealer who renders investment advice to a plan for a fee, thereby becoming a fiduciary, may furnish other services to the plan, such as brokerage services, and receive compensation therefor. Also, if a registered representative of such a broker-dealer were a fiduciary, the registered representative may receive compensation, including commissions, for brokerage services performed before June 30, 1977.

§ 2555.75-2 Interpretive bulletin relating to prohibited transactions.

On February 6, 1975, the Department of Labor issued an interpretive bulletin, ERISA IB 75-2, with respect to whether a party in interest has engaged in a prohibited transaction with an employee benefit plan where the party in interest has engaged in a transaction with a corporation or partnership (within the meaning of section 7701 of the Internal Revenue Code of 1954) in which the plan has invested.

Generally, investment by a plan in securities (within the meaning of section 3(20) of the Employee Retirement Income Security Act of 1974) of a corporation or partnership will not, solely by reason of such investment, be considered to be an investment in the underlying assets of such corporation or partnership so as to make such assets of the entity "plan assets" and thereby make a subsequent transaction between the party in interest and the corporation or partnership a prohibited transaction under section 406 of the Act.

For example, if an insurance company issues a contract or policy of insurance to a plan and places the consideration for such contract or policy in its general asset account, the assets in such account shall not be considered to be plan assets. Therefore, a subsequent transaction involving the general asset account between a party in interest and the insurance company will not, solely because the plan has been issued such a contract or policy of insurance, be a prohibited transaction.

Similarly, for example, where a plan acquires a security of a corporation or a limited partnership interest in a partnership, a subsequent lease or sale of property between such corporation or partnership and a party in interest will not be a prohibited transaction solely by reason of the plan's investment in the corporation or partnership.

This general proposition, as applied to corporations and partnerships, is consistent with section 401(b)(1) of the Act, relating to plan investments in investment companies registered under the Investment Company Act of 1940. Under section 401(b)(1), an investment by a plan in securities of such an investment company may be made without causing, solely by reason of such investment, any of the assets of the investment company to be considered to be assets of the plan.

However, the preceding paragraphs do not mean that an investment of plan assets in a security of a corporation or partnership may not be a prohibited transaction. For example, section 406(a)(1)(D) prohibits the direct or indirect transfer to, or use by or for the benefit of, a party in interest of any assets of the plan and section 406(b)(1) prohibits a fiduciary from dealing with the

assets of the plan in his own interest or for his own account.

Thus, for example, if there is an arrangement under which a plan invests in, or retains its investment in, an investment company and as part of the arrangement it is expected that the investment company will purchase securities from a party in interest, such arrangement is a prohibited transaction.

Similarly, the purchase by a plan of an insurance policy pursuant to an arrangement under which it is expected that the insurance company will make a loan to a party in interest is a prohibited transaction.

Moreover, notwithstanding the foregoing, if a transaction between a party in interest and a plan would be a prohibited transaction, then such a transaction between a party in interest and such corporation or partnership will ordinarily be a prohibited transaction if the plan may, by itself, require the corporation or partnership to engage in such transaction.

Similarly, if a transaction between a party in interest and a plan would be a prohibited transaction, then such a transaction between a party in interest and such corporation or partnership will ordinarily be a prohibited transaction if such party in interest, together with one or more persons who are parties in interest by reason of such persons' relationship (within the meaning of section 3(14)(E) through (I)) to such party in interest may, with the aid of the plan but without the aid of any other persons, require the corporation or partnership to engage in such a transaction. However, the preceding sentence does not apply if the parties in interest engaging in the transaction, together with one or more persons who are parties in interest by reason of such persons' relationship (within the meaning of section 3(14)(E) through (I)) to such party in interest, may, by themselves, require the corporation or partnership to engage in the transaction.

Further, the Department of Labor emphasizes that it would consider a fiduciary who makes or retains an investment in a corporation or partnership for the purpose of avoiding the application of the fiduciary responsibility provisions of the Act to be in contravention of the provisions of section 404(a) of the Act.

§ 2555.75–3 Interpretive bulletin relating to investments by employee benefit plans in securities of registered investment companies.

On March 12, 1975, the Department of Labor issued an interpretive bulletin, ERISA IB 75-3, with regard to its interpretation of section 3(21)(B) of the Employee Retirement Income Security Act of 1974. That section provides that an investment by an employee benefit plan in securities issued by an investment company registered under the Investment Company Act of 1940 shall not by itself cause the investment company, its investment adviser or principal underwriter to be deemed to be a fiduciary or party in interest "except insofar as such investment company or its investment adviser or principal underwriter acts in connection with an employee benefit plan covering employees of the investment company, the investment adviser, or its principal underwriter."

The Department of Labor interprets this section as an elaboration of the principle set forth in section 401(b)(1) of the Act and ERISA IB 75-2 (issued February 6, 1975) that the assets of an investment company shall not be deemed to be assets of a plan solely by reason of an investment by such plan in the shares of such investment company. Consistent with this principle, the Department of Labor interprets this section to mean that a person who is connected with an investment company, such as the investment company itself, its investment adviser or its principal underwriter, is not to be deemed to be a fiduciary of or party in interest with respect to a plan solely because the plan has invested in the investment company's shares.

This principle applies, for example, to a plan covering employees of an investment adviser to an investment company where the plan invests in the securities of the investment company. In such a case the investment company or its principal underwriter is not to be deemed to be a fiduciary of or party in interest with respect to the plan solely because of such investment.

On the other hand, the exception clause in section 3(21) emphasizes that if an investment company, its investment adviser or its principal underwriter is a fiduciary or party in interest for a reason other than the investment in the securities of the investment company, such a person remains a party in interest or fiduciary. Thus, in the preceding example, since an employer is a party in interest, the investment adviser remains a party in interest with respect to a plan covering its employees.

The Department of Labor emphasized that an investment adviser, principal underwriter or investment company which is a fiduciary by virtue of section 3(21)(A) of the Act is subject to the fiduciary responsibility provisions of Part 4 of Title I of the Act, including those relating to fiduciary duties under section 404.

§ 2555.75–4 Interpretive bulletin relating to indemnification of fiduciaries.

On June 4, 1975, the Department of Labor issued an interpretive bulletin, ERISA IB 75-4, announcing the Department's interpretation of section 410(a) of the Employee Retirement Income Security Act of 1974, insofar as that section relates to indemnification of fiduciaries. Section 410(a) states, in relevant part, that "any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this part shall be void as against public policy."

The Department of Labor interprets this section to permit indemnification agreements which do not relieve a fiduciary of responsibility or liability under Part 4 of Title I. Indemnification provisions which leave the fiduciary fully responsible and liable, but merely permit another party to satisfy any liability incurred by the fiduciary in the same manner as insurance purchased under section 410(b)(3), are therefore not void under section 410(a).

Examples of such indemnification provisions are:

(1) Indemnification of a plan fiduciary by (a) an employer, any of whose employees are covered by the plan, or an affiliate (as defined in section 407(d)(7) of the Act) of such employer, or (b) an employee organization, any of whose members are covered by the plan; and

(2) Indemnification by a plan fiduciary of the fiduciary's employees who actually perform the fiduciary services.

The Department of Labor interprets section 410(a) as rendering void any arrangement for indemnification of a fiduciary of an employee benefit plan by the plan. Such an arrangement would have the same result as an exculpatory clause, in that it would, in effect, relieve the fiduciary of responsibility and liability to the plan by abrogating the plan's right to recovery from the fiduciary for breaches of fiduciary obligations.

While indemnification arrangements do not contravene the provisions of section 410(a), parties entering into an indemnification agreement should consider whether the agreement complies with the other provisions of Part 4 of Title I of the Act and with other applicable laws.

§ 2555.75–5 Questions and answers relating to fiduciary responsibility.

On June 25, 1975, the Department of Labor issued an interpretive bulletin, ERISA IB 75-5, containing questions and answers relating to certain aspects of the recently enacted Employee Retirement Income Security Act of 1974 (the "Act").

Pending the issuance of regulations or other guidelines, persons may rely on the answers to these questions in order to resolve the issues that are specifically considered. No inferences should be drawn regarding issues not raised which may be suggested by a particular question and answer or as to why certain questions, and not others, are included. Furthermore, in applying the questions and answers, the effect of subsequent legislation, regulations, court decisions, and interpretative bulletins must be considered. To the extent that plans utilize or rely on these answers and the requirements of regulations subsequently adopted vary from the answers relied on, such plans may have to be amended.

An index of the questions and answers, relating them to the appropriate sections of the Act, is also provided.

INDEX

KEY TO QUESTION PREFIXES

D—Refers to Definitions.
FR—Refers to Fiduciary Responsibility.

Section No.	Question No.
3(21)	D-1
3(38)	FR-6, FR-7
402(a)	FR-1, FR-2, FR-3
402(b)(1)	FR-4, FR-5
402(c)(3)	FR-6, FR-7
404(a)	FR-10
405(a)(3)	FR-10
405(b)(1)(A)	FR-10
406(a)	FR-9
409(a)	FR-10
412(a)	FR-8, FR-9

D-1 Q: Is an attorney, accountant, actuary or consultant who renders legal, accounting, actuarial or consulting services to an employee benefit plan (other than an investment adviser to the plan) a fiduciary to the plan solely by virtue of the rendering of such services, absent a showing that such consultant (a) exercises discretionary authority or discretionary control respecting the management of the plan, (b) exercises authority or control respecting management or disposition of the plan's assets, (c) renders investment advice for a fee, direct or indirect, with respect to the assets of the plan, or has any authority or responsibility to do so, or (d) has any discretionary authority or discretionary responsibility in the administration of the plan?

A: No. However, while Attorneys, accountants, actuaries and consultants performing their usual professional functions will ordinarily not be considered fiduciaries, if the factual situation in a particular case falls within one of the categories described in clauses (a) through (d) of this question, such persons would be considered to be fiduciaries within the meaning of section 3(21) of the Act. The Internal Revenue Service notes that such persons would also be considered to be fiduciaries within the meaning of section 4975(e)(3) of the Internal Revenue Code of 1954.

FR-1 Q: If an instrument establishing an employee benefit plan provides that the plan committee shall control and manage the operation and administration of the

plan and specifies who shall constitute the plan committee (either by position or by naming individuals to the committee), does such provision adequately satisfy the requirement in section 402(a) that a "named fiduciary" be provided for in a plan instrument?

A: Yes. While the better practice would be to state explicitly that the plan committee is the "named fiduciary" for purposes of the Act, clear identification of one or more persons, by name or title, combined with a statement that such person or persons have authority to control and manage the operation and administration of the plan, satisfies the "named fiduciary" requirement of section 402(a). The purpose of this requirement is to enable employees and other interested persons to ascertain who is responsible for operating the plan. The instrument in the above example, which provides that "the plan committee shall control and manage the operation and administration of the plan", and specifies, by name or position, who shall constitute the committee, fulfills this requirement.

FR-2 Q: In a union negotiated employee benefit plan, the instrument establishing the plan provides that a joint board on which employees and employers are equally represented shall control and manage the operation and administration of the plan. Does this provision adequately satisfy the requirement in section 402(a) that a "named fiduciary" be provided for in a plan instrument?

A: Yes, for the reasons stated in response to question FR-1. The joint board is clearly identified as the entity which has authority to control and manage the operation and administration of the plan, and the persons designated to be members of such joint board would be named fiduciaries under section 402(a).

FR-3 Q: May an employee benefit plan covering employees of a corporation designate the corporation as the "named fiduciary" for purposes of section 402(a)(1) of the Act?

A: Yes, it may. Section 402(a)(2) of the Act states that a "named fiduciary" is a fiduciary either named in the plan instrument or designated according to a procedure set forth in the plan instrument. A fiduciary is a "person" falling within the definition of fiduciary set forth in section 3(21)(A) of the Act. A "person" may be a corporation under the definition of person contained in section 3(9) of the Act. While such designation satisfies the requirement of enabling employees and other interested persons to ascertain the person or persons responsible for operating the plan, a plan instrument which designates a corporation as "named fiduciary" should provide for designation by the corporation of specified individuals or other persons to carry out specified fiduciary responsibilities under the plan, in accordance with section 405(c)(1)(B) of the Act.

FR-4 Q: A defined benefit pension plan's procedure for establishing and carrying out a funding policy provides that the plan's trustees shall, at a meeting duly called for the purpose, establish a funding policy and method which satisfies the requirements of Part 3 of Title I of the Act, and shall meet annually at a stated time of the year to review such funding policy and method. It further provides that all actions taken with respect to such funding policy and method and the reasons therefor shall be recorded in the minutes of the trustees' meetings. Does this procedure comply with section 402(b)(1) of the Act?

A: Yes. The above procedure specifies who is to establish the funding policy and method for the plan, and provides for a written record of the actions taken with respect to such funding policy and method, including the reasons for such actions. The purpose of the funding policy requirement set forth in section 402(b)(1) is to enable plan participants and beneficiaries to ascertain that the plan has a funding policy that meets the requirements of Part 3 of Title I of the Act. The procedure set forth above meets that requirement.

FR-5 Q: Must a welfare plan in which the benefits are paid out of the general assets of the employer have a procedure for establishing and carrying out a funding policy set forth in the plan instrument?

A: No. Section 402(b)(1) requires that the plan provide for such a procedure "consistent with the objectives of the plan" and requirements of Title I of the Act. In situations in which a plan is unfunded and Title I of the Act does not require the plan to be funded, there is no need to provide for such a procedure. If the welfare plan were funded, a procedure consistent with the objectives of the plan would have to be established.

FR-6 Q: May an investment adviser which is neither a bank nor an insurance company, and which is not registered under the Investment Advisers Act of 1940 in reliance upon an exemption from registration provided in that Act, be appointed an investment manager under section 402(c)(3) of the Act?

A: No. The only persons who may be appointed an investment manager under section 402(c)(3) of the Act are persons who meet the requirements of section 3(38) of the Act—namely, banks (as defined in the Investment Advisers Act of 1940), insurance companies qualified under the laws of more than one state to manage, acquire and dispose of plan assets, or persons registered as investment advisers under the Investment Advisers Act of 1940.

FR-7 Q: May an investment adviser that has a registration application pending under the Investment Advisers Act of 1940 function as an investment manager under the Act prior to the effective date of registration under the Investment Advisers Act?

A: No, for the reasons stated in the answer to FR-6 above.

FR-8 Q: Under the temporary bonding regulation set forth in 29 CFR § 2550.412-1, must a person who renders investment advice to a plan for a fee or other compensation, direct or indirect, but who does not exercise or have the right to exercise discretionary authority with respect to the assets of the plan, be bonded solely by reason of the provision of such investment advice?

A: No. A person who renders investment advice, but who does not exercise or have the right to exercise discretionary authority with respect to plan assets, is not required to be bonded solely by reason of the provision of such investment advice. Such a person is not considered to be "handling" funds within the meaning of the temporary bonding regulation set forth in 29 CFR § 2550.412-1, which incorporates by reference 29 CFR § 464.7. For purposes of the temporary bonding regulation, only those fiduciaries who handle funds must be bonded. If, in addition to the rendering of investment advice, such person performs any additional function which constitutes the handling of plan funds under 29 CFR § 464.7, the person would have to be bonded.

FR-9 Q: May an employee benefit plan purchase a bond covering plan officials?

A: Yes. The bonding requirement, which applies, with certain exceptions, to every plan official under section 412(a) of the Act, is for the protection of the plan and does not benefit any plan official or relieve any plan official of any obligation to the plan. The purchase of such bond by a plan will not, therefore, be considered to be in contravention of sections 406(a) or (b) of the Act.

FR-10 Q: An employee benefit plan is considering the construction of a building to house the administration of the plan. One trustee has proposed that the building be constructed on a cost plus basis by a particular contractor without competitive bidding. When the trustee was questioned by another trustee as to the basis of choice of the contractor, the impact of the building on the plan's administrative costs, whether a cost plus contract would yield a better price to the plan than a fixed price basis, and why a negotiated contract would be better than letting the contract for competitive bidding, no satisfactory answers were provided. Several of the trustees have argued that letting such a contract would be a violation of their general fiduciary responsibilities. Despite their arguments, a majority of the trustees appear to be ready to vote to construct the building as proposed. What should the minority trustees do to protect themselves from liability under section 409(a) of the Act and section 405(b)(1)(A) of the Act?

A: Here, where a majority of trustees appear ready to take action which would clearly be contrary to the prudence requirement of section 404(a)(1)(B) of the Act, it is incumbent on the minority trustees to take all reasonable and legal steps to prevent the action. Such steps might include preparations to obtain an injunction from a Federal District court under section 502(a)(3) of the Act, to notify the Labor Department, or to publicize the vote if the decision is to proceed as proposed. If, having taken all reasonable and legal steps to prevent the imprudent action, the minority trustees have not succeeded, they will not incur liability for the action of the majority. Mere resignation, however, without taking steps to prevent the imprudent action, will not suffice to avoid liability for the minority trustees once they have knowledge that the imprudent action is under consideration.

More generally, trustees should take great care to document adequately all meetings where actions are taken with respect to management and control of plan assets. Written minutes of all actions taken should be kept describing the action taken, and stating how each trustee voted on each matter. If, as in the case above, trustees object to a proposed action on the grounds of possible violation of the fiduciary responsibility provisions of the Act, the trustees so objecting should insist that their objections and the responses to such objections be included in the record of the meeting. It should be noted that, where a trustee believes that a co-trustee has already committed a breach, resignation by the trustee as a protest against such breach will not generally be considered sufficient to discharge the trustee's positive duty under section 405(a)(3) to make reasonable efforts under the circumstances to remedy the breach.

Copies of these interpretative bulletins or other ERISA interpretative bulletins may be obtained from the Labor-Management Services Administration Information Office, Rm. N-5641, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 21210.

Dated: July 21, 1975, Washington, D.C.

[FR Doc.75-19451 Filed 7-25-75;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 706—NAVIGATIONAL LIGHT WAIVERS

Amendments of Ship Nomenclature

Pursuant to the authority vested in the Secretary of the Navy by the provisions of 33 U.S.C. §§ 360 and 1052, the TABLE ONE in 32 C.F.R. § 706.2, is amended as follows to reflect nonsubstantive revisions of ship nomenclature which were promulgated by the Secretary of the Navy effective July 1, 1975:

a. Under the category "CRUISERS" in the "Vessel class or type" column:

(1) Delete "CG(N) (Guided Missile Cruiser)" and substitute "CGN-9 (Guided Missile Cruiser Nuclear Powered)"; no change in other columns.

(2) Delete "CLG (Guided Missile Light Cruiser)" and substitute "CG-4 (Guided Missile Cruiser)"; no change in other columns.

(3) Add "CGN (Guided Missile Cruiser Nuclear Powered) except 9 class"; in column 1, "18 or less"; in column 2, "3 or less"; in column 3, "0.9 or greater to 1"; and in column 4, "17 or greater".

(4) Add "CG (Guided Missile Cruiser) except 4 class", in column 1, "18 or less"; in column 2, "3 or less"; in column 3, "0.9 or greater to 1"; and in column 4, "17 or greater".

b. Under the category "DESTROYERS" in the "Vessel class or type" column: Delete "DLG (Guided Missile Frigate)".

c. Under the category of "PATROL VESSELS" in the "Vessel class or type" column: Delete "DE (Escort Vessel)", and substitute "FF (Frigate) and AGFF (Frigate, research ship)"; no change in other columns.

Additionally, TABLE ONE in 32 C.F.R. § 706.2 is amended by substituting the letters "MSC" for the letters "MSTS" in the "T-AKV" line under the category "Aircraft Carriers" in the "Vessel class or type" column, in order to reflect the redesignation of the "Military Sea Transportation Service" as the "Military Sealift Command".

The table with the foregoing changes incorporated is reprinted below.

Dated: July 17, 1975.

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

TABLE 1

Vessel class or type	Distance in feet of the forward 20-point white light below minimum required height (based on requirements of international rule 2(a)(iii)	Distance in feet below minimum required vertical separation between and after 20-point white lights (based on requirements of international rule 2(a)(iii)	Ratio of horizontal to vertical separation of the 2 20-point white lights (based on international rule 2(a)(iii) which requires ratio of 3 to 1)	Minimum distance horizontally in feet between forward and after 20-point white lights
Cruisers:				
CA (heavy cruisers)				
CAG (guided missile heavy cruiser)				
CL (light cruiser)	None	None	0.9 or greater to 1	29 or greater.
CGN-9 (guided missile cruiser, nuclear powered)				
CG-4 (guided missile cruiser)				
CGN (guided missile cruiser, nuclear powered) except 9 class.	18 or less	3 or less	do	17 or greater.
CG (guided missile cruiser) except 4 class				
Aircraft carriers:				
T-AKV (MSC auxiliary cargo ship)				
LPH (amphibious assault ship)	11 or less	2 or less	0.7 or greater to 1	20 or greater.
CVA (attack aircraft carrier)				
CVS (ASW support aircraft carrier)				
CC2 (command ship converted from aircraft carrier).	25	None	2 or greater to 1	30 or greater.
AGMR-2 (major communications relay ship converted from aircraft carrier).	do	do	3 or greater to 1	Do.
AVT (auxiliary aircraft transport)	14 or less	do	do	45 or greater.
Auxiliaries:				
ADG (degaussing vessel)				
AG (miscellaneous)				
AGB (icebreaker)				
AGS (surveying ship)				
AKS (general stores issue ship)				
AN (net laying ship)	40 or less	3 or less	0.9 or greater to 1	19 or greater.
APB (self-propelled barracks ship)				
ARSD (salvage lifting vessel)				
AVB (advanced aviation base ship)				
AVM (guided missile ship)				
AVP (small seaplane tender)				
Destroyers:				
DD (destroyer)				
DDE (escort destroyer)				
DDG (guided missile destroyer)	18 or less	do	do	17 or greater.
DDR (radar picket destroyer)				
DL (frigate)				
Amphibious warfare vessels:				
APD (high speed transport)				
IFS (inshore fire support ship)				
LSD (dock landing ship)	40 or less	5 or less	1 or greater to 1	21 or greater.
LST (tank landing ship)				
LSM (medium landing ship)				
LSMR (landing ship medium rocket)	19 or less	None	3 or greater to 1	158 or greater.
Patrol vessels:				
FF (frigate)				
AGFF (frigate, research ship)				
DER (radar picket escort vessel)				
PC (submarine chaser)	17 or less	5 or less	1 or greater to 1	19 or greater.
PCE (escort)				
PCER (rescue escort)				
PC(H) (hydrofoil patrol craft)	None	After white light not carried.	After white light not carried.	After white light not carried.
PHM (patrol hydrofoil missile ship)				
PGM (motor gun boat)	8 or less	None	1 or greater to 1	Do.
Mine vessels:				
MHC (minehunter coastal)				
MSF (minesweeper fleet)				
MSO (minesweeper ocean)	16 or less	3 or less	0.6 or greater to 1	8 or greater.
MSS (minesweeper special)				
Service vessels:				
YG (garbage lighter, self-propelled)				
YV (drone aircraft catapult control craft)	do	5 or less	do	12 or greater.
Self-propelled crane (no hull classification)				
Submersibles:				
NR-1 (nuclear powered research vehicle)	10	After white light neither required nor carried.	After white light neither required nor carried	After white light neither required nor carried.

[FR Doc.75-19367 Filed 7-25-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual; Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1) has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 37, Issue 108, dated June 30, 1975.

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

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

PART 112—DOMESTIC MAIL SERVICE

1. A cross-reference in the footnote is corrected.

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

2. A new section 124.155 is added to provide information on the number of customs declarations required on parcels mailed to the Canal Zone.

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

3. Section 126.12 is amended to clarify the requirements pertaining to packaging and to require a sealed waterproof container around the absorbent cushioning material used in the packaging of liquids.

4. Section 126.161 is amended to include a specific flash point for flammable liquids and listing of poisons in reference to Part 124 in the general restrictions.

5. Section 126.163 is amended to provide requirements for the importation of firearms by military personnel from overseas Military Post Offices in accordance with Internal Revenue Service procedures.

6. New section 126.164 is added to recommend that restricted articles, which are sent to overseas military post offices, should also meet the requirements for international air shipment, since they may be shipped by air when space is available or when adequate surface transportation is not available.

7. Section 126.2 is amended to add and delete the numbers of various military post offices overseas and to amend the restrictions on mail addressed to those post offices.

PART 131—FIRST CLASS

8. New sections 131.213 and 131.214 are added to define treatment for postage purposes on mailings of more than one firm or individual mailed under a single cover. Renumbered old sections 131.213 and 131.214 as 131.215 and 131.216.

PART 134—THIRD CLASS

9. New section 134.112 is added to permit fourth-class rates to be applied when they are lower than the single piece third-class rate for identical matter within the third-class weight category.

PART 146—PREPAYMENT AND POSTAGE DUE

10. Section 146.11a is amended to include metered reply mail, which has been inadvertently deposited in the mail without meter stamps, as an exception to the general requirement for prepayment of postage.

11. New section 146.122 is added to provide for forwarding metered reply mail, which has been inadvertently deposited in the mail without meter stamps, for collection from the addressee of the short paid postage plus the applicable business reply fee. Renumbered remaining sections.

PART 154—CONDITIONS OF DELIVERY

12. Section 154.63 is amended to include the number of the form that allows delivery to hotel and apartment house employees and the change in instructions for delivery of restricted delivery mail.

In consideration of the foregoing, 39 CFR 111.3 is amended as follows:

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

Amendments to Postal Service Manual

Transmittal letter	Date	FEDERAL REGISTER publication
Letter 37, issue 108	June 30, 1975	40 F.R. ------

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.75-19442 Filed 7-25-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 405-7; PP 5F1603/R46]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-Aminopyridine

On April 23, 1975, notice was given (40 FR 17872) that the Avitrol Corporation, 7644 E. 46th St., PO Box 45141, Tulsa OK 74145, had filed a pesticide petition (PP 5F1603) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities sweet corn and popcorn at 0.1 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues of the pesticide in eggs, meat, milk, and poultry and Section 180.6(a)(3) applies. The tolerance established by amending Section 180.312 of the regulations will protect the public health, and it is, therefore, concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before August 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 28, 1975, Part 180, Subpart C, is amended by revising Section 180.312 as set forth below.

AUTHORITY: Sec. 408(d) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C 346a(d)].

Dated: July 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

* * * * *

§ 180.312 4-Aminopyridine; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn fodder and forage, corn grain (including popcorn grain), fresh corn (including sweet corn kernels plus cob with husks removed), and sunflower seeds.

* * * * *

[FR Doc.75-19563 Filed 7-25-75;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Emergency Energy Conservation Program

Section 222(a) of the Community Services Act of 1974 includes a new subsection (12) that authorizes:

> A program to be known as Emergency Energy Conservation Services to enable low-income individuals and families, including the elderly and the near poor to participate in energy conservation programs designed to lessen the impact of the high cost of energy on such individuals and families, including the elderly and the near poor to participate in energy conservation programs designed to lessen the impact of the high cost of energy on such individuals and families and to reduce individual and family energy consumption.

The Director of the Community Services Administration proposes to establish the rules, regulations and grant application procedures set forth below relative to the Emergency Energy Conservation Program authorized under section 222(a)(12) of the Community Services Act of 1974 and funded under H.R. 5899 passed on June 12, 1975 which makes available for this program 16.5 million dollars of FY 75 funds for use through September 30, 1975.

Consultations that only concluded on July 14, 1975 were held between CSA and FEA regarding the development of these regulations. Consequently, this subpart is made effective as of this date as an interim regulation which will serve as the basis for initiating the grant application process. Interested persons are invited to submit comments by August 27, 1975, to Richard M. Saul, Office of Operations, Community Services Administration, 1200–19th Street, N.W., Washington, D.C. 20506.

This subpart discusses the purposes of the program, conditions of the program, funding policies, programs eligible for funding, application submission offices and required application documents.

Effective date: July 28, 1975.

BERT A. GALLEGOS,
Director.

Sec.

1061.20–1 Applicability.
1061.20–2 Purpose.
1061.20–3 Purpose of the Special Program.
1061.20–4 Eligible Participants.
1061.20–5 Eligible Applicants.
1061.20–6 Programs Eligible for Funding.
1061.20–7 Program Policy.
1061.20–8 Funding.
1061.20–9 Application Requirements.
1061.20–10 Additional Requirements.

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1061.20–1 Applicability.

This subpart is applicable to grantees funded under Title II and Title VII of the Community Services Act of 1974.

§ 1061.20–2 Purpose.

The purpose of this subpart is to (a) inform eligible grantees of a new provision in the CSA legislation which provides for funding of energy conservation programs; and (b) provide funding guidance to prospective grantees.

§ 1061.20–3 Purposes of the Special Program.

The major assumption underlying this program is that the problems of the low-income created by the energy crisis have severely limited their ability to maintain minimum living conditions and in some cases, to survive. While the long-range goal is to conserve energy and lessen the impact of the high cost of fuel for poor people, particularly through programs to increase the thermal efficiency of their dwellings, there are or will be in many communities emergency cases calling for programs of crisis intervention to restore utility service or prevent cutoff, provide emergency fuel deliveries or support other activities to assist those suffering serious hardships which endanger their health especially if there are further increases in energy prices.

§ 1061.20–4 Eligible Participants.

Low-income individuals and families, including the elderly and *near poor* are eligible to participate in programs funded under this section of the Act. For this program, the *near poor* are those persons in families or unrelated individuals whose incomes are between 100% and 125% of the poverty thresholds as established in CSA's current Poverty Guidelines.

§ 1061.20–5 Eligible Applicants.

CAAs, SEOOs, and non-profit CDCs and other public and/or private non-profit organizations and agencies that meet CSA eligibility criteria may apply.

§ 1061.20–6 Programs Eligible for Funding.

Major emphases of programs eligible for funding include:

(a) *Winterizing:* making home repairs and retrofitting dwellings to minimize heat loss and improve thermal efficiency. Components include first, repairing of broken windows, patching of roofs and walls, and caulking of cracks and joints to reduce or prevent infiltration; second, insulating of attic, floors, walls, weather-stripping of doors and windows, and foundation banking; third, the lessening of infiltration problems may necessitate such measures as replacement of heating sources, replacement of furnace filters, minor adjustments and repair of heating systems or replacement of dangerous heating sources to assure that health hazards are not created due to malfunctioning heating sources. Such costs should be supported by funds from other sources, such as FmHA 504 loans or HUD funds, in any case where costs for minimum corrective action would require expenditures in excess of the maximum amounts as specified in § 1061.20–7(b)(iii).

(b) *Emergency Assistance:* intervention to prevent hardship or danger to health due to utility shut-off or lack of fuel. Components may include grants, loans, or payment guarantees; mediation with utility company or fuel supplier and financial counseling; and maintenance of emergency fuel supplies, warm clothing, and blankets.

(c) *Other support activities* as authorized by section 222(a)(12), e.g. technical assistance, assessment studies, alternate energy supplies, outreach activities, demonstration of innovative and new techniques and solutions.

§ 1061.20–7 Program Policy.

(a) *Winterization.* (1) The Office of Operations, CSA, Headquarters, will issue a *Community Action Guide to Winterizing* which, in addition to reviewing techniques and available materials, will provide indicators for optimal combinations of energy conservation techniques for different climatic conditions and fuel costs, based on studies of the National Bureau of Standards.

(2) Funded projects shall provide either in the proposal or in accordance with a Special Condition that in the case of winterization programs each administering agency shall on the basis of these indicators establish program standards including an optimal combination of energy conservation techniques to be attained by the program. The standards shall include a requirement that adequate repairs to stop infiltration shall be made in conjunction with the insulation of any building, and shall establish a model of optimal winterization standards for a dwelling of 1200 square feet of ground floor space. Where the administering agency is other than the grantee, the grantee may require that the standards be subject to its approval.

(3) For each building to be winterized there shall be a *Building Winterization Plan* described on a standard form to be supplied by CSA. For each building the Plan will include a description of the buildings, a description of the existing level of insulation, a description of the optimal combination of energy conservation techniques to be achieved, a description of the amount of work accomplished toward the optimal level in the first program year, and the amount of work which will remain to be accomplished in succeeding program years. The Plan will also include a description of the need for the itemized cost of repairs to be made to prevent infiltration.

(b) *Program Advisory Committees.* (1) Funded projects shall provide that each administering agency shall establish a Project Advisory Committee, made up of at least 51% poor persons and including representatives of the local governments and other resource agencies within the community served as well as a representative or representatives of the local public utility and local fuel dealers.

(2) In the case of winterization programs the Project Advisory Committee shall establish policies for the selection and approval of dwellings to be winterized, and shall approve the program standards described in § 1061.20–7(a) including optimal winterization standards.

(3) In view of the limitations on funding under current appropriations, in any case where a Building Winterization Plan calls for expenditures during the first program year of more than two hundred and fifty dollars on any building in a program funded in Federal Region IV, VI, or IX, or more than three hundred and fifty dollars in a program funded in Region I, II, III, V, VII, VIII, or X the expenditure must be justified in writing and approved by the Project Advisory Committee. Documentation of such justification and approval shall be made available to CSA upon request.

(c) *Planning and Assessment of Need.* A major goal of all funded programs will be a more accurate assessment of the impact on the poor of energy shortages and price increases, and the development of a local planning capability involving major community resources to deal with both emergencies and long range implications of energy cost and availability. An important part of the impact assessment will be participation by all grantees in a program of information retrieval. (See § 1061.20–10(c)).

§ 1061.20–8 Funding.

(a) *Source.* H.R. 5899 is the appropriation source for the Emergency Energy Conservation Program of Fiscal Year 1975.

(b) *Funding Offices.* CSA Regional Offices will receive grant applications for

programs local in nature. CSA, Washington, D.C. will receive grant proposals that are national or demonstration in character. Grants will be made on a one-time basis out of FY 1975 funds with priority consideration to CAAs, SEOOs, and CDCs.

(c) *Non-Federal Share*. (1) The non-Federal share requirement is waived for demonstration and direct financial assistance programs.

(2) The non-Federal share required for programs funded with FY 1975 funds shall be 20%; for programs funded with FY 1976 funds it shall be 30% except in the case of CAAs with 221 and 222(a) funding of less than $300,000 per annum where it shall be 25%.

§ 1061.20-9 Application Requirements.

(a) Documents Required. Applications shall include at a minimum the following:

(1) OEO Forms 394 and 419. (Required for all applications).

(2) CAP Forms 25 and 25a should be on file with the grantee.

(3) CAP Forms 5 and 84 (Required for uncapped areas except for CDCs funded under Title VII.)

(4) Narrative proposal (See § 1061.20-9(b) of this subpart).

(5) Evaluation component (See § 1061.20-10 of this subpart).

(6) OEO Form 301 and CAP Form 3. (For new grantees only).

(b) *Contents of Narrative Proposal*. The narrative proposal should include a brief narrative of each energy project in terms of:

(1) Description of problem addressed and the number affected.

(2) Past efforts in this project area and capacity to expand those efforts.

(3) Given your local community priorities, why this proposed solution is both feasible and most relevant.

(4) Non-CSA resource opportunities available for this project; maximum coordination should be sought from other agencies, such as FmHA 504 and 515; CETA; AOA; RSVP; the Emergency Assistance for Families AFDC in HEW. Mobilization of State and local resources is critical to the success of this program in achieving its goals of conservation and the avoidance of hardship.

(5) Projected results for each project effort with a unit cost estimate. (See § 1061.20-7 of this subpart).

(6) Evaluation design based on the performance standards and appropriate criteria. (See § 1061.20-10).

§ 1061.20-10 Additional Requirements.

(a) *Administrative Costs*. In the case of winterization programs at least ninety percent of the funds provided under Section 222(a)(12) shall be expended for materials.

(b) *Evaluation*. (1) It is anticipated that the evaluation of energy programs will be twofold in nature. The first will be self-evaluation by the funded grantees; the design should be included in the proposal. The design should include program goals and provisions for data collection sufficient to assess progress toward those goals. The effectiveness standards (CSA Instruction 7850-1a) should be useful in developing evaluation criteria and instruments.

(2) The second will be a Regional and National effort involving coordination with the Federal Energy Administration, the National Bureau of Standards and other appropriate agencies.

(c) *Information*. The Regional and National evaluation effort will be based on data collected on the Energy Data Form which will be sent to grantees once they are funded.

[FR Doc.75-19456 Filed 7-25-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-111]

PART 4—MARINE INVESTIGATION REGULATIONS

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Testimony of Coast Guard Witnesses in Litigation Between Private Parties

The purpose of these amendments to Title 46, Code of Federal Regulations, is to resolve a conflict in regulations concerning testimony of Coast Guard witnesses in litigation between private parties.

The procedures set forth in subparts 4.15 and 5.60 of Title 46, Code of Federal Regulations, have been superseded by newer regulations in 49 CFR 9.9, which set forth Department of Transportation procedures, and in 33 CFR 1.20-1, which set forth Coast Guard procedures. The two subparts deleted were substantively identical and imposed requirements beyond those contained in the newer regulations.

Since these amendments only concern rules of agency procedure, notice of proposed rulemaking under 5 U.S.C. 553(b) is not required.

In consideration of the foregoing, 46 CFR Chapter I is amended as follows:

PART 4—MARINE INVESTIGATION REGULATIONS

1. Subpart 4.15 is deleted and reserved.

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

2. Subpart 5.60 is deleted and reserved.

(14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Effective Date: These amendments become effective on August 27, 1975.

Dated: July 21, 1975.

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

[FR Doc.75-19485 Filed 7-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Do. 19661; FCC 75-842]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Slide and Voice Announcements; FM and UHF Translator Stations

In the matter of amendment of § 74.731(f) and 74.1231(f) of the rules pertaining to local originations of slide and voice announcements at UHF television translator stations and voice announcements at FM translator stations.

1. The Commission here considers the *Notice of Proposed Rule Making* in this docket, adopted December 14, 1972 (37 Fed. Reg. 28306), which proposed amendment of the rules governing UHF television broadcast translator stations and FM broadcast translator stations.

2. As mentioned in the *Notice*, Section 74.731(f) of the rules presently permits UHF television broadcast translator stations to transmit locally generated signals to a limited extent. Under the provisions of that section, such stations are allowed to transmit still photographs, slides and recorded announcements for a period not to exceed 20 seconds at intervals of no less than one hour. In issuing the *Notice* we recognized the contention of the National Translator Association (NTA) that the 20-second limitation had proved unworkable. This was so, NTA stated, because although at the time the rule was adopted television stations (the signals of which were rebroadcast by the translators) were using 20-second announcements, the general practice thereafter changed to the use of 30-second announcements. Thus, according to NTA, when a translator station originates its own 20-second announcements there is a 10-second residual announcement from the primary station that appears on the receivers of the translator viewers—a situation that NTA alleged is confusing to the viewers.

3. The *Notice* mentioned that Section 74.1231(f) of the rules permits the use of locally generated voice announcements on FM broadcast translator stations under the same general conditions as Section 74.731(f) permits the local generation of television pictures and sound. In view of this, in the interest of consistency we proposed to change the 20-second limit on locally originated voice announcements by an FM translator to 30 seconds.

4. Comments in favor of the proposal were filed by Television Technology Corporation [1] and by U.P.T.V. Systems, Inc. No opposing comments were filed.

5. We are of the view that the proposed amendment of Section 74.731(f) should be adopted since it will serve to

[1] The comments of this party contained several suggestions for other modifications of the § 74.731(f) which are outside the scope of this proceeding.

eliminate the viewer confusion mentioned above and will enhance the ability of UHF television broadcast translator stations to obtain financial support required to maintain authorized rebroadcasting functions. We do not believe that permitting the additional 10 seconds of origination conflicts with the spirit of Section 318 of the Communications Act of 1934, as amended, for the 10-second increase is *de minimis* and does not alter the rebroadcast nature of the translator. In making this amendment, we point out that the additional 10 seconds shall be used in the same manner now permitted by the rules.

6. In the interest of consistency, we are similarly amending Section 74.1231(f) by changing the 20-second limitation to 30-seconds for locally originated voice announcements of FM broadcast translator stations.

7. In view of the foregoing, *It is ordered*, That effective August 29, 1975, the rule amendments contained in the attached Appendix, ARE ADOPTED.

8. Authority for this action may be found in Sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

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

Secs. 4, 5, 303, 307, 48 Stat. as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307

Adopted: July 16, 1975.

Released: July 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Section 74.731(f) is revised to read as follows:

§ 74.731 Purpose and permissible service.

* * * * *

(f) A locally generated radio frequency signal similar to that of a TV broadcast station and modulated with visual and aural information may be connected to the input terminals of a UHF television broadcast translator for the purpose of transmitting still photographs, slides and recorded voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast and the duration of such transmissions shall not exceed 30 seconds at intervals of no less than 1 hour. Connection of the locally generated signals shall be made automatically either by means of a time-switch or upon restation being rebroadcast designed to actuate the switching circuit. The switching device shall be so designed that the translator input circuit will be returned to the off-the-air signal within 30 seconds. The apparatus used to generate the local signal which is used to modulate the UHF translator must be capable of producing a visual or aural signal or both which will provide acceptable reception on television receivers designed for the transmission standards employed by TV broadcast stations. Before commencing originations authorized in this paragraph, the licensee of the translator shall furnish to the Commission a complete description of the apparatus proposed to be used for such local originations. The visual and aural materials so transmitted shall be limited to seeking or acknowledging financial support deemed necessary to the continued operation of the translator, the sole function of which is the rebroadcast of television signals. Accordingly, such originations are limited to the solicitation of contributions toward defrayal of the costs of installing, operating and maintaining the translator or acknowledgements of financial support for those purposes. Such acknowledgements may include identification of the contributors, the size or nature of the contributions and advertising messages of contributors.

2. Section 74.1231(f) is amended to read as follows:

§ 74.1231 Purpose and permissible service.

* * * * *

(f) A locally generated radio frequency signal similar to that of an FM broadcast station and modulated with aural information may be connected to the input terminals of an FM translator for the purpose of transmitting voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast and the duration of such transmissions shall not exceed 30 seconds at intervals of no less than one hour. Connection of the locally generated signals shall be made automatically by means of a time-switch. The switching device shall be so designed that the translator input circuit will be returned to the off-the-air signal within 30 seconds. The apparatus used to generate the local signal that is used to modulate the FM translator must be capable of producing an aural signal which will provide acceptable reception on FM receivers designed for the transmission standards employed by FM broadcast stations. Before commencing originations authorized in this paragraph, the licensee of the translator shall furnish to the Commission a statement identifying the type-accepted transmitting apparatus proposed to be used for such local originations.

* * * * *

[FR Doc.75-19500 Filed 7-25-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-111]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to Chief Counsel, U.S. Coast Guard

The purpose of this amendment is to delegate to the Chief Counsel of the U.S. Coast Guard authority under the Uniform Code of Military Justice, Chapter 7 of Title 10, U.S. Code, to certify counsel as competent to perform the duties of trial counsel and defense counsel of a general court-martial.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, in Appendix A to Part 1 of Title 49, Code of Federal Regulations, the Delegation of Certain Military Justice Authority to the Chief Counsel, Coast Guard, is amended by adding to paragraph (a), a subparagraph (7), to read as follows:

APPENDIX A—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

* * * * *

CHIEF COUNSEL, COAST GUARD

DELEGATION OF CERTAIN MILITARY JUSTICE AUTHORITY

(a) * * *

(7) The Authority to certify counsel as competent to perform the duties of trial counsel and defense counsel of a general court-martial under 10 U.S.C. 827(b), Art. 27(b) UCMJ.

* * * * *

Effective date: This amendment is effective July 28, 1975.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on July 22, 1975.

JOHN HART ELY,
General Counsel.

[FR Doc.75-19472 Filed 7-25-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0001]

Administrative Practices and Procedures; Stay of Regulations

The Commissioner of Food and Drugs is staying until August 4, 1975, the regulations on administrative practices and procedures published in the FEDERAL REGISTER of May 27, 1975 (40 FR 22950).

On July 23, 1975, the American College of Neuropsychopharmacology brought suit in the United States District Court for the District of Columbia seeking to invalidate the regulations on the ground that they were issued without notice of rulemaking. A temporary restraining order was sought against the agency to prevent the regulations from becoming effective on July 28, 1975, as announced.

At a hearing before the Honorable John H. Pratt, United States District Judge, the Food and Drug Administration, agreed, pursuant to request of the Court, to delay the effectiveness of the regulations pending a decision by the Court on the plaintiff's motion for a preliminary injunction. A hearing on the plaintiff's request for preliminary injunction is scheduled for July 30, 1975.

For the reasons stated, therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040; 21 U.S.C. 321 et seq.), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682, as amended; 42 U.S.C. 201 et seq.), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257(a), the Controlled Substances Act (sec. 301 et seq., 84 Stat. 1253; 21 U.S.C. 821 et seq.), the Federal Meat Inspection Act (sec. 409(b), 81 Stat. 600; 21 U.S.C. 679(b)), the Poultry Products Inspection Act (sec. 24(b), 82 Stat. 807; 21 U.S.C. 467f(b)), the Egg Products Inspection Act (sec. 2 et seq., 84 Stat. 1620; 21 U.S.C. 1031 et seq.), the Federal Import Milk Act (44 Stat. 1101; 21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406; 15 U.S.C. 401-411 notes), the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C. 1451 et seq.), and all other statutory authority delegated to him (21 CFR 2.120), the Commissioner is hereby staying the effectiveness of the regulations until August 4, 1975, on which date they shall take effect unless the Court has ordered otherwise.

Dated: July 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-19705 Filed 7-25-75;10:48 am]

[DOCKET NO. 75N-0005]

PART 701—COSMETIC LABELING

Hypoallergenic Cosmetic Products; Stay of Effective Date of Regulation Concerning Labeling

The Commissioner of Food and Drugs is staying, pending judicial review, the effective date of § 701.100(a) through (j) (21 CFR 701.100(a) through (j)), which concerns th e conditions under which a cosmetic may be labeled as "hypoallergenic."

The Commissioner, in a notice published in the FEDERAL REGISTER of June 6, 1975 (40 FR 24442), issued a regulation establishing the conditions under which a cosmetic may be designated in its labeling by words that state or imply that the product or any ingredient thereof is hypoallergenic. The regulation requires dermatological testing to confirm the validity of such a claim. Paragraph (h) of § 701.100 requires that any cosmetic product that is designated in labeling as hypoallergenic or for which claims are made that one or more ingredients are hypoallergenic or for which hypoallergenicity is implied through the use of other terms shall comply with the requirements of the regulation before such claims are made if it was not in commercial distribution on June 6, 1975, and shall comply by June 6, 1977 if it was in commercial distribution on June 6, 1975.

McMurray and Pendergast, as attorneys for Clinique Laboratories, Inc., and Almay, Inc., have petitioned the Commissioner to stay the regulation pending the outcome of litigation, which those companies have instituted in the United States District Court for the District of Columbia to challenge the validity of the regulation. (*Almay, Inc.* v. *Weinberger*, Civil Action No. 75-1135.)

In accordance with the criteria in 21 CFR 2.9, published in the FEDERAL REGISTER of May 27, 1975 (40 FR 22990), the Commissioner has determined that § 701.100 (a) through (j) should be stayed during the pendency of this litigation. Paragraph (k) of the section simply codifies longstanding policy, as expressed in Trade Correspondence No. 10, August 2, 1939, and therefore is not stayed.

This stay is granted on the basis of the representation by petitioners that they will take all steps necessary to ensure a prompt judicial determination. Since the record on the basis of which the regulation is to be reviewed consists exclusively on the record compiled in the rule making proceeding before the agency, expeditious disposition of this litigation should be possible. See *National Petroleum Refiners Ass'n.* v. *Federal Trade Comm'n.*, 392 F. Supp. 1052 (D.D.C. 1974).

The Commissioner notes that this stay does not affect the dates established in § 701.100(h). If the regulation is sustained, products initially marketed after June 6, 1975, with a claim of hypoallergenicity could no longer be marketed upon termination of the stay. The final date of June 6, 1977, for completion of testing is also unaffected. Petitions to amend the regulation are required to be submitted pursuant to 21 CFR 2.7 (40 FR 22988).

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 201(n), 602(a), 701(a), 52 Stat. 1041, 1054, 1055, as amended (21 U.S.C. 321(n), 362(a), 371(a))) and under the authority delegated to the Commissioner (21 CFR 5.1), the provisions of 21 CFR 701.100(a) through (j) are hereby stayed until further notice.

Dated: July 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-19619 Filed 7-25-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

STANDARDS FOR GRADES OF ORANGE JUICE

Notice of Proposed Rulemaking

Notice is hereby given that the United States Department of Agriculture is considering an amendment of the United States Standards for Grades of Orange Juice.[1] These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different marketing levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than August 27, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of Consideration Leading to the Proposed Amendment. The Florida Canners Association has requested the USDA to amend the U.S. Standards for Grades of Orange Juice to provide for use of a citrus colorimeter as an alternate means of determining color in orange juice. The association further requested the USDA to adjust the minimum color requirements for the Grade A classifications for pasteurized orange juice and orange juice from concentrate. The National Juice Products Association and the State of Florida, Department of Citrus, Florida Citrus Commission have endorsed the position taken by the Florida Canners Association.

The current U.S. Standards for Grades of Orange Juice provide for determination of color with the USDA Orange Juice Color Standards. These color standards are six plastic tubes ranging in color from yellow-orange to yellow, designated as OJ 1, OJ 2, OJ 3, OJ 4, OJ 5 and OJ 6. The plastic tubes are compared visually to an equal quantity of orange juice and a color score is assigned to the orange juice based upon the plastic tube which most closely matches the color of the orange juice. These color measurements are somewhat subjective. It is not always possible to select a plastic tube which completely matches the color of the orange juice. Too, often the color of the orange juice will range between the color of two plastic tubes and fail to match either tube. In these situations, it is difficult to assign a color score.

Due to the limitations which visual color determinations offered, the Florida citrus industry commissioned and financed research to develop an instrument with the capability of determining the color for orange juice through photoelectric measurements. These efforts produced the citrus colorimeter. The colorimeter was first designated by the Florida Citrus Commission as the exclusive method for determining the color for concentrated orange juice for manufacturing which is traded on the citrus futures market. It was later designated by the Commission to be used exclusively to determine the color scores for frozen concentrated orange juice, canned concentrated orange juice, pasteurized orange juice and orange juice from concentrate. It is considered an equivalent method by the Commission for determining the color score for canned orange juice. After several years of successful use in the Florida citrus industry, the citrus colorimeter has provided the industry with an accurate means of determining color.

The USDA proposes to adopt the photoelectric measurement of orange juice as an equivalent method to the present plastic color tubes for determining color in orange juice. The plastic color tubes shall be retained as an official method for those persons who do not have the citrus colorimeter available for their use.

According to the Florida Canners Association, early-maturing varieties of oranges present many problems for the Florida citrus industry. These varieties are often affected by variations in climatic and growing conditions and do not develop the yellow-orange color which is typical of the late maturing varieties. However, the flavor qualities of the early varieties are satisfactory. Traditionally, the Florida citrus industry has used these early maturing oranges in pasteurized orange juice, canned juice and in other products by concentrating the juice and then blending it with the juice from late maturing oranges. Blending produces an acceptable color for the orange juice. If the early season juice is marketed as pasteurized orange juice or orange juice from concentrate, without blending with other varieties, it frequently fails the minimum Grade A color requirements. If the early season orange juice is concentrated and held for blending with late maturing varieties, additional storage costs are incurred. Too, pasteurized orange juice must be manufactured for orange juice which is not concentrated.

The Food and Drug Standards of Identity permit the addition, within limits, of juice from hybrids and oranges of the mandarin group to juice from oranges of the sweet orange group. The mandarins are typically yellow-orange in color. Mandarins may be used to enhance the color of orange juice from the early maturing varieties, however, an overall loss in flavor qualities may result. If the Florida citrus industry does not wish to add mandarin juice to pasteurized orange juice or orange juice from concentrate to improve color at the expense of flavor, it may be forced to market the juice at other than Grade A levels of quality, during certain times of the year. If the Florida citrus industry does not wish to market pasteurized orange juice at levels other than Grade A, the early maturing oranges might be used in other orange juice products and would not be available to the public as pasteurized orange juice.

The USDA proposes to adjust the minimum color requirements for pasteurized orange juice and orange juice from concentrate to enable the early maturing varieties of sweet oranges to meet Grade A requirements more often. The color requirements would be adjusted to a point approximately halfway between the plastic color tubes OJ 5 and OJ 6. The current standards require the juice to be equal to OJ 5 which has more orange color than OJ 6. The halfway point is easily defined with the citrus colorimeter which is the exclusive method for determining color for pasteurized orange juice and orange juice from concentrate processed in the State of Florida. For visual determination, the halfway point is defined as being much better than OJ 6. Requirements for flavor would remain unchanged.

The proposed amendment is as follows: Section 52.1557 is amended by revising paragraph (d) and adding a sentence to paragraph (e) as set forth below:

§ 52.1557 Color.

* * * * *

(d) *(A) Classification.* Canned orange juice that has a good color may be given

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

a score of 36 to 40 points. "Good color" means a bright yellow to yellow-orange color, typical of orange juice color. Canned orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Equal to or better than USDA OJ 4	38
Equal to or better than USDA OJ 5	37
Equal to or better than USDA OJ 6	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*C*) *Classification*. * * *

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Section 52.1587 is amended by revising paragraph (d) and adding a new sentence to paragraph (e) as set forth below:

§ 52.1587 Color.

* * * * *

(d) (*A*) *Classification*. Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice. Frozen concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*B*) *Classification*. * * *

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Section 52.2226 is amended by revising paragraph (d) and adding a sentence to paragraph (e) as set forth below:

§ 52.2226 Color.

* * * * *

(d) (*A Mfg.*) *Classification*. Concentrated orange juice for manufacturing of which the reconstituted juice possesses a reasonably good color may be given a score of 36 to 40 points. "Reasonably good color" means a reasonably good yellow to yellow-orange color, typical of properly processed and properly concentrated orange juice and reasonably free from browning due to scorching, oxidation, caramelization, or other causes. Concentrated orange juice for manufacturing that meets this criterion may be assigned score points in accordance with the following schedule: .

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Equal to or better than USDA OJ 4	38
Equal to or better than USDA OJ 5	37
Equal to or better than USDA OJ 6	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*C Mfg.*) *Classification*. * * *

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Section 52.2257 is amended by revising paragraph (a) and adding a sentence to paragraph (e) as set forth below:

§ 52.2257 Color.

* * * * *

(d) (*A*) *Classification*. Canned concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored orange juice. Canned concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*C*) *Classification*. * * *

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Section 52.2985 is amended by revising paragraph (a) and adding a sentence to paragraph (b) as set forth below:

§ 52.2985 Color.

(a) (*A*) *Classification*. Dehydrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice.

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36
Much better than USDA OJ 6	35
Equal to USDA OJ 6	34

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(b) (*B*) *Classification*. * * *

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Section 52.5647 is amended by revising paragraphs (d) and (e) as set forth below:

§ 52.5647 Color.

* * * * *

(d) (*A*) *Classification*. Pasteurized orange juice that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Much better than USDA OJ 6	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*B*) *Classification*. If the juice has a good color, a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to USDA OJ 6	35 or 34
Not as good as USDA OJ 6	33 or 32

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Paragraphs (d) and (e) of § 52.5687 are revised as set forth below:

§ 52.5687 Color.

* * * * *

(d) (*A*) *Classification*. Orange juice from concentrate that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Much better than USDA OJ 6	36

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

(e) (*B*) *Classification*. If the juice possesses a good color, a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to USDA OJ 6	35 or 34
Not as good as USDA OJ 6	33 or 32

Color may be determined by colorimeter with any method which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Dated: July 23, 1975.

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

[FR Doc.75-19513 Filed 7-25-75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 719]

RECONSTITUTION OF FARMS AND ALLOTMENTS

Revision

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.), it is proposed that Part 719 of Title 7 of the Code of Federal Regulations be revised and reissued for various purposes. These include (1) clarification of the intention of the Department in regard to the right of an agency to exercise its eminent domain authority to acquire agricultural land and retain the commodity allotments attributable to the land, (2) removal of the prohibition on program participation on commodities produced on land owned by the Federal government which are leased to producers with restrictions on the production of surplus crops, and (3) change of the term "feed grain base" to "feed grain allotment" in conformity with the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86).

Questions have arisen as to the intent of subparagraph 719.11 (g) (1) in regard to eminent domain acquisitions. It is proposed that this subparagraph be revised to show that it is the intention of the Department that an acquiring agency, in order to retain applicable allotments, must have the legal authority to acquire land through the exercise of the right of eminent domain for the sole purpose of continued production of allotted crops and that the acquisition must have been for that sole purpose. Both conditions must be met before a farmer whose land is taken is deprived of the right to have the allotments pooled for his benefit for transfer to other land he owns.

On July 29, 1974, the Director, Office of Management and Budget, notified the heads of all Executive Departments and Agencies that the President had suspended the provision of a Presidential Memorandum of May 21, 1956, which restricted production of surplus crops on government-owned land leased to farmers. In view of this, it is proposed that Section 719.15 prohibiting program participation and the extension of price support on commodities produced on federally-owned land under leases with such restrictions be deleted, and the eligibility of federally-owned land for participation in programs be governed by individual program regulations. However, federally-owned land (other than land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession) would be constituted separately from other land. This would allow prompt application of the prohibition should it again be imposed. Section 719.3 (b) (3) would be revised and Section 719.3(d) (6) would be deleted to reflect these changes.

The Agriculture and Consumer Protection Act of 1973 uses the terminology "feed grain allotment" instead of "feed grain base." This reissuance will reflect the change in terminology.

Comments on these proposals may be submitted in writing to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 27, 1975. All written submissions made pursuant to this notice will be made available for public inspection between 8:15 a.m., and 4:45 p.m., Monday through Friday, at the Office of the Director, Room 3629, South Building, 14th and Independence Avenue, Washington, D.C. It is proposed that the heading, table of contents and text of 7 CFR Part 719 be revised to read as follows:

PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

Sec.

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

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

§ 719.1 Applicability.

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

§ 719.2 Definitions.

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

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

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

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

(2) *County committee*. Persons elected within a county as the county committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Sub-

title A of this title, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the county committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 719.3 Farm constitution.

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

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

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

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

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

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

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

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

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

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

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

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

ministrative access would be more practical.

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

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

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

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

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

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

§ 719.4 Guides for determining the land constituting a farm.

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

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

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

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

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

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

§ 719.5 County committee action to reconstitute a farm.

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

§ 719.6 Farm corporations and trusts.

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

§ 719.7 Reconstitution of farm allotments, and history acreage.

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

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

(1) *Allotment crops.* (i) The reconstitution shall be effective for an allotment crop for the current program year if such reconstitution is initiated before such crop is or would have been planted.

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

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

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

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

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

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

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

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

(a) *Estate method.* The estate method is the proration of the allotments for a parent farm among the heirs in settling an estate. If the estate sells a tract of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) *Adjustments in conserving bases.* Conserving bases for farms divided pursuant to paragraphs (c) through (f) of this section, and apportioned among the tracts, may be adjusted by the county committee taking into consideration the physical location of conserving use acreages, the allotments apportioned to the

reconstituted farms, and changes in type of farming. Any decrease in the conserving base on a tract must be offset by a corresponding increase on the other tract and all conserving base adjustments must be compensating.

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

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

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

§ 719.10 Preservation of cropland and allotment acreage.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 719.11 Eminent domain acquisitions.

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

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consumated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State, or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment from the pool within 3 years after the date of displacement. The application shall contain a certification by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the pool for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements as for example, the deed of trust or mortgage, warranty deed, note sales agreement, and lease.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 719.12 Exempting Federal prison farms and Federal wildlife refuges.

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

§ 719.13 Supervisory authority of State ASC committee.

The State committee may take any action required by these regulations

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

§ 719.14 **Transfer of allotments—State public lands.**

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

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

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

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

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

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

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

Signed at Washington, D.C., on July 21, 1975.

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

[FR Doc.75-19467 Filed 7-25-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 381]

TRANSPORTATION OF INEDIBLE MATERIAL

Poultry

Pursuant to the authority contained in the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), the Animal and Plant Health Inspection Service is proposing an amendment to section 381.193 of the poultry products inspection regulations (9 CFR Part 381) to allow for the movement of certain undenatured poultry and poultry parts not intended for human food under prescribed conditions.

Statement of Considerations: Control of inedible poultry products, and those poultry products not intended for human food, is a vital concern of the Animal and Plant Health Inspection Service's Meat and Poultry Inspection Program. Such control is presently exercised by requiring that all poultry products not passed for human food and so identified be destroyed or denatured as specified in § 381.95 of the poultry products inspection regulations.

Increasing volumes of inedible poultry products are being utilized by the pet food industry. The methods allowed for denaturing poultry, as prescribed in the poultry products inspection regulations, either adversely affect or destroy entirely their usefulness as ingredients of pet foods. The meat inspection regulations allow shipment of inedible meat products except those condemned for disease, without denaturing under predetermined conditions and controls (see 9 CFR 325.11(f)). The Department's experience with the prescribed procedure for the handling of inedible meat products has been generally favorable. The regulations have provided controls adequate to eliminate unnecessary handling restrictions for the inedible meat products and still insure their proper disposition. In doing so, the materials are much more attractive as pet food ingredients, since they are available in increased amounts and are less costly to process when free of denaturants. Users of these pet foods enjoy the benefits of products with a wider range of ingredients from which to choose for purchase and that are more likely to be competitively priced.

Protein base pet food ingredients are increasingly more scarce. Poultry products are excellent ingredients for the various kinds of pet foods. To allow for the more diversified use of certain inedible poultry products, with controls adequate to insure their proper disposition as is now the case with inedible meat products, it appears regulations should be proposed to allow for their transportation under certain conditions of handling and identification. To maintain assurances against dissemination of disease, this change will not apply to poultry products condemned for disease.

Therefore, the Department proposes to amend the poultry products inspection regulations to provide for such transportation. The regulations would be amended as set forth below:

1. Section 381.175 would be amended by adding a new subparagraph (2) to paragraph (b) to read as follows:

§ 381.175 **Records required to be kept.**

* * * * *

(b) * * *

(2) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under § 381.193(b) of this Part, and a record of new consignees of inedible products diverted under § 381.193(b) of this Part.

2. Section 381.193 would be amended by designating the present introductory language as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 381.193 Poultry carcasses, etc., not intended for human food; transportation; permit required.

(a) * * *

(b) Inedible products, except those which were condemned for disease, which were prepared at any official establishment, or at any State inspected establishment in any State not listed in § 381.221 of this Part, and which have the physical characteristics of a product fit for human food, may be transported from an official establishment or in commerce, without denaturing as required by § 381.193(a), if the following conditions are met:

(1) The shipper must have obtained a numbered permit for such activity. Such permit may be obtained upon written application to the appropriate Regional Director (as identified in § 301.2 of this chapter) and his determination that the proposed transportation would be authorized under this paragraph (b). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be transported under this paragraph (b) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by § 381.175 of this Part.

(3) When transported from an official establishment or in commerce under this paragraph (b), the outside container of such inedible products shall be marked conspicuously with the words "Inedible—Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers such as cartons, drums, tierces, barrels, and half barrels; and not less than 4 inches high in the case of tank car and trucks used to transport such products not in other containers.

(4) Such inedible products shall be transported from an official establishment or in commerce under this paragraph (b) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Subpart Q of this Part.

(5) The Administrator may revoke any permit for shipment of inedible poultry or poultry products under this section, if he determines that there has been a failure to comply with any provision of this section or any diversion or effort to divert undenatured, inedible product contrary to the provisions of this section. Upon request, any such permit holder will be afforded opportunity for a hearing with respect to the merits or validity of any such revocation action involving his permit.

(6) All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

3. In the Table of Contents, the section heading of § 381.193 would be revised to read as follows:

Sec.
381.193 Poultry carcasses, etc., not intended for human food; transportation; permit required.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential with the Inspection Standards and Regulations Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plan Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by September 26, 1975.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: July 22, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-19464 Filed 7-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 148]

MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES

Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-318) and pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, 22 U.S.C. 2452(b)(6), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 148, with accompanying guidelines, to read as set forth below.

The proposed regulations contain all mandatory requirements for the program. The guidelines contain material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.*—Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 provides for programs to promote modern foreign language training and area studies in educational institutions in the United States through visits and study of American scholars abroad and foreign scholars in the United States.

2. *Section 503 procedures and effect.*—Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to programs authorized by section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961. Part 148 and the guidelines will be published in final form after comments and hearings. Thirty days after such publication, all preceding rules, guidelines, or other published interpretations and orders issued in connection with or affecting section 102(b)(6) (except the Office of Education general provisions regulations) will be superseded.

3. *Effect of Office of Education General Provisions Regulations.*— Provisions relating to general fiscal and administrative matters are covered under the overall Office of Education general provisions regulations, published in the FEDERAL REGISTER on November 6, 1973 (38 F.R. 30654), in connection with the same study under section 503 of the Education Amendments of 1972 of which this

publication is a part. Reference is made in particular to the provisions of Part 100a of Title 45, Code of Federal Regulations, containing general provisions for discretionary programs, which are applicable to programs authorized by section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961.

4. *Program changes in the proposed regulations and guidelines.*—The regulations in large part formalize existing practices under the program.

5. *Citations of legal authority.*—As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

6. *Opportunity for public hearing.*—Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties opportunity for a public hearing on these regulations and guidelines, as follows:

A hearing will take place at the U.S. Office of Education in the auditorium of Regional Office Building Three (ROB-3) located at Seventh and D Streets, S.W., Washington, D.C. at 10 a.m. on September 3, 1975.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Nos. 13.438 (Faculty Research Abroad), 13.439 (Foreign Curriculum Consultants), 13.440 (Group Projects Abroad), and 13.441 (Doctoral Dissertation Research Abroad))

Dated: June 21, 1975.

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

Approved: July 17, 1975.

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

PART 148—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE AND AREA STUDIES

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APPENDIX: Guidelines.

AUTHORITY: Sec. 102(b)(6) of P.L. 87-256, as amended, 75 Stat. 527 (22 U.S.C. 2452(b)(6)), and Executive Order No. 11034, unless otherwise noted.

Subpart A—General Provisions

§ 148.1 Scope.

(a) The regulations in this part govern the provision of Federal financial assistance by the United States Commissioner of Education, under Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, to promote modern foreign language training and area studies in United States schools, colleges, and universities by supporting programs of research, study, and training in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skills in languages and their knowledge of the culture of the people of those countries, and by financing visits by educational specialists from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities. Responsibility for the administration of this program has been delegated to the Department of Health, Education, and Welfare by Executive Order No. 11034.

(b) Assistance under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(c) In the selection of American citizens for participation in programs under this part, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(22 U.S.C. 2452(b)(6), 2456(a)(2), Executive Order No. 11034, 20 U.S.C. 1232c)

§ 148.2 Definitions.

As used in this part—

"Academic year" means a period of time, usually eight or nine months, consisting of two semesters, two trimesters, three quarters, or the equivalent.

"Binational commission" means an educational and cultural foundation established through an agreement between the United States and either a foreign government or an international organization to carry out functions in connection with programs covered by this part.

"Board of Foreign Scholarships" means the Presidentially appointed board of 12 members which is responsible for supervision of the programs covered by this part.

"Dependent" means any of the following individuals who accompany the program participant to his research or training site:

(a) spouse of the program participant;

(b) children unmarried and under 21 years of age; and

(c) mother or father of either the program participant or his or her spouse if incapable of self-support.

"Foreign currencies" means currencies of foreign countries, which currencies are owned by the United States in amounts in excess of probable requirements of the United States as determined annually by the Department of the Treasury and are appropriated by the Congress for use in connection with programs covered by this part.

"Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and (4) is a public or other nonprofit institution.

"Local school system" means a local 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 other political subdivision of a State, or any other public institution or agency having administrative control and direction of a public elementary or secondary school.

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

"State department of education" means the State board of education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools in a State, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.3 Projects focusing on certain countries.

Assistance under this part is not available for projects focusing primarily on Western Europe or for research in countries where the United States has no diplomatic representation.

(22 U.S.C. 2452(b)(6))

§ 148.4 Selection factors considered by Board of Foreign Scholarships.

With respect to the Doctoral Dissertation Research Abroad and Faculty Research Abroad programs, the Board of Foreign Scholarships will consider, in its selection procedures, professional and personal references for individual applicants and the employment or other records for individual applicants which are readily available from other governmental agencies, including law enforcement agencies.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—Doctoral Dissertation Research Abroad

§ 148.11 Scope.

Graduate students at eligible institutions may receive fellowships for periods of 6 to 12 months for doctoral dissertation research abroad in the fields of modern foreign languages and area studies.

(22 U.S.C. 2452(b)(6))

§ 148.12 Applications.

(a) Each fiscal year eligible institutions may forward applications to the Commissioner for recommended graduate students for fellowship assistance under this subpart. Each application shall include information as to the students' personal and academic backgrounds and proposed research projects. Students must also arrange with appropriate persons to have three reference forms (Form OE 7628-3) submitted through their eligible institution to the Commissioner on their behalf. The deadline date for receipt of proposals by the Commissioner shall be announced annually in the FEDERAL REGISTER.

(b) Eligible institutions are responsible for accepting, screening, and forwarding to the Commissioner those applications which meet the institution's technical and academic criteria.

(c) An "eligible institution," for the purpose of this subpart, means an institution of higher education in any State which is accredited by a nationally recognized accrediting agency or association and which offers a doctoral program in the fields of foreign languages and area studies.

(d) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

§ 148.13 Eligible students.

To be eligible to receive a fellowship under this subpart, a student must:

(a) Be a citizen or national of the United States or be an alien in the United States having immigration status and personal plans indicating that he is in the United States for other than a temporary purpose;

(b) plan a teaching career at the college level in the United States;

(c) be enrolled at an eligible institution and have been admitted to candidacy for a doctoral degree in modern foreign languages or area studies;

(d) provide evidence of adequate language skills for effectively carrying out the proposed research;

(e) present a project for which research can reasonably be expected to be completed within the time limits of the award and which is otherwise feasible;

(f) submit his application to his eligible institution and, if he is proposing to conduct research in the U.S.S.R., simultaneously submit an application to the International Research and Exchange Board (IREX); (only citizens of the United States are eligible to conduct research in the U.S.S.R. under this program.)

(g) have no more than a total of 48 months' fellowship support (including the time period of the grant applied for under this subpart) under Title VI of the National Defense Education Act and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act.

(22 U.S.C. 2452(b)(6))

§ 148.14 Evaluation criteria.

Doctoral dissertation research proposals will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR 100a.26(b) and 148.1(c) as well as program priorities as annually determined and announced by the Commissioner. Preference will be given to modern foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§148.15 Selection procedures.

The Commissioner will make the preliminary selection of doctoral fellows with the advice of (a) a panel of U.S. academic specialists in foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of research. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.16 Award provisions.

(a) Grants under this subpart will be made to an eligible institution which will be responsible for administering the grant, except insofar as the grant is made in foreign currencies, according to its own fiscal procedures and the terms specified in the official grant agreement.

(b) The grantee is responsible for disbursing the funds for allowances authorized by the grant with the exception of those allocated to insurance and those paid in foreign currencies.

(c) The grantee will receive an administrative allowance of $100 for each fellowship listed in the grant agreement.

(d) Each fellowship will provide the following benefits:

(1) A partial maintenance stipend based on the Standard Government Travel Regulations. Amounts equal to living allowances received by the fellow from other than personal sources which duplicate benefits under this award will be deducted from the total stipend, with the exception of veterans' benefits received under Title 38, United States Code;

(2) an allowance for accompanying dependents based on the cost of living in the approved country of research;

(3) round-trip travel, for the fellow only, from the airport closest to his current or permanent address to his overseas destination and return to the point of origin;

(4) an excess baggage allowance, for the fellow only, not to exceed 50 pounds each way;

(5) tuition at a foreign institution, when necessary to facilitate the satisfactory completion of the project;

(6) a project allowance of up to $500 for the purchase of expendable materials and supplies during the award period;

(7) a local travel allowance for necessary project-related transportation within the approved country(ies) of research, exclusive of the purchase of transportation equipment, and

(8) health and accident insurance, for the fellow only, under the terms of a U.S. Government-contracted group insurance policy.

(e) Payments will begin for all benefits other than international travel and baggage allowances upon the fellow's arrival in the host country or upon the beginning of his research (whichever is later) and will end either upon departure from the host country (upon early termination or completion of the approved project) or upon revocation of the fellowship.

(f) In the event of early departure from the host country, premature termination of the grant, or early completion of the approved project, maintenance and dependency benefits will be prorated according to the policy of the grantee.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.17 Student responsibilities.

(a) To avoid forfeiting his award, a fellow must leave the United States for

his approved destination on or after the date of the grant to his institution but no later than December 31 of the fiscal year after that in which the grant is made, unless an extension of this deadline is obtained from the Commissioner.

(b) A fellow must submit to the Commissioner two program reports:

(1) An interim report at the half-way point of his research containing information on such matters as project accomplishments to that date, research conditions, living conditions, assistance received from U.S. officials and binational commissions, visa requirements for research, general recommendations for improving program arrangements, and any additional information which might benefit future fellows;

(2) a final report on completion of the research updating the interim report described above and containing such additional information as the estimated total cost of the project, sources of funding, present occupation and long-range career plans, final title of dissertation, effectiveness of the fellowship in increasing the fellow's store of knowledge and improving his skills, present utilization of information or skills acquired, and the impact of the fellowship on the body of knowledge available in the fellow's particular field of study.

(22 U.S.C. 2452(b)(6))

Subpart C—Faculty Research Abroad

§ 148.21 Scope.

(a) Faculty members at eligible institutions may receive fellowships for periods of 3 to 12 months for research abroad in modern foreign languages and area studies.

(b) Awards will be granted only for research that could not be conducted in the United States or for which a foreign country or region provides significantly superior research facilities and materials.

(c) Awards under this subpart will not support dissertation research for the doctoral degree.

(22 U.S.C. 2452 (b)(6))

§ 148.22 Applications.

(a) Each fiscal year eligible institutions may forward applications to the Commissioner for recommended faculty members for assistance under this subpart. Each application shall include information as to the faculty member's personal and academic background and proposed research project. The deadline date for receipt of proposals shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(b) Eligible institutions are responsible for accepting, screening, and forwarding to the Commissioner those applications which meet the institution's technical and academic criteria.

(c) An "eligible institution" for the purpose of this subpart means an institution of higher education in any State which is accredited by a nationally recognized accrediting agency or association.

(d) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

§ 148.23 Eligible faculty members.

To be eligible to receive a fellowship under this subpart, a faculty member must:

(a) Be a citizen or national of the United States with whom an eligible institution has or anticipates having a continuing long-term employment relationship (Faculty members in visiting status are not eligible.);

(b) be an educator experienced in modern foreign languages or area studies (A faculty member must have been engaged in at least half-time teaching or research relevant to his foreign language or area specialization during the two years preceding the date of the award);

(c) possess adequate skills in the language of the country or in a language germane to the region where the project would be undertaken;

(d) present a project for which research can reasonably be expected to be completed within the time limits of the award and which is otherwise feasible;

(e) present a statement from his employing institution describing how the project will contribute to the institution's plans for developing its programs in modern foreign languages or area studies;

(f) submit his application to his eligible institution and, if he is proposing to conduct research in the U.S.S.R., simultaneously submit an application to the International Research and Exchange Board (IREX).

(22 U.S.C. 2452(b)(6))

§ 148.24 Evaluation criteria.

Faculty research proposals will be evaluated by the Commissioner in accordance with the following criteria:

(a) Relevance of the project to the institution's educational goals and to its plans for developing programs in modern foreign languages and area studies;

(b) the project's potential impact on modern foreign languages and area studies in American education;

(c) relevance of the project to contemporary issues and problems significantly related to the national interest;

(d) scholarly qualifications of the candidate and his previous opportunities for research abroad;

(e) the extent to which direct experience abroad is necessary to conduct the project and the effectiveness with which host country resources would be utilized; and

(f) the criteria contained in 45 CFR 100a.26(b) and 148.1(c).

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 148.25 Selection procedures.

The Commissioner will make the preliminary selection of faculty research fellows with the advice of (a) a panel of U.S. academic specialists in modern foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of research. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.26 Award provisions.

(a) A grant under this subpart will be made to an eligible institution which will be responsible for administering the grant, except insofar as the grant is made in foreign currencies, according to its own fiscal procedures to the extent consistent with the terms specified in the official grant agreement.

(b) The grantee is responsible for disbursing the funds for allowances authorized by the grant with the exception of those paid in foreign currencies. All grant payments by a grantee must be made on or after the effective date of the grant.

(c) Benefits available for faculty research awards will be determined and announced annually by the Commissioner and based in part upon the Standard Government Travel Regulations.

(d) Payments will begin for all benefits other than international travel and baggage allowances upon the fellow's arrival in the country of research or upon the beginning of his research (whichever is later) and will end either upon departure from the country of research (upon early termination or completion of the approved project) or upon revocation of the grant.

(e) In the event of early departure from the country of research, termination of the grant prior to the expiration date set forth in the grant award document, or early completion of the approved project, award benefits will be prorated according to the policy of the grantee.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.27 Responsibilities of the fellow.

(a) To avoid forfeiting his award, a fellow must leave the United States for his approved destination on or after the date of the grant to his institution but no later than December 31 of the fiscal year after that in which the grant is made, unless an extension of this deadline is obtained from the Commissioner.

(b) A fellow must submit to the Commissioner a final report upon completion of the research containing information on such matters as project accomplishments, research conditions, living conditions, assistance received from U.S. officials and binational commissions, present occupation, impact of the fellowship on the body of knowledge available in the fellow's field of specialization, titles of any publications resulting from the fellowship, and other matters as to which additional information might be of benefit to future fellows.

(22 U.S.C. 2452(b)(6))

Subpart D—Group Projects Abroad

§ 148.31 Scope.

(a) An eligible institution may receive a grant to help improve its programs in modern foreign languages and area

studies through overseas projects in research, training, or curriculum development.

(b) Projects involving construction of facilities or purchase of real property are not eligible for support.

(22 U.S.C. 2452(b)(6))

§ 148.32 Applications.

(a) Each fiscal year eligible institutions may forward proposals to the Commissioner for assistance under this subpart. The deadline date for receipt of applications shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(b) An "eligible institution" for the purpose of this subpart means:

(1) An institution of higher education which is accredited by a nationally recognized accrediting agency or association;

(2) a State department of education;

(3) a private non-profit educational organization; or

(4) a consortium of institutions described in (1), (2), or (3) above.

(c) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(d) Before an application under this subpart is approved, the Commissioner may require the submission of biographical data concerning the proposed project director.

(22 U.S.C. 2452(b)(6))

§ 148.33 Eligible participants.

To be eligible to participate in a Group Project Abroad, a person must:

(a) be a citizen or national of the United States; and

(b) be (1) a faculty member in modern foreign languages or areas studies; (2) an experienced educator responsible for planning, conducting, or supervising programs in modern foreign languages or area studies at the elementary, secondary, or community college level; or (3) a graduate student or a junior or senior at the undergraduate level who plans a teaching career in modern foreign languages or area studies.

(22 U.S.C. 2452(b)(6))

§ 148.34 Evaluation criteria.

Group Projects Abroad proposals will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR 100a.26(b) and 148.1(c) as well as the following criteria:

(a) the potential impact of the project on the development of modern foreign languages and area studies programs in American education;

(b) the project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in modern foreign languages and area studies;

(c) the extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources would be utilized; and

(d) program priorities as annually determined and announced by the Commissioner.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 148.35 Selection procedures.

The Commissioner will make the preliminary selection of Group Projects with the advice of (a) a panel of U.S. academic specialists in modern foreign languages and area studies and (b) binational commissions and U.S. diplomatic missions in the proposed countries of study. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(22 U.S.C. 2452(b)(6), 2456)

§ 148.36 Award provisions.

(a) Group Projects Abroad is a cost-sharing program. The grantee institution, individual project participants, or other sources must bear expenses not covered by the grant and all project-related expenses within the United States.

(b) Grant funds under this subpart may be used only on or after the effective date of the grant and only for the following as budgeted, subject to transfer as authorized in 45 CFR § 100a.29(b):

(1) A partial maintenance stipend based on the Standard Government Travel Regulations;

(2) round-trip international travel;

(3) a local travel allowance for necessary project-related transportation within the country of study, exclusive of the purchase of transportation equipment;

(4) purchase of project-related artifacts, books, and other teaching materials in the country of study;

(5) rent for instructional facilities in the country of study;

(6) clerical and professional services performed by resident instructional personnel in the country of study; and

(7) other expenses in the country of study, if necessary for the project's success and approved in advance by the Commissioner.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 148.37 Grantee responsibilities.

Upon completion of a project, the grantee must submit the following reports to the Commissioner:

(1) A report listing the project participants, including name, title, home institution, and address; and

(2) a report analyzing the educational significance of the project and assessing the degree to which the objectives stated in the project have been achieved.

(22 U.S.C. 2452(b)(6))

Subpart E—Foreign Curriculum Consultants

§ 148.41 Scope.

(a) Eligible institutions may receive grants to bring consultants from other countries to the United States for an academic year to assist in planning and developing curriculums in modern foreign languages and area studies.

(b) Consultants from Western European countries may be approved only if they are to develop curriculums in area studies with an emphasis on modern political, economic, or social developments. Grants will not be made to institutions seeking consultants from these countries primarily to develop language programs.

(22 U.S.C. 2452(b)(6))

§ 148.42 Applications.

(a) Each fiscal year eligible institutions may forward proposals to the Commissioner for asistance under this subpart.

(b) An "eligible institution" for the purpose of this subpart means:

(1) An institution of higher education which is accredited by a nationally recognized accrediting agency or association;

(2) a State department of education;

(3) a local public school system;

(4) a private non-profit educational organization; or

(5) a consortium of institutions described in (1), (2), (3), or (4) above.

(c) Requests for information shall be sent to the Division of International Education, Office of Education, Washington, D.C. 20202.

(d) The deadline date for receipt of applications shall be announced annually by the Commissioner in the FEDERAL REGISTER.

(22 U.S.C. 2452(b)(6))

§ 148.43 Evaluation criteria.

Proposals for Foreign Curriculum Consultants will be evaluated by the Commissioner in accordance with the criteria contained in 45 CFR § 100a.26 (b) as well as the following criteria:

(a) potential impact on the applicant institution's plans for developing its modern foreign language and area studies programs;

(b) potential effective use of the results of the consultant's work following the completion of the project;

(c) appropriateness of the consultant's duties and the allocation of time among the duties;

(d) number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;

(e) likelihood that educational institutions other than the grantee will share the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;

(f) adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director; and

(g) if the proposal is for curriculum development in area studies, focus on area studies in which the applicant institution lacks adequate instructional materials and trained personnel.

(22 U.S.C. 2452(b)(6))

§ 148.44 Selection of consultants.

(a) The Commissioner will make the preliminary selection from among the Foreign Curriculum Consultant proposals with the advice of a panel of academic specialists. All selections by the Commissioner are subject to review and final approval by the Board of Foreign Scholarships in accordance with "The Policy Statements of the Board of Foreign Scholarships," December, 1972.

(b) The Commissioner will forward the approved proposals through the Department of State to the appropriate binational commission or U.S. diplomatic mission abroad for recruitment of consultant candidates who meet the qualifications set forth in § 148.45 of this part.

(c) The Commissioner will forward the names of approved consultant candidates to the applicant institution for its selection of a preferred individual.

(22 U.S.C. 2452(b) (6), 2456)

§ 148.45 Foreign Curriculum Consultant qualifications.

A foreign curriculum consultant must:

(a) Have at least five years of experience as an educator in modern foreign languages or area studies and appropriate related experience in curriculum planning and development, preparation of teaching materials, and training of teachers;

(b) speak English fluently;

(c) be willing to apply for and receive an exchange visitor visa; and

(d) possess any special qualifications set forth in the applicant institution's proposal.

(22 U.S.C. 2452(b) (6))

§ 148.46 Award provisions.

(a) Grant funds under this part will be used only on or after the effective date of the grant and only for the following:

(1) round-trip international travel by economy air, for the consultant only, from the consultant's home country to the location of his assignment via Washington, D.C., to be arranged by the grantee institution;

(2) unaccompanied baggage allowance for a total of 300 pounds per round-trip from the consultant's home country to the location of his assignment;

(3) health and accident insurance, for the consultant only, under a U.S. Government contracted group insurance policy, to be arranged by the grantee institution;

(4) a $500 per month maintenance allowance; and

(5) an allowance for accompanying dependents provided at the rate of $150 per month for the first accompanying dependent and $50 per month for each additional accompanying dependent.

(b) The Foreign Curriculum Consultant Program is a cost-sharing program. The grantee institution will be responsible for providing for the consultant from other than grant funds:

(1) a $500 per month maintenance allowance;

(2) travel costs within the United States incurred by the consultant in connection with his assignment; and

(3) any other financial or other assistance which the consultant may need, due to unusual circumstances, in order to maintain a reasonable standard of living during his assignment.

(22 U.S.C. 2452(b) (6), 2454(e) (1))

Subpart F—Special Provisions

§ 148.51 Financial reports and refunds.

(a) Within 90 days after the expiration of a grant under this part, a grantee must submit a final financial report to the Commissioner reflecting the budget, budget adjustments, expenditures, and unexpended balance of funds with respect to each item of expenditure as listed in the grant agreement.

(b) United States dollar grant funds which are not expended as of the date of the final financial report must be returned by a check made payable to the United States Office of Education and shall be forwarded with a copy of the final financial report.

(c) Foreign currency grant funds which are not expended as of the date of the final financial report shall be returned either in cash or by check to the appropriate United States embassy or consulate abroad. Evidence of refunds made to embassies or consulates must be included with the final financial report submitted to the Commissioner.

(20 U.S.C. 1232c)

§ 148.52 Cost limitations.

(a) Maintenance allowances may not be provided in excess of the amount shown in the grant agreement budget or the maximum maintenance rates and allowances as determined by the Commissioner, whichever is lower.

(b) Foreign currency funds budgeted for international travel and baggage may not be transferred to any other use.

(20 U.S.C. 1232c)

§ 148.53 Equipment.

Equipment may not be purchased with funds granted under this part unless authorized by the grant agreement or approved or directed by the Commissioner in writing through an amendment to the grant agreement.

(20 U.S.C. 1232c, 22 U.S.C. 2452(b) (6))

§ 148.54 Conduct abroad of individual participants.

(a) All U.S. participants going abroad under a grant authorized under this part will be furnished a statement prepared by the Board of Foreign Scholarships which sets forth the rights and obligations of American grantees and participants. Such participants shall be expected to adhere to the standards set forth therein and to comply with the legal and moral standards of the host country. Failure to do so may result in the revocation or termination of benefits under the grant.

(b) Revocation or termination of a grant may be made for misconduct including, but not limited to, the following:

(1) Violation of the laws of the United States or the host country;

(2) acts which give offense to the host country; or

(3) work producing income unauthorized by the host country.

(c) Revocation or termination of grant benefits shall be accomplished through action of the Commissioner with the concurrence of the Board of Foreign Scholarships.

(20 U.S.C. 1232c, 22 U.S.C. 2456)

§ 148.55 International travel.

(a) All international travel under programs covered by this subpart must be specifically approved by the Commissioner. At least six weeks in advance of a departure for a foreign country, a grantee must furnish the Commissioner with the name of the traveler, his itinerary, and the name of the air carrier to be used.

(b) A traveler shall not depart for a foreign country without the appropriate visas for carrying out his proposed project.

(c) After travel has been approved by the Commissioner, a grantee or its authorized representative will make all arrangements for travel including obtaining airline tickets.

(d) International travel costs may not exceed jet economy airfare via the most direct route for the approved itinerary. All travelers must use United States flag airlines if available.

(20 U.S.C. 1232c, 22 U.S.C. 2452(b) (6))

§ 148.56 Payment procedures for grants payable in foreign currencies.

For grants payable in foreign currencies, a grantee's designated representative will be authorized to receive funds from the United States embassy or consulate in the host country and will have the responsibility for accounting for and reporting the use of all funds to the embassy or consulate and the grantee. A designated representative shall receive foreign currency funds at the prevailing rate of exchange available to the embassy or consulate on the date of payment in the equivalent of the U.S. dollar amount specified in the grant agreement.

(20 U.S.C. 1232c)

APPENDIX

GUIDELINES

Mutual Educational and Cultural Exchange Act of 1961 Section 102(b) (6)

Higher Education Programs in Modern Foreign Language and Area Studies

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Chapter I—Introduction

Part 1—Scope of Guidelines

§ 1.1 *Scope of guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to assistance under the Mutual Educational and Cultural Exchange Act of 1961, section 102(b)(6). The legal requirements include the Act itself (22 U.S.C. 2451-58) and the regulations (45 CFR 148). The guidelines are not to be construed as requirements. However, where the guidelines set forth permissible means of meeting a legal requirement, the guidelines may be relied upon.
(22 U.S.C. 2451; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (5th Cir., 1966))

(b) Where a guideline is issued in connection with or affecting a provision of the regulations, the pertinent regulation will be cited after the citation of the legal authority for the guideline in the parentheses following the guideline. For example, if the legal authority for the guideline is section 102(b)(6) of the Act (22 U.S.C. 2452(b)(6), and the guideline affects § 148.33 of the regulations (45 CFR 148.33), the following citation will be placed on the line immediately following the guideline: (22 U.S.C. 2452 (b)(6); 45 CFR 148.33). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made (20 U.S.C. 1232(a))

Chapter II—Doctoral Dissertation Research Abroad and Faculty Research Abroad

Part 2—Institutional Program Administration

§ 2.1 *Designation of institution representative.*

(a) The initial step for an eligible institution which intends to apply for Doctoral Dissertation Research Abroad or Faculty Research Abroad fellowships should be the designation by the institution of an official to serve as institution representative.

(b) The representative should be the dean of the graduate school or a faculty member who possesses a broad knowledge of the fields of modern foreign languages or area studies. (22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.16, 148.22, 148.26)

§ 2.2 *Responsibilities of the institution representative.*

The institution representative should assume responsibility for:

(1) requesting individual application packets from the Division of International Education, Office of Education, Washington, D.C. 20202,

(2) informing potentially eligible students and faculty members about the programs;

(3) distributing application packets to potentially eligible students and faculty members;

(4) setting a campus deadline for receipt of individual applications;

(5) screening the applications in accordance with program eligibility requirements as well as technical and academic standards set by the institution;

(6) signing all recommended applications on behalf of the institution;

(7) submitting recommended applications to the Office of Education;

(8) administering the grant after the award is made.

(22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.16, 148.22, 148.26)

Part 3—applications

§ 3.1 *Application procedures.*

(a) Individual applications should be prepared according to materials available from the Division of International Education. No overall institutional proposal is required.

(b) If an institution forwards applications for more than one candidate, any preference as to priority should be indicated. Any ranking procedure should be summarized in a memorandum of transmittal accompanying the submission of the recommended applications.

(c) To facilitate negotiations between the institution and the Commissioner, each individual application should contain the (22 U.S.C. 2452(b)(6); 45 CFR 148.12, 148.22) name, address, and telephone number of the institution representative and of the contracting official of the institution.

Part 4—Project Review

§ 4.1 *Sensitive topics.*

Awards are not made for research topics which are determined to be politically sensitive in the host country. If an individual candidate anticipates any problem with the political acceptability of the proposed project or of the techniques required to carry it out, at least one alternative project outline should be submitted with the original application. If a candidate presents only one topic which is subsequently determined to be politically sensitive, time may not permit the development of an acceptable substitute.
(22 U.S.C. 2452(b)(6); 45 CFR 148.14, 148.15, 148.24, 148.25)

Part 5—Personal References

§ 5.1 *Faculty Research Abroad applicants.*

Each individual faculty applicant should obtain from his dean or other qualified university official a personal reference and project endorsement to provide judgments on the following:

(a) applicant's professional competence;

(b) applicant's emotional stability, personality, and maturity;

(c) relevance of the applicant's project to the institution's plans for developing its modern foreign language and area studies program;

(d) method by which the institution will utilize applicant's experience after his return, and;

(e) feasibility of applicant's project based on his capabilities and availability for an award.

(22 U.S.C. 2452(b)(6); 45 CFR 148.24)

Part 6—Insurance

§ 6.1 *Faculty Research Abroad fellows.*

Each institution should ensure that its Faculty Research Abroad fellows will be covered by health and accident insurance while taking part in their projects. They may enroll under the U.S. Government-contracted group insurance policy.

(22 U.S.C. 2452(b)(6); 45 CFR 148.26)

Chapter III—Group Projects Abroad

Part 7—Types of Eligible Projects

§ 7.1 *Summer seminars.*

(a) Summer seminars for faculty and/or students may be designed to help integrate international studies into an institution's general curriculum. Seminars may focus on a comprehensive study of a culture or particular aspects of the culture.

(b) Seminar plans may include travel within a country of study where needed to supplement formal instruction at the principal project site in such country.

(c) A U.S. institution may enter into arrangments with foreign institutions for the use of such institutions' instructional facilities and for other forms of assistance.

(d) Seminars of less than 6 weeks' duration will seldom be approved.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.2 *Curriculum development teams.*

Teams composed of several faculty members (who may be accompanied by selected graduate students) may spend a period of time, normally 2 to 12 months, in a foreign country or region to acquire resource materials for curriculum development in the foreign language and area studies programs of their U.S. institution. Such materials may include artifacts, books, documents, educational films, museum reproductions, recordings, and other instructional materials. Proposals should indicate plans for the systematic utilization and dissemination of the materials in the United States.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.3 *Group research or study.*

(a) Group research or study may be undertaken in a foreign country or region for a period, normally 2 to 12 months, by scholars and advanced graduate students selected by a U.S. institution. The U.S. institution should make arrangements for guidance, training, and maintenance abroad as well as for any clearances or affiliations necessary for conducting such research or study in the host country.

(b) Proposals to carry out research should provide evidence that participants possess the requisite language proficiency to conduct the research and that the disciplinary competence of the participants is correlated with their research topics.

(c) Participants in projects of a semester or more should have completed a minimum of one full semester of intensive language training and at least one course in area studies relevant to the project.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.36)

§ 7.4 *Summer intensive language programs.*

(a) Summer programs in non-Western languages may normally be assisted for a period of 8 to 12 weeks.

(b) Languages taught in such programs must be indigenous to the host country. While cultural orientation programs may be utilized as part of the language training, such activities should be clearly subordinated to intensive instruction in the language.

(c) Programs administered by university consortiums which serve students recruited on a nation-wide basis will receive preference.

(d) Students participating in such programs should be prepared to enter language courses at the advanced level.

(e) Maximum use should be made of the host country's instructional personnel. Participation of U.S. academic personnel should be limited essentially to administrative and professional planning functions such as those inherent in the role of a program director.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.34)

§ 7.5 *Academic year intensive language programs.*

(a) Academic year intensive language programs may be assisted, normally for 9 to 12 months, in such critical non-Western languages as Chinese and Japanese.

(b) Programs administered by university consortiums which serve students recruited nation-wide will receive preference.

(c) At least 90 percent of the instructional time in such a program should be spent in language training.

(d) Program participants should have a minimum language proficiency equivalent to that normally achieved after 2 years' language study at the college level.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.34)

§ 7.6 *Summer seminars related to domestic ethnic heritage programs.*

(a) Summer seminars and workshops abroad related to domestic ethnic heritage programs which focus on the overseas origins of ethnic groups in the United States may be assisted, normally for periods of 8 to 12 weeks.

(b) Participants should be primarily elementary and secondary school teachers and curriculum supervisors engaged in conducting or planning ethnic studies programs.

(c) Participants from school systems containing a large concentration of students from the ethnic groups whose geographical origins are to be studied are encouraged to apply.

(d) Projects submitted by school systems should be planned cooperatively with U.S. colleges or universities having programs of established excellence in international and/or intercultural studies.

(22 U.S.C. 2452(b)(6); 45 CFR 148.31, 148.33, 148.34)

Part 8—Applications

§ 8.1 *Appplication procedures.*

Project proposals should be prepared according to materials available from the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6); 45 CFR 148.32)

Part 9—Insurance

§ 9.1 *Health and accident insurance.*

Each institution should ensure that its Group Projects Abroad participants will be covered by health and accident insurance while they are taking part in their project. They may enroll under a U.S. Government-contracted group insurance policy.

(22 U.S.C. 2452(b)(6); 45 CFR 148.36)

Chapter IV—Foreign Curriculum Consultants

Part 10—Types of Activities

§ 10.1 *Duties of a consultant.*

(a) A Foreign Curriculum Consultant may provide an institution with a wide variety of services. These may include:

(1) review of textbooks and other educational materials;

(2) evaluation of library holdings and recommendations for new acquisitions;

(3) preparation of new instructional materials for use in the classroom;

(4) development of new units of study;

(5) conduct of demonstration classes and workshops for teachers;

(6) speaking at community functions; and

(7) teaching (normally not to exceed one regular classroom course per semester).

(b) The particular needs of each applicant determine the types of activities to be performed by the consultant. These needs should be stated explicitly and fully in the application.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41, 148.42)

Part 11—Applications

§ 11.1 *Application procedures.*

Formal proposals should be prepared in accordance with materials available from the Division of International Education, Office of Education, Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6); 45 CFR 148.42)

Part 12—Reports

§ 12.1 *Institutional report.*

Each grantee should submit a final program report which specifically describes the consultant's contribution to the improvement of modern foreign language and area studies at the institution. Matters such as the following should be discussed or included in the report:

(1) the degree to which the objectives stated in the project proposal have been achieved;

(2) the formal program or workload of the consultant;

(3) specific objectives set for the consultant to strengthen the sector of the educational program with which the consultant was primarily concerned;

(4) concrete evidence of the value of the consultant's contribution;

(5) description of a typical day or week of the consultant's activity;

(6) evidence of any stimulus to learning among students to whom the consultant was exposed;

(7) acknowledgement of the worth of the consultant's endeavors from teachers, supervisors, community leaders, etc.;

(8) examples of correction of misconceptions among students with regard to the consultant's own country or region;

(9) evidence of strengthened language capability or classroom instruction;

(10) examples of new teaching materials that the consultant produced or helped to produce;

(11) significant quotes by the consultant or Americans concerning the consultant's activities; and

(12) photographs of the consultant at work or engaged in community affairs.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41)

§ 12.2 *Consultant reports.*

Consultants are normally asked to make two progress reports on their activities. The reports should be submitted in December and March of the academic year. The types of materials that might be included in these reports are those listed in items (2) through (10) of § 12.1 above.

(22 U.S.C. 2452(b)(6); 45 CFR 148.41)

[FR Doc.75-19490 Filed 7-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11354]

AIRWORTHINESS DIRECTIVES

Britten Norman BN-2 and BN-2A Series Airplanes; Withdrawal of Proposed Rulemaking

Rulemaking

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and rework as necessary of the Jo-bolts in the engine mounting frame brackets of Britten Norman BN-2 and BN-2A airplanes was published in 36 FR 17512.

Upon further consideration, the FAA has determined that loose Jo-bolts in the engine mounting frame brackets do not exist to the extent originally believed. Therefore the AD is not required at this time since there has been no service experience to warrant such action.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, and purusant to the authority delegated to me by the Administrator (14 CFR Part 11), the proposed airworthiness directive published in the Federal Register on September 1, 1973 (36 FR 17512), is hereby withdrawn.

Issued in Washington, D.C. on July 22, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19439 Filed 7-25-75;8:45 am]

[14 CFR Part 39]

[Docket No. 14815]

ROLLS-ROYCE DART ENGINES

Notice of Proposed Rule-Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls-Royce Dart engines. There have been instances in service where failure of the flame tube suspension system in Rolls-Royce Dart engines has caused overheating of the turbine rotors resulting in uncontained rotor disc failures. Since this condition is likely to exist or develop in other engines of the same type

design, the proposed airworthiness directive would require that affected Dart engines be periodically inspected for flame tube suspension wear in the liner and pins and that excessively worn parts be replaced with serviceable parts before further flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W. Washington, D.C. 20591. All communications received on or before August 27, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed 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 of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS-ROYCE (1971) LIMITED. Applies to Dart engines Series 528, 529, 532, and variants featuring Modifications 748, 1243, 1244, 1432, 1448, or 1607 used on but not limited to Fokker F-27 Marks 200, 400, 600; Fairchild F-27A, F-27F, F-27G, F-27J, F-27M, FH-227, FH-227B, FH-227C, FH-227D, FH-227E; Hawker Siddeley H.S. 748 Series 2A; and Grumman G-159 aircraft.

Compliance is required within the next 500 hours engine time in service after the effective date of this AD, unless already accomplished in the previous 1000 hours, and thereafter as indicated.

To prevent excessive wear in flame tube liners and suspension pins that may result in loss of flame tube support causing overheating of turbine rotors and uncontained rotor disc failures, accomplish the following:

(a) Inspect the flame tube liner and suspension pin for wear in accordance with the instructions contained in paragraph 4D of Rolls-Royce Dart Alert Service Bulletin Da 72-A413, dated May 2, 1975, (hereafter Rolls-Royce Bulletin 72-A413), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa & Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

(a) If, as a result of an inspection required by this AD, flame tube liner or suspension pin wear is found to exceed the limits given in paragraph 4A.2 of Rolls-Royce Bulletin 72-A413, or an FAA-approved equivalent, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the affected part with a serviceable part and reinspect in accordance with either paragraph (c) or (d) of this AD.

(c) If, as a result of an inspection required by this AD, suspension pin and flame tube liner wear is in excess of 0.030 inches on any one flame tube of an engine in the fleet, determine the flame tube running time since the engine was new or overhauled and establish a fleet reinspection time-interval in accordance with the instructions in paragraph 4A.3 and 4A.4 of Rolls-Royce Bulletin 72-A413, or an FAA equivalent approved as in paragraph (a) of this AD.

(d) If as a result of an inspection required by this AD, suspension pin and flame tube liner wear on all engines in the fleet is within the limits given in Rolls-Royce Bulletin 72-A413, reinspect in accordance with paragraph (a) of this AD at intervals not to exceed 1500 engine hours time in service from the last inspection.

Issued in Washington, D.C. on July 21, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-19440 Filed 7-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20550; FCC 75-849]

EMPLOYMENT POLICIES AND PRACTICES OF BROADCAST LICENSEES

Nondiscrimination

1. *Notice of Inquiry and Notice of Proposed Rulemaking* is hereby given in the above-captioned matter, relating to the Commission's policies concerning nondiscrimination in the employment policies and practices of broadcast applicants subject to the provisions of Sections 73.125, 73.301, 73.599, 73.680, and 73.793 of our rules.

2. The Commission has conducted a thorough review of its rules, policies and compliance review procedures as they relate to non-discrimination in the employment policies and practices of broadcast licensees and permittees. Our preliminary findings indicate that our non-discrimination rules are fairly comprehensive and, thus, need little—if any—modification. We are also of the opinion, however, that our Equal Employment Opportunity Program guidelines as embodied in Section VI of our various broadcast application forms fail to adequately describe and exemplify the measures which broadcasters should undertake to promote the full realization of equal opportunity in employment for all qualified individuals. Our purposes in initiating this proceeding are, therefore, threefold:

First, to give further assurance to broadcasters and the public that we regard equal employment opportunity as an important aspect of our regulatory function to see that broadcast stations operate in the public interest;

Second, to propose changes in our rules and procedures which will make enforcement more effective without unnecessarily increasing the record keeping and reporting burdens on licensees; and

Third, to clarify our policy that equal employment programs must be active and affirmative, not merely passive or nondiscriminatory.

BACKGROUND

3. To place this proceeding in proper perspective, a brief review of the development of our non-discrimination rules may prove helpful. On July 3, 1968, we set forth our view that discriminatory employment practices by broadcasters are incompatible with operation in the public interest. *Nondiscrimination in Employment Practices of Broadcast Licensees*, 13 FCC 2d 766 (1968). We, therefore, announced our intention to act upon substantial complaints of discrimination, either directly or indirectly. *Id.* at 772. We also instituted a rulemaking proceeding to explore the questions of: (i) whether our basic nondiscrimination policy should be embodied in a rule; and (ii) whether a showing of compliance should mandatorily be posted in employment offices and placed on employment application forms. *Id.* at 773.

4. Thereafter, on June 4, 1969, we adopted rules not only forbidding discrimination on the basis of race, color, religion or national origin but, also, requiring that ". . . equal opportunity in employment . . . be afforded by all licensees or permittees . . . to all qualified persons." *Nondiscrimination Employment Practices of Broadcast Licensees*, 18 FCC 2d 240 (1969). In this respect, equal opportunity was to be assured by the development of a program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Pursuant to the terms of the program, each broadcaster was required to:

(a) Place responsibility at management levels and establish review procedures as to managerial and supervisory performance;

(b) Let employees and employee organizations know of the program and enlist their cooperation;

(c) Communicate the program and employment needs to sources of qualified applicants and solicit their recruitment assistance;

(d) Continuously campaign to exclude employment discrimination from personnel policy, personnel practices and working conditions; and,

(e) Continuously review job structure and practices and actively recruit and train as needed to insure full participation in organizational units, occupations and levels of responsibility.

5. We also issued a *Further Notice of Proposed Rulemaking*. *Id.* at 249. In this *Further Notice* we requested comments with respect to a proposed annual employment reporting requirement. We also requested comments concerning a proposed requirement for the preparation of written equal employment opportunity programs to be furnished in applications for construction permits, assignments or transfers, and renewals of licenses. These proposals were to be applied to broadcasters with five or more full time employees and were designed to provide statistical data on the employment profile of each station to insure that stations focus on the best method of assuring effective equal opportunity practices, taking due account of such factors as

station size and location as well as the demographic makeup of the area.

6. Thereafter, on May 20, 1970, we adopted a rule requiring each licensee and permittee of a commercially or noncommercially operated AM, FM, TV or international broadcast station with five or more full time employees to file with the Commission, on or before May 31 of each year, an annual employment report, (FCC Form 395), setting forth a statistical breakdown of minority employees (Blacks, Orientals, American Indian, Spanish Surnamed Americans) in nine job categories. *Nondiscrimination Employment Practices of Broadcast Licensees*, 23 FCC 2d 430 (1970). We also adopted a rule requiring such stations to file with the Commission a written equal employment opportunity program. In this respect, we set forth various guidelines for stations to follow in developing such a program through the adoption of a supplement (Section VI) to our application forms—FCC Forms 301, 303, 309, 311, 314, 315, 340 and 342.

7. In our May, 1970 action we also added "sex" to the impermissible bases of discrimination already contained in our rules. Moreover, the annual employment report was revised to show male-female breakdowns among the nine job categories and the designated racial minorities which we believed were in most need of assistance in achieving equal employment. We declined at that time to add details on female employment to the equal employment opportunity program reporting requirement. Some eighteen months later, however, we did amend Section VI to require broadcasters to develop equal employment opportunity programs for women as well as minorities. *Equal Employment Program*, 32 FCC 2d 709 (1971); *Equal Employment Program*, 32 FCC 2d 831 (1971).

8. Initially, our review activity focused on an evaluation of each broadcaster's equal employment opportunity program to determine whether it addressed itself to specific practices to assure nondiscrimination in recruitment, selection and hiring, placement and promotion, and in other areas of employment practices in accord with the guidelines set forth in Section VI of our forms. By mid-1972, however, broadcasters had filed two annual employment reports, permitting some tentative comparisons of the profiles of stations between 1971 and 1972. Under a processing standard developed in 1972, and based on review of the annual employment reports, we began directing letters of inquiry to stations requesting further information concerning their employment policies and practices if: (i) they employed no women, or showed a decline in the number of women employees from one annual employment report to the next; or (ii) being located in areas with five percent or more of a minority population, they employed no minorities or showed a decline in minority employees between reporting periods. This standard has been applied only to stations with more than ten employees. Moreover, this standard was developed to determine whether further action would be necessary to effectuate equal employment opportunity for minorities and women. *Equal Employment Opportunity Inquiry*, 36 FCC 2d 515 (1972).

9. Based on our compliance review activities we have observed that a high annual rate of job turnover is exhibited by many of the stations receiving letters of further inquiry. Further, our inquiries also revealed that relatively poor minority and female employment profiles sometimes persisted even where a substantial number of vacancies occurred annually.

10. Moreover, we have observed that many stations apparently have a faulty understanding of what is meant by a "positive continuing program of specific practices"—i.e., an affirmative action program. Some broadcasters, in this respect, seem to believe that a relatively passive policy of merely avoiding overt discrimination is sufficient. E.g., *Employment Policies and Practices—Florida*, 44 FCC 2d 735 at 736–7 (1974). Apparently, we have not made it clear that an equal employment opportunity program must be active and affirmative. Practices and procedures neutral on their face "cannot be maintained if they operate to freeze the status quo or perpetuate prior discriminatory employment practices." *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971).

11. In a series of orders, we have attempted to clarify the nature of a broadcaster's duty with regard to equal employment opportunity. Examples of these orders are as follows: *Leflore Broadcasting Co., Inc.* 46 FCC 2d 980 (1974) (license renewals set for hearing, in part, on employment issues); *Inquiry Into the Employment Policies and Practices of Certain Broadcast Stations Located in Florida*, 44 FCC 2d 735 (1974) (conditionally renewing a host of licenses subject to stringent reporting requirements on affirmative action program implementation); *Bob Jones University, Inc.*, 42 FCC 2d 522 (1973) (granting short term renewal and imposing reporting requirements). We have also imposed detailed reporting requirements where, on the basis of the data before us, we could not be certain that a program complied with our rules. See, e.g., *License Renewals for Philadelphia, Pa.*, FCC 75-509 (released May 16, 1975).[1]

12. An accumulation of such remedial orders, representing *ad hoc* responses to specific grievances, might eventually make clear what we expect of broadcasters in developing programs of specific practices designed to assure equal employment opportunities for minorities and women. We cannot afford, however, to prolong the current confusion in the industry or to exacerbate the frustrations felt by many women and minority groups. Since past failures of compliance may be partly the fault of the Commission by not completely clarifying its intent, we prefer to submit this statement for general comment.

POLICY CLARIFICATION

13. The United States Commission on Civil Rights, in a recent report, entitled *The Federal Civil Rights Enforcement Effort—1974*, noted that the Commission was the "* * * only regulatory agency to act to eliminate employment discrimination by its * * *" regulatees. That Commission also noted, however:

The FCC's guidelines defining the elements of the affirmative action programs required of * * * [its broadcast regulatees] lack specificity and are not result oriented.

14. As noted above, the Commission's rules embody two concepts: nondiscrimination and affirmative action. Nondiscrimination applies to all persons. Thus, no person may be denied employment or related benefits on grounds of race, color, religion, national origin or sex. Affirmative action, however, requires more than mere employment neutrality. It calls upon broadcasters to make additional efforts—to engage in a positive, continuing program of specific practices—to assure equal employment opportunity with regard to recruiting, hiring, training, promotion and other personnel actions.

15. In its simplest terms, therefore, an affirmative action plan is a set of specific and result oriented procedures which broadcasters must follow to assure that minorities and women are given equal and full consideration for job opportunities. The essential elements of such a program are embodied in Sections 73.125, 73.301, 73.599, 73.680 and 73.793 of our rules, all of which read identically. Subsection (a) of these rules provides, in substance, that each broadcaster shall provide equal opportunity in employment to all qualified individuals, and that no person shall be discriminated against in employment because of race, color,

[1] Such reporting requirements have included:

A list of all persons promoted in the last twelve (12) months, indicating race and sex, the job title formerly held and the job title of the present position.

Copies of the (a) job requisition form, if used, (b) application form, (c) performance evaluation form, and (d) position descriptions for at least three full time and two part time positions.

A detailed description of the station's efforts to broaden the pool of applicants so that qualified women and minorities will have an equal chance to be considered for employment and promotion.

A narrative statement describing the station's continuing review and analysis of all personnel policies and practices, so as to assure the ". . . equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility" called for by Sections 73.125(b)(5), 73.301(b)(5) and 73.680(b)(5) of the Commission's Rules.

A job structure analysis, set forth as a list of all position titles within each FCC Form 395 job category (e.g., Officials and Managers, Professionals, Technicians, etc.) and, under the applicable FCC Form 395 category, listing each job title, ranked from the highest paid to the lowest paid and identifying the number of incumbents by race and sex.

A list of all persons hired during the last twelve (12) months indicating their job title, date of hire, race and sex.

religion, national origin or sex. A basic element, and the starting point for developing an effective employment program, therefore, is a reaffirmation of each broadcaster's equal employment opportunity policy with respect to recruitment, evaluation, selection, promotion, compensation, training and termination. Therefore, each broadcaster's program should set forth at the outset its policy and commitment with respect to the national goal of eliminating discrimination and fostering equal employment opportunity.

16. In developing a positive, continuing program of specific practices to assure equal opportunity in employment, subsection (b)(1) of our rules requires each broadcaster to "[d]efine the responsibility of each level of management to insure a positive application and vigorous enforcement of * * * [its] policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance." Accordingly, the second element in developing an Equal Opportunity Program consistent with our rules is identification of the individual(s) responsible for administration and implementation of the broadcaster's policy. Where several individuals may make employment decisions, the broadcasters must also develop a procedure to insure that their employment decisions are not based on discriminatory factors, no matter how inadvertent.

17. Subsection (b)(3) provides that each broadcaster should make reasonable efforts to "[c]ommunicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis." Accordingly, an objective of any equal employment opportunity policy and program should be to assure that employees and prospective employees are aware that the broadcaster is an equal opportunity employer and does not discriminate against any individual because of his or her race, color, religion, or national origin. Each broadcaster's program should therefore, in some manner, describe its efforts to communicate its policy to employees and prospective employees. In addition to other outreach techniques described herein, this requires the posting of notices advising employees and applicants of the broadcaster's policy and of their employment rights if they believe they have been the victims of discrimination.

18. In addition to the major objective of broadening a station's pool of applicants so that qualified minorities and women have an equal chance to be considered for employment, a broadcaster's equal employment program must be designed to assure that such persons are placed and promoted in a nondiscriminatory manner. In this regard, each broadcaster's equal employment program should set forth the outreach techniques it uses to solicit for consideration minority and women applicants. To assure that minorities and women are given due consideration for promotional opportunities, the broadcaster's program must also contain a description of any efforts undertaken to foster the advancement of minorities and women in the organizational structure. Closely connected with this aspect of the broadcaster"s policy are the training efforts—both internal and external—which may be undertaken to qualify minorities and women for jobs. A broadcaster's equal employment opportunity program should, therefore, also contain a description of any training it has undertaken to upgrade the skills of minorities and women. We expect that the scope of the program will vary with the size of the station, the nature of the community and the composition of the work force.

19. Subsection (b)(4) of our rules provides that each broadcaster should "[c]onduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex, from the station's personnel policies and practices and working conditions." The broadcaster's total employment system and each major element of the personnel process must be analyzed to assure that none of the policies and procedures relating thereto, regardless of how neutral they appear, have an unreasonable, adverse effect on minorities and women. For example, an applicant should examine the effectiveness of its recruitment sources to determine whether sufficient qualified minority and female applicants are being referred. Those sources which are not providing the needed service should be eliminated and new sources developed. In this regard, there are numerous out-reach techniques which can be used to increase minority and female applicants. Some of the least expensive and more productive measures broadcasters may choose to follow are:

(a) Establish and maintain contact with counselors and principals of schools in the local area, particularly schools with large minority and/or female enrollment. Make known the kind of education and training needed to qualify for broadcast jobs and encourage students to take courses to qualify for these jobs.

(b) Investigate possibilities for part-time work study programs and summer job programs which can provide motivated, qualified employees.

(c) Utilize minority and female employees as interviewers and staff in the personnel function, on recruitment visits to schools and colleges, as participants in "Career Days," Job Fairs and other community contacts.

(d) Build an image through advertising that the broadcasting station provides various jobs with futures for all qualified applicants.

(e) Maintain a file of minority and female applicants not hired who are potential candidates for future openings; contact these candidates when an opening occurs.

20. Subsection (b)(5) provides further that each broadcaster must "[c]onduct [a] continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station." In other words, the broadcaster must determine whether qualified minorities and women are employed on its work force in some reasonable relationship to the numbers in the local labor market.[2] Thus, each broadcaster's equal employment opportunity program should set forth data on the percentages of minorities and women in the local work force (or, in the alternative, in the local population if work force data is not available) and updated information relative to the broadcaster's own employment profile. In this latter respect, we are of the tentative conclusion that each station with less than 50 full-time employees (or perhaps 25) should submit an updated Annual Employment Report with its application if there has been a change in its employment profile since the filing of its last Report. For stations with 50 or more full-time employees, we believe that their work force survey should consist of an exhibit showing a list of all job titles within each FCC Form 395 category and showing the number of incumbents who are male, female, Black, Spanish-surnamed American, American Indian and Oriental. Based on these data, the broadcaster should compare the number of minorities and women on its own work force to their numbers in the local labor market to determine whether such persons are reasonably represented in its employment system. If there is a substantial incongruence in the proportion of minorities and women in the station's work force and their availability in the local labor pool area, then each broadcaster should in its equal employment opportunity program describe the measures or steps it will follow to assure equal employment opportunity.

21. Attached is a sample program which includes the elements which we feel are necessary to develop and carry

[2] Generally speaking, where a station is located in a Standard Metropolitan Statistical Area, we will consider the S.M.S.A. as the labor market. In this situation, the necessary data may be obtained from state employment agencies' "Manpower Information for Affirmative Action Programs," which is available in most localities. The specific figures generally shown in Tables I and II in those releases can be used in the analysis of population and work force availability. Where a station is not in a S.M.S.A., city or county figures will suffice. The publications "General Population Characteristics" and "General Social and Economic Characteristics" should provide the required information. They are in the PC(1)-B and PC(1)-C series of State reports of the U.S. Bureau of Census' *U.S. Census of Population: 1970*, obtainable from any Department of Commerce Field Office.

[3] It is possible, of course, that a disparity may result from factors other than discrimination. The licensee should explain any special circumstances in his equal employment opportunity program which is filed with the Commission.

out an effective Equal Employment Opportunity Program in accordance with Sections 73.125, 73.301, 73.599, 73.680 and 73.793 of our rules. Comments are invited on this program and whether it should be adopted as an amendment to or rather in lieu of Section VI of FCC Forms 301, 303, 309, 311, 314, 315, 340 and 342. Additionally, in view of the Commission's limited resources, and in view of the limited number of job opportunities available at smaller stations, we are of the tentative view that the most feasible course of action for the Commission to follow is to focus our efforts on stations which provide the greatest number of employment opportunities. We, therefore, request comments on whether our rules should be amended to provide that only broadcasters with ten (or perhaps fifteen) fulltime employees need submit a written equal employment opportunity plan. While the number of stations exempted from filing will be increased under our proposal, all stations are required to adhere to the principals of non-discrimination. We propose to retain the prerogative, therefore, to require any exempted station in appropriate instances to develop and submit equal employment opportunity plans.

ENFORCEMENT AND MONITORING

22. Generaly speaking, we will recognize that the development of an Equal Employment Opportunity Program containing the foregoing elements manifests an intent to comply with our rules. The adequacy of such programs will, of course, be subjected to review by the Commission to determine whether each broadcaster is following personnel policies and practices designed to promote the full realization of equal opportunity in employment for minorities and women.

23. Both the Commission and the courts have recognized that non-proportionate minority and female employment—standing alone—does not necessarily evidence discrimination requiring administrative action. Thus, in *Stone* v. *F.C.C.*, 466 F. 2d 316, *rehearing denied*, 466 F. 2d 331 (1971), the court noted that disproportionate minority employment was in a zone of reasonableness in light of the licensee's affirmative recruitment practices. Conversely, "* * * a disparity that is reasonable in light of a recruitment policy might not be reasonable in its absence." *Bilingual Bicultural Coalition of Mass Media, Inc.* v. *F.C.C.*, 492 F. 2d 656 (D.C. Cir. 1974). In this regard; it should be noted that such a "zone" is not static and that continued operation of an affirmative action plan should result in additional employment opportunities for minorities and women.

24. Thus, to demonstrate that its employment profile is within a zone of reasonableness, each broadcaster's Equal Employment Opportunity Program must show that it has and will continue to follow personnel policies and practices designed to assure that all qualified individuals, including minorities and women, are being given full consideration for available job opportunities. Where there is a disparity in minority and female employment that is reasonable in light of the broadcaster's Equal Employment Opportunity Program further administrative action by way of an evidentiary hearing or otherwise would appear unwarranted. A substantial disparity in minority or female employment calls into question whether the broadcast stations is being operated in the public interest. Where it appears that the broadcaster has followed discriminatory employment practices, we will not hesitate to order a hearing to resolve any substantial and material questions of fact relating to the broadcaster's employment policies and practices. We trust that most cases will not proceed to such extremes. We expect, in this regard, that most deficiencies will be traceable to faulty Equal Employment Opportunity Programs and that these deficiencies can be corrected by remedial orders. Since we have given licensees considerable guidance in preparing their equal employment opportunity programs, we feel constrained to caution licensees that they should be circumspect regarding the representations made in these programs. These are promises made to the Commission and any subsequent indication of deliberate deception may raise serious questions of misrepresentation or lack of candor.

25. Where it appears that a broadcaster's equal employment program is not achieving the desired results or that certain elements of its employment system are questionable, we may—as a remedial step—request more specific data by race and sex on applicant flow, hires, promotions and terminations.[4] In cases where there is a significant factual dispute, it is possible that a field investigation may be ordered. Additionally, it may be necessary in some cases to require a station to file hiring and promotion goals and timetables. A "goal" is a numerical employment objective—a target—which should be fixed realistically in terms of the number of job opportunities expected and the number of qualified minorities and women in the local labor market. A "timetable", on the other hand, is a period during which employment goals should be obtained.

26. A major objective of any equal employment program is to broaden a station's pool of applicants so that minorities and women have an equal chance to be considered for employment and promotion. Absent discrimination one would expect that in time minorities and women will be employed in some reasonable relationship to their numbers in the area. It has been recognized that factors other than discrimination may account for disparities between a station's minority and female work force and their availability. If, however, an extremely low rate of minority and female employment persists in a station's work force, or if it is apparent that a station's affirmative action programs is not having practical effects, such stations may be required to establish employment goals and timetables to increase minority and female participation on their work force.[5] In this regard, the corrective action programs we may require would call for the establishment of minority and/or female employment goals for each year of the license term.[5] When such a corrective action program is ordered the fixing of the goals and timetables would initially be left to the licensee. This is not only a virtual necessity for a realistic framework of goals and timetables, it is also consistent with the twin underpinnings of the entire broadcast regulatory scheme: licensee discretion and responsibility. However, it is our belief that projected hiring and promotion goals should be the maximum that can be realistically achieved during each year of the license term. The success of a corrective action program depends, in large measure, on setting realistic goals in terms of the number of minorities and women that can actually be hired, trained or promoted over a given period of time on taking positive, continuing steps to achieve those goals. Our assessment, in this respect, will be based on whether the licensee established meaningful goals and made substantial efforts to achieve those goals.

COMPLAINTS

27. The final remaining question relates to individual complaints of discrimination. As indicated above, in our July, 1968 statement on non-discrimination we announced our intention to act on substantial complaints of discrimination, either directly or indirectly. We propose to proceed much in the same manner. Thus, if a discrimination complaint is filed against a broadcaster who falls within the jurisdiction of a local, state or other federal agency which has primary jurisdiction over the matter, we will continue to refer those complaints to such agencies. Such complaints may, in particular cases, suggest the need for a comprehensive review of the station's overall equal opportunity performance by this Commission. Further, if the complaint falls outside the jurisdiction of a local, state or other federal agency, we propose to consider the substance of the complaint. In this regard, we propose to amend our rules to require that the complaint be filed while the alleged act of discrimination is continuing or within 180 days from the time of the alleged discrimination. Additionally, we propose to amend our rules to require that the complaint include:

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[4] See e.g., footnote 1, supra.

[5] In establishing goals there is no requirement that employees be displaced or that unneeded persons be hired. Further, as noted below many localized factors may distort the resemblance between minority/female employment percentages and minority/female labor market percentages, even in the absence of discriminatory employment barriers. These factors must be considered if the goals established are to be realistic and attainable. Accordingly, the licensee would be required to develop realistic goals and apply every good faith effort to meet those goals. Our rules prohibit preferential treatment on the basis of race, color, religion, sex or national origin.

(a) The name and the address of the complainant; as amended, comments are invited on the matters discussed above which may be incorporated in whole or in part into our rules.

31. In accordance with the procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before September 11, 1975, and reply comments on or before October 1, 1975. It is hoped that comments, either formal or informal, will be submitted by interested parties from all segments of the public, the communications bar, national and state broadcasting associations, and individual licensees. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

32. In accordance with the provisions of Section 1.415 of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished to the Commission. However, in an effort to obtain the widest possible response in this proceeding from licensees and members of the public, informal comments (without extra copies) will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 16, 1975.

Released: July 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS, *Secretary*.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

I *General Policy*

It is our policy to provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It is also our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure that the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have developed an Equal Employment Opportunity Program which includes the following elements.

II *Responsibility for Implementation*

(Name ________ Title ________), is responsible for the administration and implementation of our Equal Employment Opportunity Program. It is also the responsibility of all persons making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that the our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

III *Policy Dissemination*

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts are made:

( ) The station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, state, or federal agency, including the Federal Communications Commission, if they believe they have been the victims of discrimination.

( ) Appropriate notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify and appropriate local, state, or federal agency if they believe they have been the victim of discrimination.

( ) Other (specify)

IV *Recruitment*

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration in filling job vacancies, we utilize the following recruitment procedures:

( ) We attempt to maintain systematic communication, both orally and in writing, with a variety of minority and women organizations to encourage the referral of qualified minority and female applicants. Examples of such organizations contacted during the past twelve months are:

Organization/ Source	Number of Referrals
________	________
________	________
________	________
________	________
________	________

( ) In addition to the organizations noted above, which specialize in minority and women candidates, we deal only with employment services, including state employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services contacted during the past twelve months are as follows:

________ ________
________ ________
________ ________

( ) When we recruit prospective employees from educational institutions such recruitment efforts include area schools and colleges with significant minority and female enrollments. Educational institutions contacted for recruiting purposes during the past twelve months are as follows:

________ ________
________ ________

( ) When utilizing advertising media for recruitment purposes, help-wanted advertisements always include a notice that we are an Equal Opportunity Employer and contain no indication, either explicit or implied, of a preference for one sex over another.

( ) When we place employment advertisements in printed media some of such advertisements are placed in media which have significant circulation or are of particular interest to minorities and women. Examples of publications utilized during the past twelve months are:

________ ________
________ ________

( ) We encourage present employees, particularly minority and female employees, to refer qualified minority and female candidates for existing and future job openings.

V *Training*

( ) We provide on-the-job training to upgrade the skills of employees. Tangible benefits of such training to minority and women employees during the past twelve months may be briefly described as follows:

____
____
____

( ) We provide assistance to secondary schools or colleges in programs designed to enable minority and women graduates to compete in the employment market on an equitable basis:

Schools	*Form of Assistance*
________	________
________	________
________	________
________	________

( ) Other (specify)

____
____

VI *Availability Survey*

Based on information derived from ________, the respective minority and female population and workforce in the station's recruitment area is as follows:

[6] It has been recognized that factors other than discrimination may account for disparities, e.g., availability of particular skills among women or minority groups, the employer's capacity for special job training or recruiting, etc. Also, the rate of turnover and anticipated expansion will have a bearing on the length of time it will take to correct any significant disparity. But, whatever the basic period of measurement chosen, a review of a licensee's goals and timetables will provide a basis for comparing predicted progress with actual achievements.

[7] See attached statements of Commissioners Reid, Hooks and Quello.

	Women	Blacks	Oriental	American Indian	Spanish-surnamed
Percentage in the population					
Percentage in the workforce					

NOTE.—The above information is for: ( ) S.M.S.A.; ( ) city; ( ) county; ( ) other (specify):..........

VII *Current Employment Survey*

A. To be completed by stations with less than 50 full time employees

( ) There has been no change in our employment profile since the filing of our most recent Annual Employment Report.

( ) There has been a change in our employment profile since the filing of our last Annual Employment Report. Attached is an updated report identifying the incumbents under each FCC Form 395 job category for the two week period beginning ——— and ending ———.

B. To be completed by stations with 50 or more full time employees

( ) Attached as Exhibit No. VII B is a survey of our workforce showing a list of all job titles within each FCC Form 395 category and showing the number incumbents who are male, female, Black, Spanish-Surnamed American, Oriental, and American Indian.

VIII *Job Hires*

During the twelve month period beginning (Month—Day—Year) and ending (Month—Day—Year), we hired a total of ( ) persons of whom ( ) were minorities and ( ) were women.

( ) An analysis of our recruitment techniques and new hires suggests that a sufficient number of qualified minorities and women (are) (are not) applying for available positions.

( ) We are expanding our recruitment sources to include:

IX *Promotion*

It is our policy to provide promotions on a nondiscriminatory basis. Further, to assure that minorities and women are given due consideration for promotional opportunities, special effort is taken to encourage minorities and women to qualify and apply for advancement. During the past twelve months our policy has had the following results:

X *Effectiveness of Affirmative Action Plan*

[This section should contain a brief narrative discussion of the effectiveness of the station's efforts to ensure Equal Employment Opportunity. For example, the licensee might compare the percentage of minority employees in its own workforce with the percentage of minority persons in the licensee's labor market, also setting forth information which suggests that discrepancies which may exist are not unreasonable. The licensee may also explain any difficulties it has experienced in implementing its affirmative action plan, together with any specific steps it proposes to take to surmount these difficulties in the future.]

SEPARATE STATEMENT OF COMMISSIONER CHARLOTTE T. REID

Re: EEO

The Commission's Notice of Inquiry and Proposed Rulemaking affords me an opportunity to comment briefly on the expanding role of women in the broadcasting industry and the concomitant need for further expansion and upgrading of this role. I believe our commitment to this goal is amply demonstrated in this document which I fully support.

Since 1971, FCC figures indicate that employment of women in full-time jobs has increased from 23.5% to 25.3% (in 1974). While the raw number of women employed in broadcasting is not so impressive (30,244 out of a total of 119,586), it is noteworthy that 10,907 or 36% are in the upper-four job categories. Probably the most significant increases have been in the area of sales where women now account for 13.9% of all sales workers as compared to 8.5% in 1971. Additionally, female officials and managers have risen from 8.9% in 1971 to 14.4% in 1974.[1]

As I have stated repeatedly in speeches and articles in the past few months,[2] these statistics represent solid gains by women across the board. Many broadcasters have apparently "seen the light" in giving qualified women equal opportunity for positions.

But all is not peaches and cream. I continue to receive complaints that women are being deposited in dead-end jobs or given positions that amount to little more than glorified clerks with quasi-impressive titles. I also hear grumblings of overt favoritism toward men in hiring and promotions, and, occasionally, regarding salary. Sex-typing likewise appears commonplace, especially in smaller and medium market stations. The oft-encountered term "traffic-girl" did not arise by accident.

I fervently hope that the guidelines put forth for comment today will serve to further impress broadcasters with their obligations to afford equal opportunities in hiring, promotions, and salary to qualified[3] women as well as minorities. I believe our affirmative outreach techniques should aid the broadcaster in finding and advancing women into responsible, meaningful positions that are not simply window-dressing jobs to mollify women's groups. I will continue to do my best to monitor licensee performance in this important facet of a full equal employment program.

"I reject the monstrous theory that while a man may redeem the past a woman never can."[4]

[1] Interestingly, the proportion of all full-time women employees classified as clerical workers at commercial television stations has declined from 77% in 1971 to 63% in 1974 according to figures compiled by the Office of Communication, United Church of Christ.

[2] See, for example, my article concerning women in broadcasting in the March 31, 1975 issue of *Television/Radio Age*.

[3] I stress the word "qualified" for good reason. I agree that this word should not be construed as an 'escape hatch," as Commissioner Hooks has observed. But neither is this a command to hire women (and/or minorities) to merely beef-up numerical profiles. Employers should satisfy themselves that *all* persons hired are qualified, applying the same objective criteria to each determination.

[4] Caine, *The Eternal City*, Part VI, Chapter 18.

CONCURRING STATEMENT OF COMMISSIONER LICENSEES

In Re: Nondiscrimination in the Employment Policies and Practices of Broadcast Licenses

The Commission is to be commended for issuing this Notice of Inquiry and Notice of Proposed Rulemaking regarding nondiscrimination in the employment practices of broadcast licensees and for setting forth its view that Equal Employment Opportunity is an important aspect of our regulatory functions. Furthermore, and as noted by the U.S. Commission on Civil Rights, the FCC is the only federal regulatory agency to issue Equal Employment Opportunity rules and guidelines to its regulatees.[1] I, therefore, am pleased that the Commission has taken the leadership role among the federal regulatory agencies in this most important effort. In addition, the Commission's effort in issuing the attached Notice is an attempt to meet some of the criticisms raised by the Civil Rights Commission in that report.

I wish to point out that this Notice of Inquiry and Notice of Proposed Rulemaking is not to be confused with a Final Report and Order which will be issued after receipt and review of comments from the public and industry and various federal agencies and which will set forth in final form our policies and procedures with regard to implementing our EEO rules.

Although I concur with the Commission's action in issuing the attached Proposed Notices, I do believe in and support a broader and more definitive set of EEO guidelines on affirmative action for our licensees.

In Federal EEO law, there are two basic approaches: an affirmative action program established pursuant to Revised Order No. 4 (41 C.F.R. 60-2.1—60.2.32) to comply with Executive Order 11246, as amended, (30 Fed. Reg. 12319 (1965)); and an affirmative action program established pursuant to Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. 2000(e), *et seq.*

A principal difference between Title VII and the Executive Order 11246 approach is that the latter imposes upon Federal contractors the duty to make a self-determination as to the need for affirmative action, without resort to a judicial or agency determination. Thus, the keystone of the "affirmative action plans" which Federal contractors are required to adopt is the "self analysis" performed by the contractor. This self analysis requirement appears in regulations promulgated by the Office of Federal Contract Compliance (OFCC) of the United States Department of Labor (41 C.F.R. 60, *supra*) and requires an analysis of all major job classifications with explanation if minorities or women are currently being underutilized. Underutilization is defined to mean "having fewer minorities or women in a particular job classification that would reasonably be expected by their availability" (41 C.F.R. 60-2.11(a)).

Under Title VII, the EEOC has jurisdiction to investigate complaints, conciliate, and recommend the initiation of civil action. In cases under Title VII, the EEOC can recommend specific affirmative action as part of conciliation agreements between a charging party and respondent to remedy discrimination. In addition, when a court action has been brought charging violation of an individual's employment rights under Title VII, a court may order such affirmative action as may be appropriate (See Title VII, *supra*, Section 706(g)).

The Commission has determined to take a "Title VII" approach to its EEO programs

[1] *The Federal Civil Rights Enforcement Effort—1974*, Volume 1.

regarding the kind of program or requirements necessary under our rules, which approach is basically a "remedial" as opposed to the "self-analysis" approach of the Executive Order. I would have preferred the Executive Order type of program for our licensees in terms of the kind of affirmative action program requirements we would impose.

I support that approach for two basic reasons:

First, the Commission, itself indicated the parallel between the federal contract situation and the granting of a broadcast license in 1968 during the initial consideration of our EEO rules:

* * * In this respect—a mass media service to the public which is based entirely on a Federal license under a public interest standard—the situation clearly parallels the Federal policy in contract awards. (13 FCC 2d 766, 769 (1968)).

Second, I believe that we should allow the licensee to set his own program, determine his own deficiencies, if any, and establish his own goals and timetables, and then let this Commission determine if the licensee is within a "zone of reasonableness" based upon its geographical location and the composition of his work force. The goals and timetables would then become a measuring line for achievement and compliance, or, a "promise versus performance" mechanism. Since licensee accountability and responsibility is the touchstone of our regulatory scheme, this is the best alternative.

In addition, the self-analysis, Executive Order type program is, in my view, what is more consistent with Sections 73.125(b)(5); 73.301(b)(5); 73.599(b)(5); 73.680(b)(5) and 73.793(b)(5) of our EEO rules which require licensees in their EEO programs to:

Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

The Commission's specific actions over the past several months have taken on a "remedial approach" since we were requiring licensees to provide information and report on specific data where their EEO profiles were poor. Such data and information is set forth in the Proposed Notices and have included:

A list of all persons promoted in the last twelve (12) months, indicating race and sex, the job title formerly held and the job title of the present position; and,

A list of all persons hired during the last twelve (12) months indicating their job title, date of hire, race and sex; and,

A job structure analysis, set forth as a list of all position titles within each FCC Form 395 job category (e.g., Officials and Managers, Professionals, Technicians, etc.) and, under the applicable FCC Form 395 job category, listing each job title, ranked from the highest paid to the lowest paid and identifying the number of incumbents by race and sex.

Although these measures were needed, I believe that if licensees, of their own volition, maintained such data in their own files, and reviewed and updated such information on a regular basis, they would then be able to make their own self-analysis as to deficiencies in their EEO programs. Therefore, the Commission has been merely requiring, as a remedial measurement, data and information which, in my view, licensees should be compiling on their own in order to have a meaningful affirmative action program. In essence, we have been requiring remedial measures which should have been a part of licensee programs from the beginning based upon our rules as they presently exist. I believe that the Executive Order—across the board self-analysis—provides the best approach for licensees. In addition, such an approach would lessen expenses of licensees, since, when such data is required by the Commission as a remedy, licensees often must pay legal fees to have it prepared, organized and submitted.

Since the Commission has opted for the "remedial approach" in terms of enforcing our EEO rules, I would like to provide several suggestions above and beyond what the Commission is recommending in the attached Notices and hope that the public and the industry would comment on my views. Although the attached Notices do "sharpen the tools" available to the Commission to monitor and enforce our EEO rules, I believe that the Commission could have gone a bit further, even with regard to the remedial approach.

First, I would prefer that the filing requirement for the recommended EEO program remain for five or more full time employees rather than be changed to 10 (or perhaps 15) full time employees as is being proposed. Although I understand the Commission's view that there are fewer job turnovers at the smaller stations, it must be remembered that a 10 or more full time employee level cut-off requirement would provide coverage of only 34% of the industry. If this were raised to 15 or more full time employees, that coverage would shrink to only 22% of the industry. Hence, I would favor retaining our present five or more full time level for filing EEO programs. It must be remembered that when we deal with broadcasters, with their great impact on the public through programming, that a small broadcaster's EEO policies are just as important in many ways as those of larger licensees. As the Court of Appeals for the D.C. Circuit has said:

We have specifically recognized the responsibility of the FCC to guard against racially discriminatory programming. . . . The FCC has reached the conclusion that a broadcaster's programming will inevitably fail fairly to reflect the tastes and viewpoints of minorities if those minorities are systematically excluded from the broadcaster's employ. *National Association for the Advancement of Colored People v. Federal Power Commission*, 9 EPD, para. 9917 at 6809.

The Commission is also proposing to require all licensees with 50 (or perhaps 25) or more full time employees to submit in their EEO programs a list of all job titles within each FCC Form 395 job category "showing" the numbers of incumbents by sex and race. This data is critically important since I have become increasingly concerned over reports I have been receiving from women and minorities that there are licensees who hire women and minorities and do not provide them with responsible positions which they are capable of performing. Too often, such practices lead to improvements in statistical profiles without any concomitant improvement in the responsibilities of such persons. This is the so-called "jobs without responsibility" syndrome. Therefore, I would recommend and favor that this data be supplied by all licensees with 25 or more full time employees.

In this way, we would be able to make a better determination as to the true posture of women and minorities at stations with 25 or more full time employees. Even where women and minorities are being employed and utilized, there are growing concerns and complaints that they are facing extreme difficulties in some quarters in terms of their effective utilization in the most productive manner as would be the case with their male or nonwhite counterparts.

In addition, such data will allow the Commission to determine if women and minorities are being concentrated in low paying jobs at any particular station.

As I stated initially, I favor the "self-analysis" approach of developing an affirmative action program. In such a program, goals and timetables are established by the licensee after it determines that there is underutilization of women or minorities in various job classifications within the Form 395 job categories. I firmly support the concept of using goals and timetables to remedy underutilization of women or minorities or their concentration in low paying jobs. I believe that the licensee's establishment of its own goals and timetables is the better alternative, both for the Commission and the licensee.

Goals and timetables are nothing new. There is a Federal Policy Statement on goals and timetables which was sent to all U.S. Attorneys and to field representatives of the EEOC, OFCC, and Civil Service Commission setting forth the main definitions and objectives of goals and timetables. Briefly, the statement summarized goals and timetables as follows:

. . . that goals and timetables are in appropriate circumstances a proper means for helping to implement the nation's commitments to equal employment opportunities . . .

. . . that goals and timetables are appropriate as a device to help measure progress in remedying discrimination; and, . . .

. . . that a goal is a numerical objective, fixed realistically in terms of the number of vacancies expected. . . . CCH Employment Practices, Par. 3775.

Although the Statement at that time directly concerned state and local governments, it was, and remains equally applicable to private contractors and subcontractors. In addition, Federal Courts, in implementing Title VII, have ordered comprehensive affirmative action, including the use of numerical hiring and promotion goals where necessary to compensate for the effects of past discrimination. *United States v. Iron Workers Local 86*, 443 F. 2d (9th Cir.) *cert. den.* 404 U.S. 948 (1971); *Contractors Association of Eastern Pennsylvania v. Hodgson*, 442 F. 2d 159 (3rd Cir.), *cert. den.* 404 U.S. 854 (1971).

Therefore, the concept of goals and timetables is firmly entrenched in EEO law and regulations and I believe that it will provide licensees with the best tool for making their own analysis and determination.

Regarding the area of complaints of discrimination filed against a licensee for alleged discriminatory hiring practices the majority has stated that such complaints "may" trigger a review of the licensee's EEO program. I firmly support such a review.

Furthermore, I believe that this Commission should give substantial weight to any findings of state, local or federal EEO agencies that there is reasonable cause to believe that a licensee has discriminatory hiring practices or has discriminated on the basis of race, sex, national origin, religion, or color. In addition, where such findings are rendered, or where any federal, state or local court of competent jurisdiction makes a final determination that a licensee is discriminating, this Commission should develop procedures to review that licensee's EEO policies and make its own public interest finding.

As the Commission has previously stated:

". . . the Commission should take into account allegations raising substantial questions whether the applicant has violated or is in violation of, the Civil Rights Act or a pertinent state law in this field. If a violation has been established, this clearly raises a question as to the applicant's qualifica-

tions to be a broadcast licensee—a matter which under our established practice would be evaluated on the facts of each case." *Nondiscrimination in the Employment Practices of Broadcast Licensees*, 13 FCC 2d 766, 769 (1968).

Also;

". . . even where no violation of a specific statute is established or alleged, specific allegations may raise serious public interest issues warranting a full hearing." *Id.*

Hence, I am hopeful that the Commission, in its Final Order on this subject, will address this aspect of the issue of discrimination complaints. We can no longer afford to make complainants wait for several months for the EEOC or a state or local agency to make a determination before we review the employment program profiles of a particular licensee.

Another area which I feel strongly about is that of the "on-site" investigation of a licensee who has consistently had a poor EEO profile, or against whom there have been several complaints of discrimination, or, the licensee's program indicates recalcitrance or bad faith. In this regard I am pleased that the proposed Notices address this issue. This mechanism will enhance our reviews and determination procedures on petitions to deny which raise substantial EEO issues.

Regarding the concept of "zone of reasonableness," I wish to reemphasize that the concept is not *static*, but rather, is *dynamic*. I trust that our licensees will realize that the "zone" is not to be construed as a *ceiling*. In this regard, the Commission has stated:

". . . we would expect that the continued operation of an affirmative action program would result in additional employment and promotion of minorities." *Chapman Television of Tuscaloosa, Inc.* FCC 75-148 at note 21 (released February 19, 1975), 50 FCC 2d —— at note 21 (1975).

Finally, I wish to comment on the term "qualified" as it appears in our rules and in the proposed Notices. I do not wish to see the term "qualified" used as a "escape hatch" for any licensee who chooses not to hire, or to train a woman or minority who is qualifiable for a job merely because that person does not possess all of the rudiments of the "perfect" or "super" applicant. We are all aware of how friendships, nepotism, and word of mouth are utilized in the hiring process. Therefore, qualification should be viewed in context—*it is not an exclusionary term*. I realize that licensees, or any employers, are entitled to employees who can best perform the job. This should take into account a person's ability to be trained for a job or to learn the job.

Unfortunately, women and minorities were often told that they were "not qualified" to take a job or be promoted, but they were then told to instruct a non-minority or a male on the specifics of how to do the very job that they were told they could not do.

In many instances, it seems that women or minorities cannot win for losing. They are either "not qualified," "underqualified," or "over qualified." Where does the "buck stop"? Common sense dictates the answer. Employers know if a person can do the job, or be trained for the job. The question becomes, "If the applicant were a white male, would I bring up the "qualifications" issue?"

I urge licensees, in implementing EEO programs, to eliminate all unnecessary, arbitrary, and discriminatory practices and barriers in every level of their work force. The result will not only be a better work force, a more result-oriented work force, and a more productive work force in terms of morale and output, but the result will also be a better broadcasting industry to serve as a model for other industries and facets of that industry itself (for example, commercial networks, the Public Broadcasting System and the Corporation for Public Broadcasting).

Let us move on toward implementation of the national policy prohibiting discrimination in employment. Eleven years have passed since enactment of Title VII and we are still discussing procedures and the merits of the terms and conditions of affording EEO to women and minorities. *Enough time has been wasted—and enough talent!!*

CONCURRING STATEMENT OF COMMISSIONER JAMES H. QUELLO

Re: Nondiscrimination in the employment policies and practices of broadcast licensees

A statement of Commission policy regarding equal employment opportunities in broadcasting is, I believe, appropriate and desirable. However, I question whether the Commission's approach produces the clarity and certainty that would facilitate compliance and maximize implementation.

First, the Commission's procedures for dealing with specific complaints from the public are—and remain—woefully inadequate. We simply defer to other jurisdictions whenever possible and avoid any direct Commission response which could be characterized as timely or expeditious. The result, of course, is that complaining parties tend to lose faith in our ability to address their problems through the simple complaint process with the predictable result that other, indirect, costly and time-consuming approaches are employed; i.e., petitions to deny license renewals. I believe the Commission should consider the following:

1) Establishment of simple, clear-cut procedures for receiving and expeditiously processing discrimination complaints

2) Establishment and enunciation of a threshold standard for evaluation of complaints

3) Prescription of a simple, straightforward response procedure for licensees

4) Establishment of liaison with EEOC for the purpose of expediting the resolution of complaints where EEOC involvement is necessary or desirable.

Secondly, I would hope that this Commission will, at the earliest possible moment, develop and enunciate a recognizable "zone of reasonableness" standard which will spell out as clearly and straightforwardly as possible exactly what we expect of licensees in this area. Any internal standard developed within this Commission for processing equal employment opportunity matters should also be widely known and understood by the public at large and by the industry concerned. I fail to understand where any constructive purpose is served by continuing to apply some sort of amorphous rule of thumb to these matters.

I am heartened that the Commission is finally coming to grips with what it conceives to be its obligations regarding equal employment opportunities in broadcasting. However, I am concerned that so much time has passed between concept and substance and that more thorough consideration was not given to the two issues I have mentioned.

Therefore, I concur.

[FR Doc.75-19502 Filed 7-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20548; FCC 75-840]

MULTIPLE OWNERSHIP OF STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Proposed Amendment

In the Matter of Amendment of Sections 73.35, 73.240 and 73.636 of the Commission Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Sections 73.35, 73.240, and 73.636 of the Commission's Rules, commonly known as the Multiple Ownership Rules, "are intended to preserve and augment the opportunities for effective competition in the broadcast industry and to implement the Commission's policy in favor of maximizing diversification of program and service viewpoints." *Notice of Proposed Rule Making in Docket No. 14711*, FCC 62-747, 27 Fed. Reg. 6846 (1962). The authority and need for our Multiple Ownership Rules spring directly from the Communications Act which was adopted "under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcast field." *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 137 (1940). It is well established that "[R]ight conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection." *Associated Press v. United States*, 52 Fed. Supp. 362 Affd. 326 U.S. 1 (1945).

3. The Commission has been concerned with the potential abuses of multiple ownership since March 1938 when it issued Order No. 37 initiating an investigation "to determine what special regulations applicable to radio stations engaged in chain or other broadcasting are required in the public interest, convenience and necessity." Issue No. 13 of that Order sought information concerning the

Extent and effects of concentration of control of stations locally, regionally, or nationally in the same or affiliated interests, by means of chain or network contracts or agreements, management contracts or agreements, common ownership or other means or devices particularly insofar as the same tends toward or results in restraint of trade or monopoly.

4. Since that first investigation, the Commission has, through the years, adopted regulations concerning various aspects of multiple ownership, to wit, the duopoly and one-to-a-market rules, the seven-station rule, the newspaper-broadcast cross-ownership rule, and the regional concentration rule. The rule making proposed herein concerns the regional concentration rule.

5. Under our present policy, an applicant seeking to acquire a broadcast facility near to, or in the midst of, several of its commonly-owned broadcast stations, is asked to submit a compelling showing disproving the possibility that a grant of its application might result in a regional concentration of control. This process requires an evaluation of a plethora of factors, such as the number of competing media, other signals available, population, areas to be served and distances between stations, which factors have no exact measurable significance, and which tend to give only an apparent precision to our decisions. Dealing with this issue on a case-by-case basis has tended to submerge the Commission's policy in this area. The

cluster situations which have been allowed to develop can give one a grasp of the magnitude of the matter, and of the ineffectiveness of the present policy and the need for fixed rules governing concentration.

6. Fixed standards are not a new concept in the regulation of multitude ownership. In adopting a fixed standard by which to measure undesirable overlap in duopoly situations,[1] *Report and Order in Docket No. 14711*, 45 FCC 1476 (1964), the Commission stated:

> The fact of undesirable ownership becomes, in case by case adjudication, but one of a large number of evidentiary submissions considered to be of decisional significance. . . . The existence of overlapping service contours between commonly owned stations simply does not carry the same weight, when viewed in terms of a single case, as it does when viewed as part of a national pattern. A review of all cases decided under the present duopoly rules has convinced us that the pattern of grants which has developed through piecemeal litigation does not represent a desirable realization of our national multiple ownership policy. We feel, therefore, that the most effective way to implement our policy against duopoly is to emphasize the overriding decisional significance of the problem through adoption of a fixed standard. (at 1479)

Chairman E. William Henry, in his concurring opinion, even more forcefully rejected the case-by-case basis in favor of a fixed standard.

> The history of this agency's treatment of the overlap question demonstrates that when overlap is considered solely on a case-by-case basis, as one of a long list of differing though relevant items, the overwhelming tendency is to downgrade it—if not to ignore it entirely. (at 1489)

7. By 1970, the conception of regional media control had grown to include restrictions on the common ownership of nearby stations operating in different services. In the "one-to-a-market" rules, *First Report and Order in Docket No. 18110*, 22 FCC 2d 306 (1970), the Commission attempted to improve broadcasts competition and diversity by proscribing acquisitions which would result in common ownership of more than one station in any single market.[2] Again the Commission determined to adopt a fixed standard in this multiple ownership rule. We stated then, in a comment appropriate to the scope of this rule making notice, that

> [C]entralization of control over the media of mass communication is, like monopolization of economic power, *per se* undesirable. . . . It is accordingly firmly established that in licensing the use of the radio spectrum for broadcasting, we are to be guided by the sound public policy of placing into many, rather than a few hands the control of this powerful medium of public communications. . . . [T]he governing consideration here is power, and power can be realistically tempered on a structural basis. It is therefore no answer to the problem to insist upon a finding of some specific improper conduct or practice. The effects of joint ownership are likely in any event to be so intangible as not to be susceptible of precise definition. The law is clear that specific findings of improper harmful conduct are not a necessary element in Commission action in this area, and that remedial action need not await the feared result. (at 310-311)

8. The multiple ownership regulation which we propose herein is not a monopoly or antitrust rule, but rather one designed to prevent the development of multiple ownership situations which, while perhaps short of monopoly, nevertheless are inconsistent with the maximum utilization of the spectrum in the public interest. It is obviously undesirable and contrary to the Congressional purpose to have the limited spectrum concentrated in a relatively few hands. Our proposal is designed to inhibit the emergence of oligopolistic patterns in the broadcast field, and is thus in full accord with the underlying national philosophy of free and extensive competition.

9. We believe the Commission should move away from its current policy in the area of regional concentration, which requires extensive showings and determinations, toward a policy employing hard-and-fast rules, as is now the case in the other multiple ownership rules. The policy which we propose would be based upon traditional diversification concepts. It is our view that the limited allocations available within an area should be distributed so as to prevent too many nearby allocations from coming under the control of a single private person or entity. The new rules would bring about a diversity of voices and programming, the dual goals of the present regional concentration policy, but would provide more certainty of prediction of Commission action, which should be of benefit to all prospective applicants.

10. To this end, we invite comments as to whether the Commission should prohibit the acquisition of a fifth commonly-owned broadcast facility within any single state. Comments may also be addressed to the issue of whether a figure less or greater than four commonly-owned facilities within one state should be allowed. We propose to use state lines, rather than other area measures, because they are definite, known area boundaries with political significance, and because we believe that state concept is basic to our system of government. While we recognize that the several states do vary greatly in size, there is no correlation whatever between the geographical size of a state and its population. The Commission's authority to place limits on the number of broadcast stations a single licensee may hold[3] was upheld in *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956) in connection with the seven-station rule.[4]

11. We believe that the proposed four-stations-per-state rule will complement our duopoly and one-to-a-market rules preventing, in most cases, the development of regional concentration situations. Under our proposal, commonly-owned stations would be able to lay down tangential primary service contours.[5] We invite comment on whether the Commission should require some separation of such contours, or whether our proposal is adequate in dealing with potential concentration situations. Separation of primary service contours by 5, 10, or even 25 miles would have the effect of further separating the commonly-owned stations while taking into account the disparities in power of station signals. We seek comment whether such contour separation, rather than separation of commonly-owned stations based on distance between cities of license, would be more equitable.

12. The present delegations of authority to the Chief, Broadcast Bureau (Section 0.281 of our rules, as interpreted), provide that where a party owns, operates or controls two broadcast stations within 100 miles of one another (measured city-to-city), the Commission itself must pass on the regional concentration aspects of any application filed by such

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[1] The term "duopoly" refers to prohibited overlap of signals of commonly "owned, operated, or controlled" stations in the same service.

[2] Nevertheless, the one-to-a-market rule specifically allows the acquisition of AM-FM combinations in the same city of license. Acquisition of UHF television facilities, which would otherwise come under the rule, are handled case-by-case under public interest considerations.

[3] See *Report and Order in Docket No. 8967*, 18 FCC 288 (1953), where we said that, "the Commission will consider the ownership, operation or control directly or indirectly of more than 7 AM, 6 FM or 5 TV broadcast stations by any person to constitute a concentration of control contrary to the public interest. . . . One of the basic underlying considerations in the enactment of the Communications Act was the desire to effectuate the policy against the monopolization of broadcast facilities and the preservation of our broadcasting system on a free competitive basis. See *Federal Communications Commission v. Sanders Brothers Radio Station*, 309 U.S. 470. This Commission has consistently adhered to the principle of "diversification" in order to implement the Congressional policy against monopoly and in order to preserve competition. That principle requires a limitation on the number of broadcast stations which may be licensed to any person or persons under common control. It is our view that the operation of broadcast stations by a large group of diversified licensees will better serve the public interest than the operation of broadcast stations by a small and limited group of licensees." (at 291) (Our Rules presently allow any person, or persons under common control, directly or indirectly, to own, operate or control up to seven stations in each broadcast service.)

[4] On remand, the United States District Court held the rules were not unreasonable, 99 U.S. App. D.C. 369, 240 F. 2d 55 (D.C. Cir-1956). "Our attention has not been drawn to any matters which outweight this judgment based upon 'accumulating insight.' *Federal Communications Commission v. R.C.A. Communications, Inc.*, 1953, 346 U.S. 86. Hence it may not be upset."

[5] The term "primary service contour" refers to the predicted or measured 0.5 mV/m contour for AM stations, the predicted 1.0 mV/m for FM stations, and the predicted Grade B contour for TV stations, computed in accordance with Sections 73.183, 73.186, 73.313 or 73.684.

party seeking consent to acquire "a third broadcast station within 100 miles of a presently owned station." We seek comment whether, as an alternative to our proposal, a rule barring such acquisition of a third station, which could not now be granted by delegated authority, should be adopted. We contemplate, however, that such a rule, if adopted, would be accompanied by the four-stations-per-state (or other numerical figure) provision discussed above.

13. Under the four-stations-per-state provision of the new proposal, we propose to count AM-FM combinations licensed to the same community as one station. Further, because of the unique situation of UHF television, which is still very much in a growth process, we would exempt applications concerning UHF facilities from our proposed rule, but would continue to treat such applications on a case-by-case basis. Satellite television stations whether UHF or VHF would also be treated on a case-by-case basis.

14. We recognize that while we propose a fixed standard herein, the public interest will on occasion justify the granting of a waiver where extraordinary circumstances are shown. As we said in *Notice of Proposed Rule Making in Docket No. 14711, supra*,

> From experience in both the licensing and transfer and assignment fields, we have found that with some significant exceptions there is no dearth of applicants for available broadcast facilities; on the contrary, we are faced with too many applying for too few available frequencies. In such circumstances, there is no need to tolerate overlap or concentration situations inconsistent with the important public interest consideration we have here set forth. Further, in those rare circumstances where much needed service to the public is not being provided and there are no applicants other than the licensee of existing stations in the areas, we would have ample flexibility, through the granting of waivers, to authorize such service, in spite of the explicit provisions of the multiple ownership rules, where the authorization would be in the public interest.

15. Additionally, we believe a rulemaking proceeding in this area would be the proper forum for the adoption of rules concerning the extent of minority stock ownership to be allowed under our multiple ownership rules. We feel that our duopoly, one-to-a-market, and regional concentration rules should be governed by the same standard concerning minority ownership. Here we believe, once again, that a hard-and-fast rule would be preferable to continuing the practice of accepting extensive showings attempting to disprove control, influence, or privity. We propose to disallow any reportable[6] stock interest whatsoever in licensees of stations which could not be commonly owned, except upon submission of a disclaimer of any intention to control or operate the stations. A party filing such disclaimer would be allowed to hold up to ten percent of each such licensee's stock, but would be barred from participation in the operation or control of such licensee or station.[7] Our concern with the difficulties of measuring the degree of influence or control a minority owner may exert on a licensee was clearly stated in *Report and Order in Docket No. 8967*, 18 FCC 288, 293 (1953):

> While the holder of a small interest in many instances may have slight influence on the operation of the station in question, it is also true such a person can exert considerable influence—to an extent clearly within the objectives and purview of the described diversification policy. Several factors should be noted here:
>
> (1) there may not be a correlation between the size of the minority holding and the extent of the influence wielded; (2) it is impossible to determine on the face of the application what the influence of the multiple owner will be; indeed, it may be difficult or incapable of definite ascertainment even in a subsequent hearing; and (3) in the case of the holder who has interested himself in numerous stations, there is a good probability that because he is so actively engaged in the broadcast field, his influence will tend to be a positive or substantial one.

16. We recognize that the proposals set forth in this document represent a departure from precedent in our handling of regional concentration matters. However, the Commission is not bound ". . . to deal with all cases at all times as it has dealt with some that seem comparable." *Federal Communications Commission v. WOKO, Inc.*, 329 U.S. 223, 228 (1946). If the Commission, upon a review of its policy, believes such review justifies a change in policy, it may alter its past rules and policies.

17. Our proposals herein would be prospective only, and thus would require no divestiture of existing interests. Transfer of control of an existing cluster inconsistent with the proposed rules, however, would not be permitted.

18. We have determined, in the interest of fairness, not to adopt any new interim policy during the pendency of this rule making. Therefore, applications raising concentration of control issues will, for the time being, be treated as at present and be subject to the same criteria.

19. Accordingly, the Commission invites comments on the matters set forth herein.

20. Authority for the institution of this proceeding and the adoption of rules concerning the matters involved, is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

21. Pursuant to applicable procedures set out in Section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before August 29, 1975, and reply comments on or before September 9, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the comments invited by this Notice.

22. In accordance with the provisions of Section 1.419 of the Rules and Regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Communications Act of 1934, as amended. ceeding will be available for examination by interested parties during business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: July 16, 1975.

Released: July 23, 1975.

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

[FR Doc.75-19501 Filed 7-25-75;8:45 am]

[6] A "reportable" stock interest is any stock interest whatever in corporations having fifty or fewer stockholders. In the case of corporations having more than fifty stockholders, the stock interest of those shareholders holding 1% or more of the voting or non-voting stock must be reported. The Commission has issued a Notice of Proposed Rule Making (Docket No. 20521) which would change the reporting benchmark with regard to widely-held corporations. (see footnote #7).

[7] This proposal should not be construed to have any effect on our "seven-station" rule, which sets absolute limits on broadcast facility ownership without regard to whether such ownership is of a minority or controlling nature, nor does it relate to the pending proceeding in which the Commission proposes rule changes that would allow certain passive institutional holders to own up to 5 percent of the stock of several licensees, where such holdings would otherwise violate the seven-station rule. *Notice of Proposed Rule Making In Docket No. 20520*, FCC 75-709, Released June 23, 1975. See also *Notice of Proposed Rule Making in Docket No. 20521*, FCC 75-710, Released June 23, 1975, relating to reporting for widely-held corporate licensees, where the Commision proposes to replace the "over 50" stockholder reporting standard, which is the basis for administering the multiple ownership rules, with a new annual reporting standard for those corporations with "500 or more" stockholders.

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-308]

TOTAL GAS SUPPLY OF NATURAL GAS PIPELINE COMPANIES

Annual Report FPC Form No. 15

JULY 18, 1975.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. § 553, and the Natural Gas Act, Sections 8, 10, 14, 15 and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o) that the Federal Power Commission (Commission) proposes to amend FPC Form No. 15, Annual Report of Gas Supply For Certain Natural Gas Pipelines.[1] The proposed modification would provide information to reflect (a) the fact of gas reserves filings with other Federal Government agencies, and (b) reconciliation of such filings with the Form No. 15 if they include

[1] 18 CFR 260.7; *Added by* Order No. 279, Docket No. R-239, 31 FPC 750 (1964); *as amended by* Order No. 337, Docket No. R-308, 37 FPC 327 (1967); Order No. 399, Docket No. R-308, 43 FPC 563 (1970); Order No. 476, Docket No. R-308, 49 FPC 602 (1973).

data differing from that filed with the Commission via Form No. 15.

The proposed modification would add a new page to be included in the pipelines' annual Form No. 15 filings in the form of Attachment A hereto. The proposed page would require the reporting of public filings concerning gas supplies made with other Federal governmental agencies by the pipeline respondent, its parent or affiliate, subsequent to the filing of the respondent's Form No. 15 for the proceeding report year.[2] A reconciliation between the data filed with the other Federal agency and the Commission would be required only if the gas supply data included in such other filing included a gas supply different from that in the pipeline's current report year Form No. 15 filing.

The proposed addition to Form No. 15 would alert the Commission to any instances of possible inconsistent reporting among Federal agencies and would provide a means of obtaining the pipeline's explanation for any such differences. We find this consistent with our stated purpose of engaging in a continuing review of gas reserves and deliverability of jurisdictional pipeline companies in the most accurate manner possible. In addition, greater coordination between Federal agencies requiring gas reserve reporting should be facilitated and the aim of achieving national energy policies should be advanced.

Inasmuch as the Securities and Exchange Commission now requires reserves reported in prospectuses to identify any differences from those reported in the most recently filed Form No. 15,[3] we will be alerted in advance to potential changes in Form No. 15 data. However, we believe it unnecessary to require updates of the Form No. 15 at greater than annual intervals to reflect changes in gas supply which may appear in such prospectuses. To do so would destroy the present system of having all pipelines report on a consistent basis at regular intervals.[4] We think that an annual reconciliation of differences is sufficient for the purposes of obtaining an accurate picture of jurisdictional pipelines' gas supplies.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than August 15, 1975, data, views, and comments or suggestions in writing concerning the proposed form modification. Written submittals will be placed in the Commission's public files and will be avallabe for pubic inspection at the Commission's Office of Pubic Information, 825 North Capitol Street, N.E., Wahisngton, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed and whether the person filing submissions requests a conference with the Staff of the Federal Power Commission to discuss the proposed form. The Staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 260 of the Commission's Statements and Reports (Schedules) and to FPC Form No. 15 would be made pursuant to the authority granted the Commission by the Natural Gas Act, as amended, particularly Sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o).

Accordingly, the Commission proposes to amend Part 260, Statements and Reports (Schedules), in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 260.7(d) prescribing a revision to FPC Form No. 15, Annual report of gas supply for certain natural gas pipelines, in the form set forth in Attachment A hereto. Section 260.7(d) would read as follows:

§ 260.7 Form 15, Annual report of gas supply for certain natural gas pipelines.

* * * * *

(d) Each reporting natural gas company shall file in addition to the requirements of paragraph (b) of this section on or before April 1, 1976 and each year thereafter a Disclosure Of Other Gas Supply Filings With Other Federal Agencies designated as page 0046 of FPC Form 15.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

ANNUAL REPORT OF GAS SUPPLY - Table of Contents

Enter in the space provided in column (b) the beginning page number for each item set forth under "Title" column (a). Under "Remarks" column (d), designate by the terms "none" or "not applicable," as appropriate, those items where no information or data has been reported. Pages may be omitted for those items where the responses are "none" or "not applicable"

TITLE (a)	PAGE NO. (b)	[illegible] (c)	REMARKS (d)
1. General Instructions	0001		
2. Reporting Instructions	0002		
Reservoir Change of Status	0004		
3. Coding Instructions	0004		
Geologic Codes	0005		
FPC Natural Gas Area Codes	0006		
4. Definitions	0008		
5. Instructions to Schedules - Schedule Number 1	0010		
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6. Maps (Instructions to)	0030		
7. Procedure for Submitting Form 15 on Magnetic Tape	0031		
Magnetic Tape Form	0036	001	
Schedule Number 1 Layout	0037		
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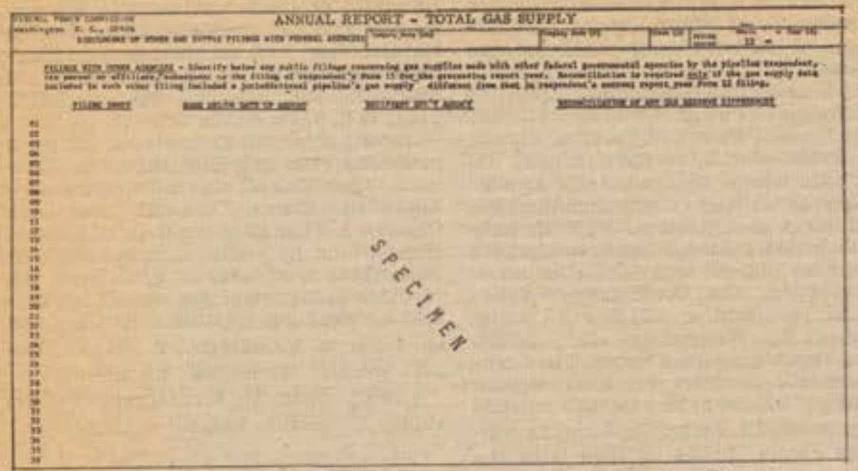
10. Attestation	0047		
11. Gas Procurement Activity Statement	0048		
12. Schedule No. 1: System Deliverability Summary			
13. Schedule No. 2: Reservoir Data and Dedicated Remaining Recoverable Salable Gas Reserves			
14. Schedule No. 3: Deliverability Estimates for Each Supply Source			
15. Schedule No. 4: Committed Reserves and Deliverability Estimates for Other Supply Sources			
16. Footnotes			
17. Pipeline System Maps			
18. Field Maps (Identifying reservoirs, productive limits, and committed acreage)			

ATTACHMENT A
PAGE 1 OF 2

[2] For the purpose of the proposed modification, affiliates are companies or persons that directly or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with the respondent company. "Control" (including the terms "controlling", "controlled by", and "under common control with") as that term is used here is defined in Definition 5(B) of the Uniform System of Accounts prescribed for Natural Gas Companies.

[3] SEC Securities Act Release No. 5504 (June 14, 1974).

[4] Not all jurisdictional pipelines are subject to direct SEC reporting obligations. Those that do report, do so only at irregular intervals.



ANNUAL REPORT - TOTAL GAS SUPPLY

SPECIMEN

*/ For the purpose of this report, affiliates are companies or persons that directly or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with the respondent company. "Control" (including the terms "controlling", "controlled by", and "under common control with") as that term is used here is defined in Definition 5(B) of the Uniform System of Accounts prescribed for Natural Gas Companies.

Page No. 0046

ATTACHMENT A PAGE 2 OF 2

[FR Doc.75-19351 Filed 7-25-75;8:45 am]

FEDERAL SERVICE IMPASSES PANEL

[5 CFR Parts 2470, 2471]

FEDERAL LABOR RELATIONS

Notice of Proposed Rulemaking

Pursuant to sections 5 and 17 of E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and E.O. 11838, 40 FR 5743 and 7391, notice is hereby given that the Federal Service Impasses Panel proposes to revise Parts 2470 and 2471, Subchapter C, of Chapter XIV of Title 5 of the Code of Federal Regulations as set forth below.

These parts set forth procedures utilized by the Federal Service Impasses Panel in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a settlement by mediation or other voluntary arrangements.

It is now proposed, pursuant to sections 5 and 17 of E.O. 11491, as amended, to amend Panel procedures relating to service, initial procedures, content of the factfinder's report, and labor agreement provisions inconsistent with sections 5 and 17 of E.O. 11491, as amended, and to adopt new procedures, set forth below, providing for parties to receive and comment on the factfinder's report.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments and new procedures to Mr. Howard W. Solomon, Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415, on or before August 18, 1975.

It is proposed that 5 CFR Parts 2470 and 2471 be revised as set forth below:

PART 2470—GENERAL

Subpart A—Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

Sec.
2470.2 Definitions.

AUTHORITY: 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and E.O. 11838, 40 FR 5743 and 7391.

Subpart A—Purpose

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of sections 5 and 17 of Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service." They prescribe procedures and methods which the Federal Service Impasses Panel utilizes in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a full settlement by mediation or other voluntary arrangements.

Subpart B—Definitions

§ 2470.2 Definitions.

(a) The following definitions are used in this subchapter:

(1) "Executive Secretary" means the Executive Secretary of the Panel.

(2) "Factfinder(s)" means a designated representative of the Panel acting in its behalf in the capacity of a hearing official charged with the responsibility of assembling the facts and positions of the parties to an impasse. The factfinder may be a Panel Member, a staff member, or other individual designated by the Panel.

(3) "Impasse" means that point in the negotiation of a labor agreement at which the parties are unable to reach full agreement, notwithstanding their having made earnest efforts to reach agreement by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(4) "Order" means Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service."

(5) "Panel" means the Federal Service Impasses Panel or a quorum thereof.

(6) "Party" means the Federal agency, establishment or activity, or the labor organization, as defined in sections 2 (a) and (e) of the order, participating in the negotiation of a labor agreement.

(7) "Quorum" means three or more members of the Panel.

(8) "Voluntary arrangements" means those methods adopted by the parties for the purpose of assisting them in their negotiation of a labor agreement, which include utilization of (i) the services of the Federal Mediation and Conciliation Service; or (ii) other third-party mediation assistance; or (iii) joint factfinding committees without recommendations; or (iv) referral to a higher authority within the agency and/or the labor organization; or (v) any other method which the parties deem appropriate except third-party factfinding with recommendations, or arbitration, unless said factfinding or arbitration is expressly authorized or directed by the Panel.

(b) Terms defined in the order are used in this part with the meaning attached to them in the order.

PART 2471—PROCEDURES OF THE PANEL

Sec.
2471.1 Who may initiate.
2471.2 What to file.
2471.3 Request form.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Initial procedures of the Panel.
2471.7 Negotiability questions.
2471.8 Use of third-party factfinding with recommendations, or arbitration.
2471.9 Factfinding determination by the Panel; notice of prehearing conference and formal hearing.
2471.10 Prehearing conference.
2471.11 Authority of factfinder(s).
2471.12 Availability of hearing transcript.
2471.13 Report of the factfinder(s) and action by the Panel.
2471.14 Duties of each party.
2471.15 Settlement action by the Panel.
2471.16 Inconsistent labor agreement provisions.

AUTHORITY: 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and E.O. 11838, 40 FR 5743 and 7391.

§ 2471.1 Who may initiate.

(a) When an impasse occurs during the course of labor agreement negotiations, either party, or the parties jointly, may request the Panel to consider the

matter by filing a request as hereinafter provided.

(b) The Panel may, upon the request of the Federal Mediation and Conciliation Service, undertake the consideration of an impasse when such mediation assistance has failed and neither party has requested the Panel's consideration.

(c) The Panel may, upon the request of the Executive Secretary, undertake the consideration of a matter which has reached impasse and where neither party has requested the Panel's consideration.

§ 2471.2 What to file.

A request from a party or parties to the Panel for consideration of an impasse must be in writing and include the following essential information:

(a) Identification of the parties and person(s) authorized to initiate the request;

(b) Statement that an impasse has been reached;

(c) Statement of issue(s) at impasse and the position(s) of the initiating party or parties with respect to those issues; and

(d) The nature and extent of all voluntary arrangements utilized.

§ 2471.3 Request form.

FSIP Form 1 has been prepared for use by the parties in filing a request to the Panel for consideration of an impasse. Copies are avilable upon request to the Office of the Executive Secretary.

§ 2471.4 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasse or other related matters, should be directed to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415.

§ 2471.5 Copies and service.

Any party submitting a request for Panel consideration and any party submitting a response to such request shall serve a copy simultaneously on the other party to the dispute and on any mediation facility which may have been utilized and shall file a statement of such service with the Executive Secretary. When the Panel acts on its own motion, it will notify the parties to the dispute and any mediation facility which may have been utilized.

§ 2471.6 Initial procedures of the Panel.

(a) Upon receipt of a request for consideration of an impasse, the Panel will initiate an informal inquiry covering the issue(s) and the positions of the parties thereon, and will consult when necessary with the parties and the mediation facility utilized, if any, and then determine whether to:

(1) Dismiss the request; or

(2) Direct that negotiations be resumed; or

(3) Direct that negotiations be resumed with mediation assistance; or

(4) Authorize other voluntary arrangements for settlement; or

(5) Direct the impasse to factfinding; or

(6) Take any other action it deems appropriate.

(b) The parties will be promptly advised in writing of the Panel's initial determination.

§ 2471.7 Negotiability questions.

(a) If, in connection with the consideration of an impasse, a contention has been made that a proposal is contrary to law, regulation, controlling agreement, or the order and therefore is not negotiable, the Panel may in its discretion take any of the following actions at any stage of its procedures with respect to said proposal, while the merits of the remaining proposals, if any, may be considered by the Panel:

(1) Request the parties to resolve a question involving interpretation of a controlling agreement at a higher agency level under the procedures of the controlling agreement or, if no such procedures exist, under appropriate agency regulations; or

(2) Request the parties to refer a question of negotiability which arose at a local level to the head of the agency for determination; or

(3) Refer a question of negotiability to the Federal Labor Relations Council for decision, or advise the labor organization that it may appeal a question of negotiability to the Council for decision, when a labor organization (i) disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order, or (ii) contends that an agency's regulations, as interpreted by the agency head, in its determination, violate applicable law, regulation of appropriate authority outside the agency, or the order, or are not otherwise applicable to bar negotiations under section 11(a) of the order because they do not meet the criteria established in Part 2413 of the Council's rules or because they were not issued at the agency headquarters level or at the level of a primary national subdivision.

(b) In making a referral to the Council as described in paragraph (a)(3) of this section, the Panel will submit:

(1) The proposal in dispute;

(2) The agency head's determination thereon;

(3) The labor organization's request for an exception if required by section 2411.22(b) of the Council's rules, and the agency head's denial of that request;

(4) A statement of position with supporting evidence and argument from each party on the negotiability question; and

(5) Any other appropriate documents of record.

(c) Upon receipt of a decision of the Council that a proposal is negotiable, based upon a question of negotiability referred to the Council by the Panel, the Panel's report to the parties will include the Council's negotiability decision. If warranted, the Panel may refer the proposal to the parties for negotiations.

(d) Upon receipt of a decision of the Council that a proposal is not negotiable, based upon a question of negotiability referred to the Council by the Panel, the Panel will cease to give any further consideration to the proposal and so inform the parties.

(e) The Panel will not make any referrals to the Council under this section when:

(1) The negotiability issue is the only issue at impasse and it arose prior to the filing of the request to the Panel; or

(2) The labor organization has not requested the Panel in writing to make such a referral; or

(3) An agency head determination is pending or issued prior to the filing of the request to the Panel; or

(4) A petition for the review of an agency head determination is pending before the Council; or

(5) An agency head determination was issued after the filing of the request to the Panel, and the labor organization's written request to the Panel to refer the negotiability issue to the Council did not meet the requirements stated in section 2411.24 of the Council's rules.

§ 2471.8 Use of third-party factfinding with recommendations, or arbitration.

The parties may resort to third-party factfinding with recommendations, or arbitration, to resolve an impasse, only when authorized or directed by the Panel, and provided the parties have:

(a) Made a joint request to the Panel in writing for such authority;

(b) Agreed upon what issue(s) are at impasse;

(c) Agreed on the method of selecting the third party;

(d) Agreed upon an arrangement for paying the cost of the proceedings; and

(e) Used without success any other arrangement for settlement.

§ 2471.9 Factfinding determination by the Panel; notice of prehearing conference and formal hearing.

(a) When the Panel determines that resolution of an impasse requires factfinding it will:

(1) Appoint one or more factfinders to investigate the dispute; and

(2) Issue and serve, upon each of the parties, a notice of prehearing conference, when scheduled, and of formal hearing.

(b) The notice will state:

(1) Names of the parties to the dispute;

(2) Date, time, place, and purpose of the prehearing conference;

(3) Date, time, and place of the formal hearing;

(4) Name(s) of the factfinder(s) appointed by the Panel; and

(5) Issues to be resolved.

§ 2471.10 Prehearing conference.

A prehearing conference may be held by the factfinder prior to the factfinding hearing to:

(a) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(b) Explore the possibilities of obtaining stipulations of fact;

(c) Clarify the positions of the parties with respect to the issues to be heard, including claims concerning negotiability, if any; and

(d) Discuss any other relevant matters which will help achieve the objectives of the hearing.

§ 2471.11 Authority of factfinder(s).

Factfinder(s), when conducting hearings, shall have the authority to:

(a) Take testimony, including depositions;

(b) Conduct the hearing in open session. The hearing may be conducted in closed session at the discretion of the factfinder(s), however, for good cause shown by either of the parties;

(c) Rule on motions, and requests for appearance of witnesses and the production of records;

(d) Designate the date on which post-hearing briefs, if any, shall be submitted. An original and two copies of each brief shall be submitted to the Executive Secretary with a copy to the other party and a statement of service; and

(e) Determine all procedural matters of the hearing as to length of sessions, conduct of persons in attendance, recesses, continuances, and adjournment; and take any other appropriate action which, in the factfinder's judgment, will promote the purpose and objectives of the hearing.

§ 2471.12 Availability of hearing transcript.

The parties will make their own arrangements with the reporter for the purchase of their copies of the official transcript of a factfinding proceeding. A copy will be available for examination at the Office of the Executive Secretary.

§ 2471.13 Report of the factfinder(s) and action by the Panel.

(a) The factfinder(s) shall prepare a report which will not include recommendations for settlement but which will include, to the extent appropriate:

(1) The history of the current negotiations, including the initial positions of the parties, and a report of items agreed to in whole or part;

(2) The positions of the parties with respect to the unresolved issues and the efforts made to reach agreement thereon;

(3) The context within which the negotiations have taken place;

(4) The justification for each proposal as advanced by the parties;

(5) The prevailing practices, if any, pertaining to conditions of employment for other public employees in comparable work situations;

(6) The status of any claim concerning negotiability; and

(7) Any other matters relevant to the impasse.

(b) The report of the factfinder(s) will be submited to the Panel and simultaneously to the parties within a period which normally will not exceed 20 calendar days after receipt of the transcript or after receipt of briefs, if any. The parties will have 10 calendar days after receipt of the report to file written comments thereon with the Executive Secretary.

(c) Any party filing written comments on the report of the factfinder(s) shall serve a copy simultaneously on the other party in the dispute and shall file a statement of service with the Executive Secretary.

(d) After receipt of the report of the factfinder(s) and the parties' written comments, if any, the Panel will evaluate the impasse and either:

(1) Submit its recommendations for settlement to the parties; or

(2) Take any other action which it deems appropriate.

§ 2471.14 Duties of each party.

(a) Within 20 calendar days after receipt of a Panel Report and Recommendation(s) for Settlement, each party shall, after conferring with the other, either:

(1) Accept the Panel's recommendations and so notify the Executive Secretary; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Secretary; or

(3) Submit a written statement to the Executive Secretary setting forth the reasons for not accepting the Panel's recommendations and reaching a settlement of all unresolved issues.

(b) A reasonable extension of the 20-day period may be authorized by the Executive Secretary for good cause shown when requested in writing by either party prior to the expiration of the 20-day period.

(c) Any party submitting a notification, statement, or request to the Executive Secretary under this section shall serve a copy simultaneously on the other party to the dispute and shall file a statement of such service with the Executive Secretary.

§ 2471.15 Settlement action by the Panel.

In the event there remain any unresolved issues at the end of the aforesaid 20-day period or any extension thereof, the Panel, after due consideration of the responses of the parties, will take whatever action it deems necessary to bring the dispute to settlement.

§ 2471.16 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either sections 5 and 17 of the order or the procedures of the Panel shall be deemed to be superseded by the order and the procedures herein, unless such provisions are permitted under section 24 of the order.

For the Panel.

HOWARD W. SOLOMON,
Executive Secretary.

[FR Doc.75-19471 Filed 7-25-75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Parts 2510, 2520]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Notice of Proposed Rulemaking; Correction

In FR Doc. 75-14821 appearing at page 24642 et seq. in the FEDERAL REGISTER of Monday, June 9, 1975, the following changes should be made:

1. On page 24642, the second line of the last paragraph of the second column is corrected by changing the words "illustrated the principal" to "illustrate the principle."

2. One page 24642, the eighth line from the bottom of the second column is corrected by changing "(§ 2510.303(e))" to (§ 2510.3-3(e))".

3. On page 24643, lines 25 and 26 of the third full paragraph in the first column are corrected by deleting "or by an employee organization".

4. On page 24643, the eighth line from the bottom of the first column is corrected by changing "§ 2520.104-1" to "§ 2520.104b-1".

5. One page 24643, the first sentence of the last full paragraph in the first column is corrected by adding another closing parenthesis before the period.

6. On page 24643, the eighth line of the second full paragraph in the second column is corrected by substituting two dashes for the comma between "("the Code")" and "self-employed".

7. On page 24643, the ninth line of the second full paragraph in the second column is corrected by adding two dashes between the words, "owner-employees" and "will".

8. On page 24644, the fifth and sixth lines of the first full paragraph of the first column are corrected by deleting the words, "a select group of management or highly compensated", and inserting the words, "certain selected", in lieu thereof.

9. On page 24645, the seventh line of the last paragraph of the third column is corrected by changing the number "120" to "210".

10. On page 24645, line thirteen of the last paragraph of the third column, is corrected by changing the word "matreial" to "material".

11. On page 24645, line fourteen of the last paragraph of the third column is corrected by changing the word "filing" to "disclosure".

12. On page 24647, the last sentence of the third full paragraph in the second column is corrected by inserting the word "initial" between the words, "an" and "annual".

13. On page 24647, the third line of the second full paragraph of the third column is corrected by changing the word "to" to "of".

14. On page 24647, line nineteen of the second full paragraph of the third column is corrected by inserting the words, "or totally insured", between the words, "unfunded" and "pension".

15. On page 24649, lines nine through thirteen of the first full paragraph of the

second column is corrected by deleting the words "has made a request for at the required employee establishment or local meeting hall if they can be provided for examination within two working days after a participant".

16. On page 24649, line three of the first full paragraph of the third column is corrected by deleting the words "define the class of" and inserting the words, "provide a method of identifying those", in lieu thereof.

17. On page 24649, line four of the first full paragraph of the third column is corrected by deleting the words, "which is" and inserting the words, "who are", in lieu thereof.

18. On page 24651, the seventh line from the bottom of the first column, is corrected by inserting the word, "summary", before the word, "plan".

19. On page 24655, the seventh line from the bottom of the second column is corrected by adding ", do not take effect until the date on which the first annual report" between the words, "report" and "is".

20. On page 24656, paragraph (a) of § 2520.104-21 is corrected in line thirteen by inserting ", copy of the summary plan description, description" after the words, "plan description", and before the words, "of a material modification,".

21. On page 24657, paragraph (a) of § 2520.104-22 is corrected in the ninth line by changing the word, "requirement" to "requirements".

22. On page 24657, paragraph (b)(1) of § 2520.104-24 is corrected in line five by deleting the period and adding ", and".

23. On page 24659, paragraph (a)(2)(ii)(A) of § 2520.104b-2 is corrected in line two by inserting the word, "to", after the word, "subject", and before the words, "Part 1".

24. On page 24660, paragraph (b)(4) of § 2520.104b-2 is corrected in line ten by changing the words, "plan summary" to "summary plan."

25. On page 24660, paragraph (c)(1) of § 2520.104b-2 is corrected in line eleven by deleting the word, "participate", and inserting the words, "participants and beneficiaries", in lieu thereof.

Dated: July 23, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-19565 Filed 7-25-75;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

CONVICTIONS FOR RECEIPT, SHIPMENT, OR POSSESSION OF FIREARMS

Granting of Relief From Disabilities

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Anderson, William Gilchrist, 19362 Prairie, Detroit, Michigan, convicted on June 19, 1964, in the United States District Court, Eastern District, Michigan.

Bogart, Peter D., 2338 Bronson Hill Drive, Los Angeles, California, convicted on or about July 22, 1965, in the Superior Court of the State of California, for the County of Los Angeles.

Brustein, Daniel J., 2652 Bellevue Avenue, Cincinnati, Ohio, convicted on February 20, 1969, in the United States District Court, Southern District of Ohio.

Clark, Ronald Elbert, 1711 South Montgomery, Sedalia, Missouri, convicted on January 17, 1967, in the Pettis County Circuit Court, Missouri.

Cunningham, William S., 22 Lori Lane, Mt. Juliet, Tennessee, convicted on May 19, 1972, at Criminal Court in Davidson County, Nashville, Tennessee.

Farmer, John Simpson, Jr., 132 Martin Avenue, Danville, Virginia, convicted on March 25, 1968, in the Corporation Court, Danville, Virginia.

Fisher, Steven C., Rt. #3, Linwood Drive, Paragould, Arkansas, convicted on April 6, 1972, in the United States District Court, Eastern District, Arkansas.

Fornoff, William E., 205 Headington Court, Timonium, Maryland, convicted on June 4, 1973, in the United States District Court, District of Maryland.

Foster, Grover L., 2310 11th Avenue North, Bessemer, Alabama, convicted on October 14, 1952, in the Bibb County Circuit Court, Alabama.

Green, Leslie Robert, 727 13th Avenue, South, St. Cloud, Minnesota, convicted on January 24, 1962, and April 3, 1964, in the Hennepin County District Court, Minnesota; and on June 8, 1964, in the United States District Court, Fourth Division, Minnesota.

Jackson, Alton, 13637 Monte Vista, Detroit, Michigan, convicted on or about April 21, 1964, in the Wayne County Circuit Court, Michigan.

Jacobs, Gary L., Six Decatur Street, Burlington, Vermont, convicted on December 3, 1968, in the Vermont District Court, Chittendom Circuit, Burlington, Vermont.

Kane, John G., 700 Wallgate, Waterloo, Iowa, convicted on March 4, 1971, in the Peck County District Court, Des Moines, Iowa.

Klotz, John Melvin, 1406 Clinton Avenue, Minneapolis, Minnesota, convicted on October 17, 1972, in the United States District Court, Fourth Division, Minnesota.

LaMadrid, Godfrey R., 1001 NW. 67th, Seattle, Washington, convicted on October 29, 1970, in the United States District Court, Western District of Washington.

Lovell, John Roy, 439 Wagoner Road, Collinsville, Virginia, convicted on November 15, 1963, in the Corporation Court, Martinsville, Virginia.

Marchese, Gaspere R., 87-10 149 Avenue, Howard Beach, New York, convicted on December 11, 1970, in the Supreme Court, Richmond County, New York.

Masters, Benjamin W., Route 2, Box 285, St. Augustine, Florida, convicted on February 10, 1953, in the Recorder's Court, Fayetteville, North Carolina; on July 24, 1958, and on July 25, 1962, in the United States District Court, Southern District, Florida.

Miles, Franklin R., 112 East 38th Street, Minneapolis, Minnesota, convicted on or about November 15, 1948, in the Ramsey County District Court, Minnesota.

Miller, Andy, Blue Diamond, Perry County, Kentucky, convicted on or about May 12, 1964, in the United States District Court, Eastern District, Kentucky.

Mullins, Johnnie W., Jr., 5018 16th Street, Lubbock, Texas, convicted on or about, November 12, 1970, in the United States District Court, Northern District of Texas.

Nicholson, Kenneth M., Jr., 8635 Holly Drive, Plymouth, Michigan, convicted on February 4, 1959, in the Circuit Court of Wayne County, Michigan.

Richards, Gloyd E., Jr., 19526 East Kern Road, South Bend, Indiana, convicted on October 23, 1939, in the Saint Joseph Superior Court, Indiana.

Rosario, Jack Francisco, McKay Apartments, 7th and Union, Seattle, Washington, convicted on July 17, 1941, in the King County Superior Court, Washington.

Sellers, Gustav W., Sr., 8600 Cheyenne, Detroit, Michigan, convicted on January 6, 1950, in the Recorder's Court, Detroit, Michigan.

Shaffer, Jerry Lee, 1621 Nian Way, Modesto, California, convicted on or about April 25, 1968, and on or about December 10, 1970, in the Superior Court of California, County of Stanislaus.

Sokolowski, Kazimier, 15526 White Road, Baily, Michigan, convicted on or about September 9, 1933, in the Oceana County Circuit Court, Michigan.

Swenson, James L., 18504 104th Avenue, NE, Bothell, Washington, convicted on June 20, 1972, in the King County Superior Court, Washington.

Thompson, Marvin Glen, 4136 South "K" Street, Tacoma, Washington, convicted on January 13, 1969, in the Lewis County Superior Court, Washington.

Toler, Troney Alan, 1105 S. Jackson, Amarillo, Texas, convicted on July 22, 1971, in the Potter County District Court, Texas.

Vaughan, Richard L., 2319 South 5th Avenue, Yakima, Washington, convicted on September 18, 1951, in the United States District Court, Southern District, Mississippi; and on February 4, 1953, in the Yakima County Superior Court, Washington.

Wilkins, Vernon R., 445 Round Top Avenue, Petersburg, Virginia, convicted on March 25, 1962, in the Municipal Court of Baltimore, Maryland; and on December 4, 1962, in the Criminal Court of Baltimore, Maryland.

Willett, Ronald C., 119 Diamond Street, SE, Grand Rapids, Michigan, convicted on August 12, 1971, in the Circuit Court of Kent County, Michigan.

Wright, Donald Dean, Corey's Trailer Park, Littleton, New Hampshire, convicted on or about June 11, 1962, in the Caledonia County Court, Vermont.

Wright, Phillip A., 314 E. Newark Street, Ithaca, Michigan, convicted on October 5, 1970, in the Tuscola County Circuit Court, Michigan.

Signed at Washington, D.C. this 16th day of July 1975.

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

[FR Doc.75-19452 Filed 7-25-75;8:45 am]

Office of the Secretary

UNITED STATES AND FEDERAL REPUBLIC OF GERMANY DISCUSSIONS ON ESTATE TAX CONVENTION

Hearing

The Treasury Department announced today that representatives of the United States and the Federal Republic of Germany will meet in Bonn beginning September 15 to consider entering into an estate tax convention. The United States enters into estate tax conventions in order to avoid double taxation of the estates of U.S. citizens and residents.

There is presently no estate tax convention between the two countries. The discussions of such a convention will take into consideration the draft model estate tax convention published in 1966 by the Fiscal Committee of the Organization for Economic Cooperation and Development (OECD), and the estate tax convention between the United States and the Netherlands which entered into force in February 1971. The possibility of extending any agreement to gift taxes will also be discussed.

Persons wishing to make comments and suggestions about forthcoming discussions with Germany should submit their views in writing to Frederic W. Hickman, Assistant Secretary of the Treas-

ury, U.S. Treasury Department, Washington, D.C. 20220.

The Treasury Department would also welcome comments with respect to the advisability of entering into or revising estate or gift tax treaties with any other countries.

Dated: July 16, 1975.

[SEAL] ROBERT J. PATRICK, Jr.,
International Tax Counsel.

[FR Doc.75-19603 Filed 7-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JULY 22, 1975.

The USAF Scientific Advisory Board ad hoc Reconnaissance Review Group will hold a meeting on August 12, 1975 from 9 a.m. to 4:30 p.m. at the Pentagon, Washington, D.C.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552 (b)(1), (4) and (5). The Group will be briefed on present reconnaissance capabilities and proposals for capabilities of the future. The Group will hold classified discussions on the proposals, and formulate recommendations.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-19424 Filed 7-25-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS PRIVATE SECURITY TASK FORCE

Meeting

Notice is hereby given that an ad hoc committee of the Private Security Task Force to the National Advisory Committee on Criminal Justice Standards and Goals will meet Thursday, August 14 through Saturday, August 16, 1975, in Louisville, Kentucky. The meeting will convene at 1:00 p.m. August 14, in the President's Conference Room, Shelby Campus, at the University of Louisville. The meeting is scheduled to run all day Friday, August 15th, and will adjourn by noon, Saturday the 16th.

Discussion at the meeting will focus upon possible recommendations in the following subject areas: public law enforcement/private security relationships; alarm systems; physical security systems; and environmental security. The meeting will be open to the public.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. 202/376-3687.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-19493 Filed 7-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

PACIFIC NORTHWEST POWER SUPPLY SYSTEM

Notice of Intent To Prepare Draft Environmental Statement

Notice of intent is hereby given by the Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, to prepare a draft environmental statement entitled "The Role of BPA in the Pacific Northwest Power Supply System, Including Its Participation in the Hydro-Thermal Power Program."

This draft is a revision of, and will replace, a draft statement entitled "BPA Participation in Regional Interutility Cooperation," which was filed with the Council on Environmental Quality on April 1, 1975.

Copies of an outline of this draft statement may be obtained by writing or calling: Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, phone (503) 234-3361, ext. 5136.

Suggestions and comments are solicited during this period of draft preparation for consideration in the environmental statement. Comments should be received no later than August 15, 1975.

Dated: July 17, 1975.

RAY FOLEEN,
Acting Administrator.

[FR Doc.75-19494 Filed 7-25-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Official Action

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

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 3, 1974 (39 FR 31926)

APPLICANT

Dr. Thomas G. Scott, Director, Denver Wildlife Research Center, Federal Center, Building 16, Denver, Colorado 80225.

OFFICIAL ACTION

Issued permit October 30, 1974, authorizing annual importation of brown pelican (*Pelecanus occidentalis*) skins, skulls, frozen tissues, and eggs, from Mexico, for scientific research.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 6, 1974 (39 FR 39298-39299)

APPLICANT

Dr. J. D. Dodd, Professor Range Science, Texas A&M University, College Station, Texas 77843.

OFFICIAL ACTION

Issued permit January 3, 1975, to harass Attwater's prairie chickens (*Tympanuchus cupido attwateri*), by observation from blinds and otherwise in the course of the activities described in the application, with the least disturbance possible.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 1, 1974 (39 FR 38681-82)

APPLICANT

Noxubee National Wildlife Refuge, Route 1, Box 84, Brooksville, Mississippi 39739. Travis H. McDaniel, Refuge Manager.

OFFICIAL ACTION

Issued permit January 3, 1975, authorizing permittee to take, possess, and transport any red-cockaded woodpecker (*Dendrocopos borealis*), and Southern bald eagle (*Haliaeetus leucocephalus*), found dead, or parts, or nonviable eggs thereof.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 1, 1974 (39 FR 38682)

APPLICANT

Atlanta Zoological Park, 800 Cherokee Avenue, S.E., Atlanta, Georgia 30316. R. Howard Hunt, Curator, Herpetology.

OFFICIAL ACTION

Issued permit January 6, 1975, authorizing export of ten (10) live Morelet's crocodiles (*Crocodylus moreletti*), to Professor Z. Vogel, Director, Herpetological Station, 165 00 Prague 6—Suchdol, Olsova 6, Czechoslovakia.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 6, 1974 (39 FR 39298)

APPLICANT

Neil J. Reid, Regional Chief Scientist, Rocky Mountain National Park, National Park Service, Estes Park, Colorado 80517.

OFFICIAL ACTION

Issued permit January 13, 1975, to take Greenback cutthroat trout (*Salmo clarki stomias*), by electric shocker and transport by aerated tank truck with minimum mortality.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" DECEMBER 3, 1974 (39 FR 41871-72)

APPLICANT

Dr. Stephen R. Humphrey, Florida State Museum, University of Florida, Gainesville, Florida 32611.

OFFICIAL ACTION

Issued permit January 29, 1975, for scientific research: To capture, harass, trap and collect the Indiana bat (*Myotis sodalis*), but may not kill more than 15.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" DECEMBER 3, 1974 (39 FR 41870-71)

APPLICANT

Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

OFFICIAL ACTION

Issued permit January 29, 1975, authorizing importation of two (2) pairs of Cabot's tragopan pheasants (*Tragopan caboti*), through any designated port of entry.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" NOVEMBER 1, 1974 (39 FR 38684)

APPLICANT

Dr. B. G. Whiteside, Aquatic Station, Biology Department, Southwest Texas State University, San Marcos, Texas 78666.

OFFICIAL ACTION

Issued permit January 30, 1975, to take, collect, specimens of the fountain darter (*Etheostoma fonticola*) from the San Marcos River, Hays County, San Marcos, Texas, and the Comal River, Comal County, New Braunfels, Texas.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER", OCTOBER 4, 1974 (39 FR 35824)

APPLICANT

James L. Ruos, 7145 Deer Valley Road, Highland, Maryland 20777.

OFFICIAL ACTION

Issued permit February 6, 1975, to take, mark, and release peregrine falcons (*Falco peregrinus anatum*), and (*Falco peregrinus tundrius*), at the capture site. Location where authorized activity may be conducted: States of Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Florida.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER", OCTOBER 2, 1974 (39 FR 35579)

APPLICANT

Dr. David C. Deitz, Department of Zoology, University of Florida, Gainesville, Florida 32611.

OFFICIAL ACTION

Issued permit February 13, 1975, to take approximately 80 eggs of the American alligator (*Alligator mississippiensis*), from Payne's Prairie, Biven's Arm and Orange-Lochlossa Lakes area, for hatching and scientific research study.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 4, 1974 (39 FR 35823)

APPLICANT

Chincoteague National Wildlife Refuge, Post Office Box 62, Chincoteague, Virginia 23336. J. C. Appel, Refuge Manager.

OFFICIAL ACTION

Issued permit February 13, 1975, to trap, band and release at the capture site, peregrine falcons (*Falco peregrinus*), on Chincoteague National Wildlife Refuge and Wallops Island, Virginia.

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

Dated: July 21, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement.

[FR Doc.75-19418 Filed 7-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Ms. Pamela Parker Cook, Museum of Comparative Zoology, Harvard University, Cambridge, Massachusetts 02138.

OMB NO. 42-R1[illegible]

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
1. IT IS DESIREABLE TO ESTABLISH A CAPTIVE BREEDING COLONY OF BURRAMYS PARVUS OUTSIDE OF AUSTRALIA AS A SOURCE OF THE SPECIES SAFEGUARDING A HYPOTHETICALLY POSIBLE LOCAL DISASTER THREATENING NATIVE POPULATIONS.
2. BURRAMYS PARVUS IS OF MORPHOLOGICAL RESEARCH INTEREST (SEE PROPOSAL).

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
PAMELA PARKER COOK
MUSEUM OF COMPARATIVE ZOOLOGY
HARVARD UNIVERSITY
CAMBRIDGE, MASS. 02138

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [X] MS. — HEIGHT: 5'5" — WEIGHT: 115 #
DATE OF BIRTH: 11·20·44 — COLOR HAIR: BROWN — COLOR EYES: BLUE
PHONE NUMBER WHERE EMPLOYED: 617-495-2478 — SOCIAL SECURITY NUMBER: 485-54-8166
OCCUPATION: POST DOCTORAL RESEARCHER
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
MUSEUM OF COMPARATIVE ZOOLOGY, HARVARD UNIVERSITY, CAMBRIDGE, MASS. 02138

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
MUSEUM OF COMPARATIVE ZOOLOGY (AS ABOVE)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
ENDANGERED SPECIES PERMIT NUMBER ES-141 ✓

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $50.00

10. DESIRED EFFECTIVE DATE: 1 MAY 1975

11. DURATION NEEDED: *INDEFINITE

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17·23 (a) 1-7, EXCEPT FOR 2.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Pamela Parker Cook — DATE: 9 APRIL 1975

3-200 (6/74)

* UNTIL THE ANIMALS AND ANY PROGENY ARE TRANSFERRED TO THE NEW YORK ZOOLOGICAL PARK OR TO SOME OTHER INSTITUTION DESIGNATED BY THE FISH AND WILDLIFE SERVICE.

APRIL 8, 1975.

DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE,
Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

DEAR SIR: I would like very much to apply for a permit to import specimens of *Burramys parvus*, an endangered Australian Marsupial for zoological, scientific, and captive propagational purposes. Enclosed is the general permit application outlined in 13.12 (a) and the additional information specified in 17.23(a).

1. Common and scientific names of the species: Mountain pigmy possum, *Burramys parvus*, two or four animals, one male, one female or two males, two females aged less than two years.

2. Information from the Australian Wildlife Service is coming separately.

3. Statement of justification for the permit is enclosed.

4. Designated institution: Museum of Comparative Zoology, Harvard University, Cambridge, Massachusetts 02138.

The Museum has a new wing, the second floor of which is occupied by members of the Museum's Department of Vertebrate Paleontology whose research interests lie in the interrelationships between form and function in Recent and fossil mammals. There are new animal facilities on the floor with controlled temperature, humidity, and light conditions. The cinefluorographic and cineradiographic equipment is also housed on the floor.

5. At the time of this application the individual *B. parvus* desired for importation have been born and have reached maturity in captivity.

6. Not appropriate.

7. Live Wildlife Importation.

(i) The small size of *Burramys parvus* reduces the problems of providing suitable living space for them. Each pair of possums will be housed in an aquarium 4' x 2' x 2' with a screened-in top. Inside the possums will be

provided with a water bottle, ad libidum food, nesting materials, and a diversity of objects on which to climb and in which to find cover. The aquaria will be kept on wheeled carts so that the units can be easily moved in and out of the animal rooms with a minimum of disturbance to the possums.

(ii) Technical expertise available in the project includes a full-time animal keeper with several years experience working with breeding and raising primates, access to veterinary medical personnel with long standing interest in exotic animals, and close contact with Prof. J. A. W. Kirsch who has worked with these animals in Australia during part of the 1974–1975 field season. I have kept *Bettongia penicillata*, brush-tailed rat kangaroos, since May 1972 during which time four animals have expanded into eleven, including several young bred at the New York Zoological Park. It appears to me that most problems of marsupials can either be detected early, avoided, or solved relatively easily through prolonged daily observation, close monitoring of individual body weights, and a varied diet.

(iii) I would be willing and extremely eager to participate in a breeding program, to maintain and contribute to a studbook.

(iv) If possible the animals will be hand carried by Prof. J. A. W. Kirsch on a flight from Perth to New York. Otherwise the animals will be flown from Perth to New York in a wooden box subdivided into individual compartments approximately 6'' x 6'' x 3'' containing nesting material and a fixed dish containing food and water.

The animals will be met in New York upon their arrival and brought by car to the Museum of Comparative Zoology, Harvard University, Cambridge, Massachusetts.

Sincerely,

PAMELA PARKER COOK.

STATEMENT OF JUSTIFICATION FOR THE IMPORTATION OF B. PARVUS.

B. parvus is extremely important in evolutionary studies of many kinds, for example Kirsh's work examining the blood proteins of *B. parvus* and Ride's studies of the morphology and phylogeny of fossil *B. parvus*. I am particularly interested in *B. parvus* as another mammalian lineage to independently evolve a plagiaulacoid trophic complex similar to that of several groups of fossil mammals and one group of Recent mammals, of which *Bettongia penicillata* is a member.

The plagiaulacoid dentition of these mammals is superficially gliriform in appearance with the paired, enlarged, and procumbent mandibular incisors followed by a diastema produced by the loss of the anterior cheek teeth. The striking and unique feature of this dental type is the presence of an enlarged, laterally compressed blade bearing a serrated cutting edge heading the molar row which is composed of closely packed brachyodont molars. It is of great interest how this dentition is used and why such an elaborate and bizarre adaptation should be evolved independently in mammals at least seven times. An understanding of the feeding adaptations of *B. parvus* would shed light on the controversy in the literature of the alleged competition among contemporaneous plagiaulacoid multituberculates and primates with the earliest rodents.

Direct observation, feeding trials, cinematographic, cinefluoroscopic, and cineradiographic studies of ingestion and mastication in *B. penicillata* indicate that in this species at least, the plagiaulacoid dentition is very different from the rodent trophic apparatus. *B. penicillata* does not gnaw in the rodent sense. Soft food is ingested at the incisor area; hard or fibrous food is ingested under the premolar blades which do not play an important role in food trituration. In addition *B. penicillata* is perhaps unique anatomically in having a hollow major portion of the mandibular ramus in which deep divisions of the external adductor muscles insert to control jaw retraction during the recovery masticatory stroke and jaw rotation during the power and preparatory masticatory strokes. Any hypothesis attempting to equate *B. penicillata* and any rodent functionally and hence ecologically is unwarranted. Similarly *B. parvus* should be investigated to determine its dental function. It is a much smaller animal than *B. penicillata* with a different diet (insects, seeds, etc.), and a much more exaggerated, rounded premolar blade. It seems likely that *B. parvus* has a different pattern of oral function than does *B. penicillata* and that perhaps the similarity of form of the plagiaulacoid dental complex does not entail a concomitant similarity of function, a point of considerable morphological and evolutionary interest.

The colony of *B. penicillata* also provided the opportunity to analyze breeding, growth and development, social structure and behavior in *B. penicillata* and to analyze the energetics and mechanism of locomotion in this animal. Parallel studies of *B. parvus* would also be done and thus greatly extend what is known of marsupial social behavior and energetics. None of these experimental techniques including the cineradiographic analysis of mastication require the use of any surgery, drugs, dietary deprivation or manipulation, or stress beyond that of handling the animals which is minimal because of the frequent and positively reinforced contact the possums will have with people. I would be happy to provide the Fish and Wildlife Service with reprints, manuscripts, and basic data.

Observations of the activities of *B. parvus* would be made by two observers until the schedule of their daily activity was established and confirmed for a three month period. Categories of behaviour would be defined such as social, feeding, reproductive, and locomotory behavior and explored over this study. Data on gestation, pouch life, growth and development of all young would be kept along with records of the interactions of the adults with the young at various ages.

Basal metabolic rates would be determined by monitoring oxygen consumption of the possums within a closed chamber receiving a known rate of air flow. Exercise metabolic rates will be determined using the same method as was used for the determination of the basal metabolic rate with the chamber placed on a small treadmill and anchored in a fixed position.

Cineradiographic film taken at 250 frames per second in lateral and dorsoventral projection would be analysed to determine patterns of locomotion and patterns of ingestion and mastication and to elucidate the preparatory, power, and recovery phases during these activities, the direction, timing, and amplitude of mandibular movements during the three phases and to relate these data to the cycle of hyoid movements. The clarity of film exposed on the high speed Siemens focused beam x-ray tube obviates the use of radioopaque markers or food and permits the use of very low and short radiation exposure.

Any animals which die would be dissected and the skeletons would become part of the osteology collections of the Museum of Comparative Zoology, Harvard University or Peabody Museum, Yale University.

The animals would ultimately be taken to the New York Zoological Park where many of the *B. penicillata* from my earlier permit have been taken or to some other institution designated by the Bureau of Sport Fisheries and Wildlife.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 27, 1975 will be considered.

Dated: July 18, 1975.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-19419 Filed 7-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Detroit Zoological Park, Post Office Box 39, Royal Oak, Michigan 48068. James C. Savoy, D.V.M., Zoo Director.

JUNE 9, 1975.

Director, Bureau of Sport Fisheries and Wildlife,
U.S. Department of the Interior,
Washington, D.C. 20240

DEAR SIR: The Detroit Zoological Park herewith submits application for a permit to obtain 2 male and 2 female Cheetah (Acinonyx jubatus) per Title 50, Part 17, Section 17.12(b); for educational and preservation purposes.

(i) Applicant: Detroit Zoological Park, P.O. Box 39, Royal Oak, Michigan 48068.

(ii) Specimens: Two (2) male and two (2) female Cheetah (Acinonyx jubatus).

(iii) Purpose: (a) Public display; these specimens will be available for viewing by visitors at the Zoological Park.

(b) Preservation, Reproduction; it is the desire of the Detroit Zoo to make every effort to reproduce Cheetah. The hereinafter described facilities and staff expertise are felt to be adequate to accomplish this.

(iv) Live Wildlife, transit arrangements: The four animals which this permit represents are presently located at Lion Country Safari, Inc., 601 Lion Country Parkway, Grand Prairie, Texas. They have been declared surplus by Lion Country Safari and for the best interests of these animals and the remaining animals they should be moved. These four animals which this permit represents were born at Lion Country Safari, Grand Prairie, Texas U.S.A. and, therefore, are not being imported but represent captive born animals. These animals are, therefore, not being imported into the United States but are being relocated; however, partial trade and partial financial transactions are being made, therefore, since commerce (financial) is involved this permit is necessary. Transit containers will be provided as of the size, shape and construction mutually agreed upon by the Directors and curators of the Detroit Zoo and Lion Country Safari so the animals will have ample room to move, proper ventilation and water available. Transportation will be by air and the most direct route, circumventing any stops, layovers, or transfers. The location of the animals during transit will be closely monitored by both shipper and receiver. A qualified zoo representative will see the animals on the plane and the Detroit Zoo will have a curator at the airport to observe unloading and to drive the animals to the zoo. Time in the transit containers is estimated at four (4) hours. The health records and present feeding schedules and type of food are being sent to the Detroit Zoo. Transit containers are made of wood and are twice the width of the animal, twice the height of the animal and twice the length of the animal; ventilation holes are on approx. 6" centers and are placed in the upper portion of the container and in the lower portion of the container (summer shipment). Solid type doors are located at the ends of the container and are secure as required for safe air shipment. Water container is provided in the corner of one end and has no sharp edges. The container has no sharp or protruding wood or metal parts.

(c) Address, facilities: The herein requested 2 male and 2 female Cheetah will be kept at the Detroit Zoological Park, P.O. Box 39, Royal Oak, Michigan. They will be located in the African complex Cheetah run. (See attached exhibits "A" and "B"). Presently there are one female and one male in this large enclosure and they have been successfully kept in this area for several years. Due to the age of the male it is no longer felt he is capable of breeding. The Cheetah enclosure is located between the large Zebra, Ostrich, Waterbuck enclosure and the Eland enclosure. The Cheetah enclosure is some 21,000 square feet in area, ranges from 40' across at the narrowest point to 100' across at the widest point. The area is 375 feet long. The run is enclosed with a 7' chain link fence with a wire return on top. There are three separate shift pens at the rear of the unit to separate males and for catching animals to examine and vaccinate them. There is a large in-rock room available at the far end of the enclosure. This room can provide seclusion areas for females, serve as a loafing area, breeding area and can be heated for winter retreat. In the yard itself there are two separate heated shelters located in a secluded area toward the rear of the yard and one large shelter (built like an African hut) at the front of the yard. There are open grassy areas, thick underbrush areas and semi-shade treed areas. In this enclosure Cheetah can select any type of area they wish; they can retreat from the public visitors if they desire and can select ample distance from the hoof stock on both sides if they wish, however, the hoof stock-cheetah interaction has been no problem.

(vi) Applicant's qualifications: The Detroit Zoological Park has been a well established institution for 53 years. It is one of the largest zoos in the world and is famous for its large well-designed animal facilities. The staff is well educated and has many years of practical experience in keeping almost all forms of exotic specimens. The three men in charge of the mammals department have a combined experience of some 50 years in the keeping of wild mammals. A large, fully-equipped animal hospital is located on the grounds and a full-time veterinarian is on our staff; the zoo director is also a veterinarian. Diets for the collection are carefully formulated for each specie of animal. The Detroit Zoo has approximately 130 full time employees, an operating budget of around 3.5 million dollars and has approximately 2 million visitors annually.

(vii) Contract or arrangements: No formal contract exists. This will be a financial arrangement (which could include animal trades and money combined) between Lion Country Safari, Grand Prairie, Texas, and the Detroit Zoological Park. The animals, shipping arrangements and transport containers have been previously described.

(viii) Certification: I hereby certify that the foregoing information is complete and accurate to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining an exemption from the requirements of the Endangered Species Conservation Act of 1969 (83 Stat. 275), and that any false statement hereon may be subject to the criminal penalties of 18 U.S.C. 1001.

JAMES C. SAVOY, D.V.M.,
Zoo Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 27, 1975.

Dated: July 21, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.75-19420 Filed 7-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110. Richard D. Schultz, Director; Charles H. Hoessle, General Curator and Deputy Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)

☐ IMPORT OR EXPORT LICENSE [XX] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

To ship four (4) white-necked rock fowl Picathartes gymnocephalus from the National Zoological Park, Washington, D.C. to St. Louis Zoological Park for display, propagating and zoological purposes.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS. HEIGHT WEIGHT
DATE OF BIRTH COLOR HAIR COLOR EYES
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

City and county owned public zoo - USDA licensed. Engaged in conservation and propagation of wildlife, education, exhibits, research and recreation

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

Richard D. Schultz, Director (SAME)

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? XX YES ☐ NO
(If yes, list license or permit numbers)

ES-14, ES-311, ES-156, ES-331
6-SP-77, PRT-7-172-P-2-(K.C.), 6-SC-78

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

N.A.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE

June, 1975

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

Correspondance with National Zoological Park enclosed - also copies of Federal Register Volume 40 #113, Wednesday, June 11, 1975

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Seal)

Richard D. Schultz

DATE

June 19, 1975

3-200 (6/74)

June 18, 1975.

Mr. Lynn A. Greenwalt,
Director, U.S. Fish and Wildlife Service, Law Enforcement Division, U.S. Department of the Interior, Washington, D.C.

Dear Mr. Greenwalt: The St. Louis Zoological Park hereby applies for an importation permit under section 10(a) of the Endangered Species Act of 1973. We submit the following information pursuant to Sections 13.12 and 17.23 of Volume 39, No. 3, Part III of the Federal Register.

1. Common name, Rock-fowl, White-necked *Picathartes gymnocephalus* Two (2) males, two (2) females.

2. These birds are part of a group of white-necked rock-fowl intended as a cooperative effort among several major American zoos, the effort coordinated by the National Zoological Park. See Federal Register, Volume 40, No. 113, Wednesday, June 11, 1975 (enclosed).

3. This importation is intended as a cooperative effort among several major American zoos and a quarantine operator. One object is to import a substantial nucleus of this endangered species to attempt to establish a breeding population in American zoos. It combines the efforts of several non-profit organizations with a non-profit venture by these importer-quarantiner.

The birds will be housed in an open swamp in our tropical bird house; a photo and diagram of same is enclosed. This Zoological display of compatible tropical forest species should be conducive to the propagation of rock-fowl.

Study of the behavior in courtship and nesting of all species in this enclosure is in progress by our Curator of Birds as well as student researchers from behavior courses of Washington University and St. Louis University.

The birds will be maintained at the St. Louis Zoological Park for the remainder of their lives. Offspring resulting from successful propagation will be made available to cooperating institutions to insure future zoo populations without further wild collections. Post Mortem examination of remains will be made by our Veterinary Department and body parts, if desirable, will be made available to appropriate public educational facilities.

4. The St. Louis Zoo is located on 83 acres of Forest Park, St. Louis, Missouri. A current zoo album, an annual report and appropriate quarterly magazines containing detailed descriptions of facilities are enclosed.

5. The group of birds were captured from the wild in Liberia and are now being held at Monrovia, Liberia by G. Borglum as per letter to the Director of the Fish and Wildlife Service from Dr. Reed, Director, National Zoo, dated 17 April 1975.

6. To our knowledge there are no Liberian laws prohibiting the capture of these birds, but they have not been propagated in this country. To our knowledge, this is the first major effort to establish a large colony for propagating efforts in this country.

7. Request is for permit to obtain birds from National Zoo, who is requesting permit to import, however, we submit the following for consideration.

7.i. Photos, diagrams, quarterly magazines, zoo albums and annual report with descriptions.

7.ii. The curatorial staff, as well as the keepers of the bird department have a long history of success in rearing waterfowl, pheasants, ratites, as well as various birds of prey and smaller perching birds. Great expense and efforts have been invested in propagating facilities and in improving environmental conditions which lead to breeding success (see article in Zudus, January, 1975, pp. 10 and 11 (enclosed).)

7.iii. The St. Louis Zoo is involved in cooperative breeding programs, studbook data maintenance, as well as ISIS (International Species Inventory System) in an effort to enhance captive propagation of all zoo species, but with emphasis on Rare and Endangered species.

7.iv. Birds will be shipped in crates similar and equal to International Air Transport Association, Style "F", with 22" x 15" x 10" compartments, one bird per compartment. See I.A.T.A. live animals regulations, 4th editions, February 1, 1975, Geneva, Switzerland.

Documents and other information in connection with this application are enclosed, also a completed form 3-200 and a check for $50.00 to cover the permit fee.

We hope you can give all requests for permits in this most important coordinated effort, consideration at your earliest convenience.

Sincerely yours,

Charles H. Hoessle,
General Curator and Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 27, 1975.

Dated: July 21, 1975.

Loren K. Parcher,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-19421 Filed 7-25-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: San Antonio Zoological Gardens & Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212. Louis R. DiSabato, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To exchange one female snow leopard (Panthera uncia) captive born at the San Antonio Zoo for one female snow leopard (Panthera uncia) captive born at the Helsinki Zoo in order to establish new blood lines in the snow leopards at both zoos.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Antonio Zoological Gardens
& Aquarium
3903 N. St. Mary's Street
San Antonio, TX 78212
(512) 734-7183

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS. HEIGHT WEIGHT
DATE OF BIRTH COLOR HAIR COLOR EYES
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological gardens and aquarium devoted to the exhibition, care & propagation of animals in captivity. Operated by the San Antonio Zoological Society for the City of San Antonio
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (512) 734-7183
Louis R. DiSabato, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Texas

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
San Antonio Zoological Gardens & Aquarium, San Antonio, Texas in exchange with Helsinki Zoo, Helsinki, Finland

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
ES-78, ES-61, ES-48, ES-12, 2-SP-320, 2-PR-365

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of documents)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
IMMEDIATELY

11. DURATION NEEDED
90 days from date issued

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
SEE ATTACHMENTS

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) DATE June 20, 1975

3-200 (6/74)

Louis R. DiSabato

DIRECTOR, U.S. FISH AND WILDLIFE SERVICE,
Law Enforcement, USDI,
Washington, D.C. 20240.

DEAR SIR: Enclosed is a permit application in accordance with paragraph 17.23 Title 40 CFR for the exchange of one female snow leopard (Panthera uncia) captive born at the San Antonio Zoological Gardens for one female snow leopard (Panthera uncia) captive born at the Helsinki Zoo, Helsinki, Finland.

The following is the information required by paragraph 17.23.

(1) Snow leopard (Panthera uncia), one female, born June 14, 1974 at the San Antonio Zoological Gardens, San Antonio, Texas; Snow leopard (Panthera uncia), one female, born 1974 at Helsinki Zoo.

(2) Enclosed are copies of the correspondence between the San Antonio Zoological Gardens and Mr. Ilkka Koivisto, Director, Helsinki Zoo, Helsinki, Finland, establishing the agreement under which the animals are to be exchanged between the two zoos.

(3) Both zoos have been successful in the captive propagation of snow leopards. This permit would allow an exchange of captive born female snow leopards in order to establish new blood lines within the snow leopards being bred at both zoos. These females would be used for propagational purposes at the two zoos.

(4) The female snow leopard born at the San Antonio Zoo will be shipped to the Helsinki Zoo, Korkeasaaren Eläintarha, SF-00570 Helsinki 57, Finland.

The female snow leopard born at the Helsinki Zoo will be shipped to the San Antonio Zoological Gardens and Aquarium, 3903 N. St. Mary's Street, San Antonio, TX 78212.

(5) The two animals that are to be exchanged are both in captivity and were both born in captivity.

(6) Not applicable. Both animals were captive born and will have no adverse effect on the natural population of snow leopards in the wild.

(7) The female snow leopard born at the San Antonio Zoo is to be exported to Helsinki, Finland, and is not an importation.

(i) The female snow leopard born at the Helsinki Zoo would be an importation from that Zoo to the San Antonio Zoological Gardens and Aquarium. It will be housed at the San Antonio Zoo in a cage 10 feet wide, 20 feet deep and 14 feet high with a den 7 feet wide, 4 feet deep and 5 feet high at the rear of the cage. This is a cage similar to ones in which the adult breeding snow leopards are maintained and in which three zoo born snow leopards have been raised. There is a resting platform on top of the den plus sections of trees for climbing and scratching.

(ii) The Zoo Director, Assistant Director and Superintendent of Mammals each have over 20 years experience in the management, care and handling of wild animals in captivity. The staff also includes a fulltime resident veterinarian plus 3 hospital attendants and 25 animal attendants in the Mammal Department. Snow leopards have been maintained at the San Antonio Zoo since 1970, and births have occurred in 1972, 1973 and 1974. In addition this Zoo has also bred spotted leopards, black leopards, clouded leopards, jaguars, mountain lions, African lions, Bengal tigers, Siberian lynx, Pallas' cats, leopard cats and bobcats. In the last six years 157 cats of the above named species have been born at this Zoo.

(iii) The San Antonio Zoological Gardens will readily participate in cooperative breeding programs and in the maintenance of a studbook on the snow leopard. The purpose of this application is, in fact, part of a cooperative breeding program. In addition, all snow leopards in our collection are already listed in the current studbook for this species, and the San Antonio Zoological Gardens participates in the maintenance of studbooks on a number of other animals in its collection and is well-versed in the format and use of these important records.

(iv) The animal will be shipped in a wooden crate lined with metal 24" wide, 45" long and 30" high. There is a double grill in one end of the crate and a metal-lined guillotine door on the other. This door will allow food and water to be placed in the crate. In addition, water may be provided with a hose through the grill.

It is anticipated that the animals will be shipped air freight via the port of New York, and zoo officials at the New York Zoological Park will be requested to check the animals and provide any necessary food and water if required while the animal is at New York. It is planned to ship the San Antonio Zoo animal to the Helsinki Zoo, and Helsinki would ship its animal to San Antonio in the same crate on a return flight.

Sincerely,

LOUIS R. DISABATO,
Director, San Antonio Zoological Gardens and Aquarium.

MR. LOUIS R. DISABATO,
Zoo Director, San Antonio Zoological Gardens, 3903 N. St. Mary's St., San Antonio, Texas 78212

DEAR COLLEAGUE: Today I am coming back to our talk about the exchange of Snow Leopards. I have reserved for you a young female Snow Leopard of our last year's crop. This female can be sent to you any time you wish but I should like to mention that we would like to send her as soon as you have the import papers ready since we need the

cage the female occupies very badly. Further, this female can be exchanged for either a female or male Snow Leopard.

Hoping to hear from you in this matter by return of mail, I remain with kind regards,

Yours sincerely

DR. ILKKA KOIVISTO,
Director.

DR. ILKKA KOIVISTO,
Director, Helsinki Zoo, Kookeasaaren Elaintarha, SF-00570, Helsinki 57, Finland

DEAR COLLEAGUE: Many thanks for your letter of 11 February 1975 referring to our conversations concerning the possible exchange of a young female snow leopard, born in our zoo, for one of those which you reared in the Helsinki Zoo for the purpose of exchanging blood lines.

We are agreeable to this exchange and welcome it; but before we can do it, our government requires us to apply for an Endangered Species Permit both to export ours to you and to acquire one from you. This application will take about 90 days to acquire, unfortunately.

May I please ask you to write a letter to me explaining your great success in rearing snow leopard cubs and the reason for our exchange of offspring so that I might include the letter with our application for permit.

After receiving the permit I propose to ship our female to you; and, then, you can ship your female to us in the same shipping crate almost within a few days of receiving our animal. In this manner, I can apply for only one permit to accomplish both things.

I am sorry that it is so complicated, but this is one of the problems facing us here for the present.

Please let me receive your correspondence as soon as possible so that I might begin my process of application.

Sincerely,

LOUIS R. DISABATO.

MR. LOUIS R. DISABATO,
Zoo Director, San Antonio Zoological Gardens, 3903 N. St. Mary's St., San Antonio, Texas 78212

DEAR COLLEAGUE: Thank you very much for your kind letter of February 20, 1975 concerning the exchange of young Snow Leopards.

The municipal Helsinki Zoological Gardens has in the past six years been breeding snow leopards with outstanding success. In this period of time we have raised together 22 snow leopards, last year alone 8.

In order to widen our present breeding potential, we are now searching for a young suitable female with the aim to create a new blood line.

Therefore I am approaching you with the question if we could arrange an exchange of young snow leopard females for the purpose of establishing new blood lines.

Hoping to hear from you in this matter in due course and remaining with kind regards.

Yours sincerely,

DR. ILKKA KOIVISTO,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 27, 1975.

Dated: July 18, 1975.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-19422 Filed 7-25-75;8:45 am]

National Park Service

MOUNT McKINLEY DEVELOPMENT CONCEPT PLAN

Public Workshop

Notice is hereby given that a public workshop will be held to discuss improvements to the Mount McKinley headquarters area, the McKinley Park Hotel area, and the adjacent railroad station area. Out of the meetings will come an environmental assessment of the alternatives for the developments in this area of the Park.

The first workshop will be held on August 27 at 7:30 p.m. in the Endeavor Room of the Captain Cook Hotel in Anchorage. A second workshop will be held on August 28 at 7:30 p.m. in the West Gold Room of the Travelers Inn in Fairbanks. A final workshop will be held on August 29 at 7:30 p.m. in the Park recreation room in the Mount McKinley National Park headquarters area.

Additional information on the workshops can be obtained by phoning the Alaska State Office, National Park Service, in Anchorage (907-277-8548) or Mount McKinley National Park (907-683-2595).

Dated: July 23, 1975.

EDWARD J. KURTZ,
Acting Regional Director, Pacific Northwest Region.

[FR Doc.75-19567 Filed 7-25-75;8:45 am]

Office of the Secretary

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Availability of Draft Environmental Impact 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 Impact Statement on the Alaska Natural Gas Transportation System. The draft statement analyzes the environmental impacts related to the construction, operation, and maintenance of a proposed pipeline to transport natural gas from the Prudhoe Bay area of Alaska to users in the lower 48 States. The proposal considered in the draft statement is that submitted by the Arctic Gas System made up of a consortium of 27 companies which constitute the Gas Arctic-Northwest Project Study Group (Applicant).

The total project, as proposed by the Applicant, traverses 6,280 miles of land; a large percentage (2,430 miles) is in Canada. Of lands crossed in the United States, 2,883 miles are in private ownership and the balance (967 miles) is under the jurisdiction of Federal agencies.

This environmental impact statement has been prepared in seven parts as follows:

Part I—Overview (1 Volume).
Part II—Alaska (3 Volumes).
Part III—Canada (3 Volumes).
Part IV—West Coast (4 Volumes).
Part V—North Border (3 Volumes).
Part VI—Alternatives (2 Volumes).
Part VII—Consultation and Coordination (1 Volume).

The first five parts are geographically oriented and are presented in parallel format. The following subject groupings are covered sequentially in each part:

1. Description of the proposal.
2. Description of the environment.
3. The environmental impact of the proposed action.
4. Mitigating measures included in the proposed action.
5. Any adverse effects which cannot be avoided should the proposal be implemented.
6. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
7. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
8. Alternatives to the proposed action.
9. Consultation and coordination with others.

Part VI, Alternatives and Part VII, Consultation and Coordination develop their subjects in a different grouping than the geographic parts.

A reader may elect to pursue his particular interest by selecting the parts to which he refers rather than search all parts. For example, a reader interested only in his area, say Montana, could use Part I for the big picture and Part V, North Border for the coverage of his specific area. In the same manner, a reader interested in ways of transporting natural gas could refer to Part VI, Alternatives and satisfy his needs.

When formal applications were filed with the Department of the Interior, they were placed in a public file. The file contains: all applications, amendments, supplements, environmental assessments, and reports filed by the companies; copies of supplemental information requests and responses; comments from interested persons; and testimony from the information gathering meetings. These materials are available for public scrutiny and copies of these files are maintained in Room 1540, Department of the Interior Building, C Street between 18th and 19th Streets, N.W., Washington, D.C.

Public hearings are contemplated at future dates in a number of cities. They will be announced as Notices in the FEDERAL REGISTER.

The Department will accept written comments on the adequacy of the Draft Environmental Impact Statement for a period of 90 days subsequent to the date of this Notice, and will consider any comments received in the preparation of the

final environmental statement. Written comments should be addressed to EIS Task Force, Alaska Natural Gas Transportation System, Bureau of Land Management (302), U.S. Department of the Interior, Washington, D.C. 20240.

The draft environmental impact statement, as well as the companies' applications, will be available for public review at the following locations:

EIS Task Force, Alaska Natural Gas Transportation System, Bureau of Land Management (302), Room 1540, U.S. Department of the Interior, Washington, D.C. 20240.

Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Bureau of Land Management, Oregon State Office, 729 N.E. Oregon Street, Portland, Oregon 97208.

Bureau of Land Management, California State Office, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Bureau of Land Management, Nevada State Office, Room 3008, 300 Booth Street, Reno, Nevada 89502.

Bureau of Land Management, Montana State Office, 316 N. 26th Street, Billings, Montana 59101.

Office of the Special Assistant to Secretary of the Interior, 32nd Floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

A small supply of the draft statement is available in the Washington, D.C. office noted above. Also, the statement may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Dated: July 23, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-19507 Filed 7-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST AND RANGELAND RENEWABLE RESOURCE PLANNING ACT DRAFT ASSESSMENT AND PROGRAM

Public Hearings

JULY 22, 1975.

In September 1975, the Forest Service, USDA, will hold Public Hearings on the Forest and Rangeland Renewable Resource Planning Act Draft Assessment and Program. The draft proposals will be released to the public August 15, 1975. Copies will be available at all Forest Service offices throughout the Country. Written comments on the draft proposals may be mailed by October 15, 1975, to Chief, Forest Service, USDA, Washington, DC 20250. The draft proposals can be obtained from the Chief. Formal public hearings will be held in the following locations to receive oral and written comment:

Date and time	*Location*
September 18, 9-4 p.m.	Missoula City County Library, E. Main & Washington, Missoula, Montana 59801.
September 18, 9 a.m.-8:30 p.m.	Wyer Auditorium, Denver Public Library, 1357 Broadway, Denver, Colorado 80210.
September 18, 2 p.m.	Phoenix Civic Plaza, Rooms 9 and 10, 225 E. Adams Street, Phoenix, Arizona 85004.
September 18, 2-5 p.m. and 7-9 p.m.	Little Theatre Room, Salt Palace, 100 Southwest Temple, Salt Lake City, Utah 84101.
September 17-18, 9-5 p.m. (both days)	Giannini Auditorium, Bank of America Building, 555 California Street, San Francisco, California 94104.
September 23, 9 a.m.-9 p.m.	Bonneville Auditorium, Bonneville Power Authority, 1002 Northeast Holladay St., Portland, Oregon 97232.
September 19, 9-3 p.m.	Main Auditorium, Georgia Power Company, 270 Peachtree Street, NW, Atlanta, Georgia 30303.
September 17, 9-3 p.m.	Holiday Inn—Medical Center, 6701 South Main Street, Houston, Texas 77025.
September 26, 9-3 p.m.	Hilton Inn—Memphis Airport, 2240 Democrat Road, Memphis, Tennessee 38132.
September 17, 9:30-3 p.m.	J. W. McCormick Post Office, and Court House, Rm. 304, Milk & Devonshire Street, Boston, Massachusetts 02109.
September 18, 9:30-3 p.m.	Federal Building, Room 2525, 219 South Dearborn, Chicago, Illinois 60604.
September 19, 9:30-3 p.m.	Federal Building, Room 564, (Located in St. Paul), Fort Snelling, Minnesota 55111.
September 18, 10 a.m.-9 p.m.	Carpenters Hall, 4th & Denali, Anchorage, Alaska 99501.
September 16, 9:30-3 p.m.	USDA, Secretary's Conf. Rm. 218-A, 14th & Independence Ave., SW., Washington, DC 20250.

JOHN R. MCGUIRE,
Chief, Forest Service.

[FR Doc.75-19322 Filed 7-25-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. Howard E. Winn, Graduate School of Oceanography, University of Rhode Island, Kingston, Rhode Island 02881, to conduct research on cetaceans in the Atlantic and Pacific Oceans.

The proposed research will consist of the following activities:

1. Record the sound, behavior and numbers of any cetaceans encountered during a series of cruises in the Atlantic and Pacific Oceans, including aerial observations.

2. Obtain 30 skin and blubber samples from humpback whales (*Megaptera novaeangliae*), over a period of four years, for analysis of chromatin material and pesticides;

3. Conduct underwater observations, and make underwater movies, of humpback whales (*Megaptera novaeangliae*);

4. Import 20 skin and blubber samples from humpback whales (*Megaptera novaeangliae*) taken in the humpback whale fishery in Bequia, British West Indies;

5. Collect any dead stranded humpback whales (*Megaptera novaeangliae*) found within the jurisdiction of the United States, and import dead humpback whales (*Megaptera novaeangliae*), or parts thereof, from Bequia, British West Indies, for anatomical studies.

The observational data obtained during the proposed research will provide a better understanding of the population levels, migratory behavior and social organization of the cetacean species encountered during the cruises.

The skin samples from humpback whales will be used to establish the sex of the animals from which the samples are taken, by means of analysis of chromatin material. The skin samples from humpback whales taken in Bequia will serve as controls from comparison with the samples from living whales at sea. Establishing the sex of whales at sea, in correlation with recordings of their sounds, provides an opportunity for assessment of the social organization of humpback whales, and allows refinement in an acoustic censuring technique previously developed.

The blubber samples will be used in determining the levels of organochlorine pesticides within the tissues of humpback whales.

The skin and blubber samples will be obtained by means of a small biopsy dart, mounted either on a hand-thrown

pole or a modified harpoon gun. The harpoon gun technique was used successfully with large cetaceans during a research cruise in 1972. In either sampling technique, an antibiotic will be placed on the biopsy dart.

The Applicant has applied for a permit under the Endangered Species Act of 1973, to include those species of cetaceans subject to that statute.

Documents submitted with this application are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 27, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: July 22, 1975.

ROBERT W. MCVEY,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-19482 Filed 7-25-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, North, Seattle, Washington 98112, to take and import specimen materials from dead cetaceans.

The specimen materials will be taken from cetaceans which become available to U.S. observers, in the course of their duties in observing the commercial whaling activities of other nations. Such observers, placed aboard commercial whaling factoryships or at land whaling stations, either by appointment by the International Whaling Commission (IWC) or by invitation of the nation conducting the whaling activity, will be designated as agents of the Applicant for the purposes stated in the application. At present, two IWC appointed U.S. observers have been placed at Japanese land whaling stations, and one U.S. observer has been invited aboard an Antarctic factoryship by Japan.

The specimen materials will be taken from cetaceans which are: 1) directly taken in fisheries for such animals, in countries and situations where such taking is legal; 2) killed incidental to fishing or other operations; or 3) dead of natural causes. In no case will agents of the Applicant kill, or cause to be killed, any marine mammals in connection with collecting the requested specimen materials. Initially, the specimen materials will be collected by agents of the Applicant located at Japanese land whaling stations, and aboard a Japanese whaling factoryship. Additional agents may be designated as opportunities for observers expanded to include other whaling activities.

The materials to be collected will include reproductive organs, ear plugs, teeth, bone, baleen and muscle tissue, and blood samples whenever possible. These materials will be analyzed to obtain data on reproductive capacity, age, distribution, and population stock identification and movement.

The Applicant has applied for a permit under the Endangered Species Act of 1973, to include those species of cetaceans subject to that legislation.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before August 27, 1975. The holding of such hearing is at the discretion of the Director.

Dated: July 18, 1975.

ROBERT W. MCVEY,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-19483 Filed 7-25-75;8:45 am]

Office of the Secretary

PROPOSED PROGRAMS FOR APPLIANCE EFFICIENCY

Extension of Time for Filing Comments

During the period June 3, 1975, through July 10, 1975, thirteen separate Proposed Programs for Appliance Efficiency were published in the Federal Register for public comment as detailed below. Because of the complexity of the subject areas covered by these proposed programs, which bear strongly on both the technical and economic aspects of appliance manufacture, requests for extension of the specified comment periods have been received.

As the Department of Commerce fully recognizes the complex nature of the subject areas involved and is concerned that it receives well-considered responses and recommendations concerning the Proposed Programs, the specified periods during which interested persons may submit written comments or suggestions to the Assistant Secretary for Science and Technology concerning the Proposed Programs are extended as follows:

On June 3, 1975 (40 FR 23914), notice of a Proposed Program for Appliance Efficiency for Room Air Conditioners afforded interested persons until July 3, 1975, to submit comments. That comment period is hereby extended to July 21, 1975.

On June 23, 1975 (40 FR 26287), notices of four Proposed Programs for Appliance Efficiency, for Freezers, Refrigerators and Combination Refrigerator-Freezers, Gas Water Heaters, and Electric Water Heaters, afforded interested persons until July 14, 1975, to submit comments. The comment periods for those four Proposed Programs are hereby extended to August 1, 1975.

On July 8, 1975 (40 FR 28650), notices of two Proposed Programs for Appliance Efficiency, for Color Television Receivers and Monochrome Television Receivers, afforded interested persons until July 28, 1975, to submit comments. The comment periods for those two Proposed Programs are hereby extended to August 15, 1975.

On July 9, 1975 (40 FR 28832), notices of three Proposed Programs for Appliance Efficiency, for Electric Clothes Dryers, Gas Clothes Dryers, and Electric Ranges, afforded interested persons until July 30, 1975, to submit comments. The comment periods for those three Proposed Programs are hereby extended to August 15, 1975.

On July 10, 1975 (40 FR 29103), notices of three Proposed Programs for Appliance Efficiency, for Clothes Washers, Gas Ranges, and Dishwashers, afforded interested persons until July 31, 1975, to submit comments. The comment periods for those three Proposed Programs are hereby extended to August 15, 1975.

Issued: July 22, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-19449 Filed 7-25-75;8:45 am]

[Organization Order 20-1]

ADMINISTRATIVE SERVICES AND PROCUREMENT OFFICE

Organization Order Series

This order, effective June 11, 1975, supersedes the material appearing at 39 FR 3302 of January 25, 1974.

Section 1. Purpose.

.01 This order prescribes the functions and organization of the Office of Administrative Services and Procurement.

.02 This revision:

a. Eliminates the Material Management and Procurement Policy staffs and reassigns their functions.

b. Defines the organizational elements reporting to the Deputy Director for Program Development.

c. Establishes the position of Deputy Director for Procurement and defines the procurement organization.

d. Creates the Records Management Division.

e. Generally updates the provisions of the order.

Section 2. Status and Line of Authority.

The Office of Administrative Services and Procurement, a Departmental office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Deputy Director for Operations, provided for in Section 5 below, shall perform the functions of the Director during the latter's absence. During the absence of both the Director and the Deputy Director for Operations, the Deputy Director for Program Development shall perform the functions of the Director.

Section 3. Functions.

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office of Administrative Services and Procurement shall:

a. Have Department-wide staff responsibility for procurement and supply, library, space, motor vehicle, occupational safety and health, telecommunications and mail management, and certain aspects of records management as specified in Section 5;

b. Perform procurement for all elements of the Department, except as otherwise provided in Department Administrative Order 208-2, "Procurement Authority"; and

c. Provide services in the functional areas enumerated in subparagraph a. above required by the Office of the Secretary and as relevant to elements of operating units located in the Main Commerce Building.

Section 4. Specified Authority.

In addition to the authority implicit in and essential to carrying out the functions assigned the Office and related to the exercise of such functions, the Director, Office of Administrative Services and Procurement:

a. Has been expressly delegated certain procurement authority in Department Administrative Order 208-2; and

b. Is hereby designated Claims Officer and delegated the authority vested in the Assistant Secretary for Administration by Department Administrative Order 203-22 to settle and pay claims for damage to, or loss of, personal property incident to his service, under the provisions of 31 U.S.C. 240-243, filed by an employee (or his duly authorized representative) of the Office of the Secretary.

Section 5. Organization.

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The *Deputy Director for Operations* shall be the Director's principal assistant for operations and shall supervise the following divisions:

a. The *Library Division* shall provide library services for the Office of the Secretary and operating units located in the Main Commerce Building, serve as a reference source for libraries of operating units, and exercise Department-wide staff responsibility for library management.

b. The *Communications and Transportation Division* shall exercise staff responsibility for the development of Department-wide policies and procedures in the areas of telecommunications, mail and motor vehicle management. In addition, the Division shall provide the following services for the Office of the Secretary and elements of other operating units in the Main Commerce Building, assigned Commerce annexes, the Regional Commissions and, upon request, other outlying and independently operated buildings not regularly serviced by the Division: local telecommunications, mail and messenger services, travel arrangements, office machine repairs, receiving and shipping services, motor pool services, imprest fund services, internal distribution of publications, and forms inventory for the Department and its component agencies.

c. The *Property and Buildings Management Division* shall supervise real property and space management activities for operating units nationwide and shall serve as the principal liaison between operating units and the GSA headquarters and regional offices on all real property and space management matters, including Federal Building Fund transactions. The Division shall also exercise personal property utilization surveillance over all operating units nationwide; and it shall operate an automated personal property system for the Office of the Secretary and other designated operating units. The Division shall be responsible for preparing the Commerce Telephone Directory; coordinating postage payments with the U.S. Postal Service; and providing labor services and building liaison services with GSA for all operating units in the Main Commerce Building.

d. The *Records Management Division* shall exercise staff responsibility for developing Department-wide policies and procedures in the following areas of records management: (1) forms management, (2) files management, (3) records equipment and supplies management, and (4) records disposition management. The Division shall also provide files, records disposition, and forms management services for the Office of the Secretary and, as approved by the Assistant Secretary for Administration, for designated operating units headquartered in the Main Commerce Building. For the four specific functions enumerated in this paragraph, the head of the Division shall serve as Records Management Officer for the Department and as liaison officer therefor with the National Archives and Records Service.

.02 The *Deputy Director for Program Development* shall be the Director's principal assistant for the development, coordination, and supervision of Department-wide procedures for functional areas as assigned by the Director. He shall also take such action as may be necessary to (1) determine and obtain compliance with Executive Order 11246 and related Executive Orders pertaining to equal opportunity in employment; and (2) set aside appropriate procurement needs for award to minority and other small business enterprises, as authorized by law. In so doing, he shall supervise the activities of the following organizations:

a. The *Special Programs Staff* shall review and develop positions on (1) interagency programs, (2) administrative services management programs, and (3) proposed Federal and military procurement specifications. It shall also review and develop OAS&P reports, manage the Department's Combined Federal Campaign and Savings Bond Drive, and be responsible for the fabrication of audio visual presentations, the Department safety program, and processing claims described in 4.b. above.

b. The *Equal Opportunity and Contract Compliance Staff* shall expand and promote the Department's small business and minority business procurement programs, assure contractor compliance with equal opportunity obligations, and act as equal employment opportunity counselor for the Office of the Secretary, the U.S. Travel Service, and such other offices as may be assigned.

c. The *Program Policy Division* shall be responsible for procurement and supply studies and policies, issuance of delegations of procurement authority, ratification of unauthorized procurement actions, preparing administrative reports on contract award protests lodged at levels higher than the contracting officer, making administrative determinations in connection with mistakes in bids, maintaining career development programs in the procurement and supply field, administering Office of Minority Business Enterprise field contracts, codifying procurement regulations in the Federal Register and Code of Federal Regulations, updating and maintaining the Supply Management Handbook, developing training programs, and other policy activities as assigned.

.03 The *Deputy Director for Procurement* shall serve as the Director's principal assistant on procurement and shall supervise the following divisions in performing procurement for all elements of the Department except as determined under the provisions of Department Administrative Order 208-2.

a. The *Contract Administration Division* shall administer all contracts, except as otherwise assigned, through final contract payment or other required final administrative disposition including the processing of disputes, terminations, actions and claims, and shall perform such other procurement actions as assigned.

b. The *Materials and Services Contracts Division* shall provide contracting services for ADP, construction, and service-type procurements as well as handling all purchase orders through GSA and the open market and other procurement activities as assigned.

c. The *Research and Technical Assistance Division* shall provide contracting services for all research and development and technical assistance procurements and other procurement activities as assigned.

Section 6. Department of Commerce Administrative Services Council.

There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, Office of Administrative Services and Procurement, as Chairman, the Deputy Directors, and the chief administrative services officers of the primary operating units of the Department. The Council will meet on a call from the Chairman for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative services throughout the Department.

Effective date: June 11, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-19504 Filed 7-25-75;8:45 am]

[Organization Order 40-1; Amdt. 2]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization Order Series

This order, effective June 30, 1975, further amends the material appearing at 40 FR 8978 of March 4, 1975; and 40 FR 12532 of March 19, 1975.

Department Organization Order 40-1, dated February 11, 1975, is hereby further amended as shown below. The purpose of this amendment is to establish an Office of Foreign Investment in the United States pursuant to Executive Order 11858.

1. *Section 5. Deputy Assistant Secretary for International Economic Policy and Research.* Paragraph .05 is added, as follows:

".05 The *Office of Foreign Investment in the United States* shall obtain, consolidate and analyze information on foreign investment in the United States; improve procedures for the collection and dissemination of information on such foreign investment; based on close observation of foreign investment in the U.S., prepare reports and analyses of trends and significant developments in appropriate categories of such investment; compile data and prepare evaluations of significant inward investment transactions; submit to the interagency Committee on Foreign Investment in the United States appropriate reports, analyses, data and recommendations on foreign investment in the U.S.; and obtain information and assistance from other Federal departments and agencies in order to carry out the Secretary's functions and activities under Executive Order 11858."

2. The organization chart Exhibit 1, attached to this amendment supersedes the organization chart dated February 19, 1975. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

Approved:

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-19506 Filed 7-25-75;8:45 am]

[Organization Order 35-4B; Amdt. 2]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Organization Order Series

This order, effective June 15, 1975, further amends the material appearing at 39 FR 26768 of July 23, 1974; and 39 FR 38405 of October 31, 1974.

Department Organization Order 35-4B dated July 1, 1974 is hereby further amended as shown below. *This amendment* establishes the new position of Assistant Director for Statistical Standards and Methodology under the Associate Director for Statistical Standards and Methodology. It also better identifies the Census Use Study as an organizational entity by changing its title to Center for Census Use Studies.

1. *Section 6. Bureau of the Census.* a. Paragraph .05 is amended to read:

".05 The *Associate Director for Statistical Standards and Methodology* shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs of geographical services, and programs for the enhancement of the availability and utility of data to meet State and local government needs, and advise the Director in these fields. The Associate Director shall have and direct the units described below and he shall be assisted by an Assistant Director for Statistical Standards and Methodology who shall assist in providing technical direction and coordination in these program areas and also head the Statistical Research Division:"

b. In subparagraph .05c, the title "The *Center for Census Use Studies*" shall be substituted for the title "The *Census Use Study*" which appears at the beginning of the paragraph; and the word "studies" shall be substituted for the word "study" at the very end of the subparagraph.

2. The organization chart attached to this amendment as Exhibit 1 supersedes the organization chart dated October 11, 1974.[1]

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc 75-19505. Filed 7-25-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, on June 30, 1975, with the concurrence of the Office of Management and Budget Committee Management Secretariat of the following advisory committees:

Designations: Clinical Projects Research Review Committee, Clinical Psychopharmacology Research Review Committee, Experimental and Special Training Review Committee, Juvenile Problems Research Review Committee, Mental Health Small Grant Committee, Personality and Cognition Research Review Committee.

Authority for these committees will expire June 30, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 22, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-19445 Filed 7-25-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of Public Meeting of the National Advisory Council on Vocational Education.

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on August 9, 1975 from 9 a.m. to 5 p.m., local time at the Hyatt Regency House, Chicago, Illinois.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, sup-

[1] A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

ported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

August 9, 1975: Discussion of Council Priorities; Discussion of Career Education Conference; Report from Ad-Hoc Search Committee.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on July 23, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc.75-19489 Filed 7-25-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-476-DR; NFD-277]

MINNESOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Minnesota, dated July 17, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 1975:

The Counties of:

Chisago   Winona

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 22, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-19509 Filed 7-25-75;8:45 am]

[FDAA-475-DR; NFD-276]

NORTH DAKOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of North Dakota, dated July 11, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1975:

The Counties of:

Grand Forks   Traill
Hettinger   Walsh
Pembina

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: July 21, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-19510 Filed 7-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 3-75-6-R]

GOVERNORS ISLAND, N.Y.

Security Zone—Termination

The security zone established by the Captain of the Port, New York, as published in the July 22, 1975 issue of the FEDERAL REGISTER (40 FR 30641), was terminated on July 18, 1975.

(46 Stat. 220, as amended, 6(b), 80 Stat. 937; 50 U.S.C. Art. 191, 49 U.S.C. Art. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: July 18, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.75-19484 Filed 7-25-75;8:45 am]

Federal Aviation Administration

TERMINAL INSTRUMENT PROCEDURES (TERPS) WORKING GROUP FOR NAVIGATION SYSTEM ACCURACY

Meeting

Notice is hereby given that the Working Group for Navigation System Accuracy will hold a meeting beginning at 9 a.m., c.d.t., August 6 and 7, in Room 206C of the Aviation Records Building at the FAA Aeronautical Center in Oklahoma City, Oklahoma. The following agenda item is scheduled for this meeting.

Discussion. Review of navigation system accuracies as related to fix accuracies and obstacle clearance requirements presently specified in the TERPs Handbook. This review will include discussion of papers relevant to navigation system accuracy and definition of areas where there is a consensus that obstacle clearance is inadequate.

All those interested in attending the meeting should contact Earnest E. Callaway, Chairman, Working Group for Navigation System Accuracy, Federal Aviation Administration, Flight Inspection National Field Office, P.O. Box 25082, Oklahoma City, Oklahoma 73125. Telephone: (405) 686-4164. The meeting will be open to the public.

Issued in Washington, D.C. on July 21, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.75-19441 Filed 7-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 405-4; OPP-33000/290]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before September 26, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received September 26, 1975.

Dated: July 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/290)

EPA File Symbol 14651-EN. Agricultural Enterprises, Inc., 504 First National Bank Bldg., Fremont NB 68025. AGRI-CIPONA INSECTICIDE EMULSIFIABLE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3 - hydroxy - cis - crotonate 10.0%; 2,2-dichlorovinyl dimethyl phosphate 2.3%; related compounds 0.2%; petroleum hydrocarbons 77.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 1029-120. Aidex Corp., 1024 N 17th St., Omaha NB 68102. AIDEX FUNGEX COPPER FUNGICIDE EMULSIBLE LIQUID. Active Ingredients: Copper salts of fatty and rosin acid 48%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM22

EPA File Symbol 36999-R. B&M International, Inc., PO Box 1116, Thibodaux LA 70301. AQUA KLEER POOL ALGICIDE, COEF. 20. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-O. B&M International, Inc. MICRO-LEMON ODOR DETERGENT-DISINFECTANT COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; isopropanol 2.0%; essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-L. B&M International, Inc. MICRO-LEMON ODOR DETERGENT-DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; isopropanol 1.00%; essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RN. B&M International, Inc. MICRO-LEMON ODOR 22 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.50%; essential oils 0.25%; ethylene diamine tetraacetic acid, tetrasodium salt 0.19%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RE. B&M International, Inc. MICRO-MINT FRAGRANCE 22 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.5%; isopropanol 2.0%; methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RT. B&M International, Inc. MICRO KILL ORANGE FRAGRANT AEROSOL REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; essential oils 0.50%; isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RI. B&M International, Inc. MICRO KILL MINT FRAGRANT AEROSOL REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; essential oils 0.50%; isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RA. B&M International, Inc. MICRO KILL BOUQUET AEROSOL REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; essential oils 0.50%; isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RL. B&M International, Inc. MICRO KILL LEMON SCENTED AEROSOL REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; essential oils 0.50%; isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-A. B&M International, Inc. MICRO-ORANGE FRAGRANCE 7 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; isopropanol 2.0%; essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-RG. B&M International, Inc. MICRO-ORANGE FRAGRANCE 22 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.5%; isopropanol 2.0%; essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-T. B&M International, Inc. MICRO-MINT FRAGRANCE DETERGENT-DISINFECTANT, COEF 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; isopropanol 4.00%; methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-U. B&M International, Inc. MICRO-MINT FRAGRANCE DETERGENT-DISINFECTANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; isopropanol 2.0%; methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-I. B&M International, Inc. MICRO-ORANGE FRAGRANCE 15 DETERGENT-DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; isopropanol 4.00%; essential oils 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36999-E. B&M International, Inc. AQUA KLEER POOL ALGICIDE COEF. 40. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 40.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185-ETE. Bio-Lab, Inc., PO Box 1489, Decatur GA 30030. BIO-QUAT 50-60. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) dimethyl benzyl ammonium chloride 50.00%; ethanol 10.00%. Method of Support: changed from 2(a) to 2(c) of interim policy. PM31

EPA File Symbol 475-ENU. Boyle-Midway Inc., South Ave., & Hale St., Cranford NJ 07016. BLACK FLAG INSTANT KNOCK-DOWN ACTION FLYING INSECT KILLER. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.50%; technical piperonyl butoxide (equivalent to 1.12% (butylcarbityl) (6-propylpiperonyl) ether and 0.28% related compounds) 1.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36023-G. Canine External Remedies, 808 S Washington, Box 128, Murfreesboro AR 71958. RANGER-DAWSON EAR CANKER REMEDY. Active Ingredients: Phenol 4.5%; vegetable oils 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 5011-RUL. Carmel Chemical Corp., Box 406, Westfield IN 46074. FORMULA MU-16. Active Ingredients: Petroleum distillate 99%; naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 10120-EN. Cerfact Lab., PO Box 988, Tucker GA 30084. CERFACTANT. Active Ingredients: Anhydrous sodium metasilicate 4.35%; tetrasodium ethylenediaminetetraacetate 1.58%; n-ankyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.75%; n-alkyl (68% C12, 32% C14, dimethyl ethylbenzyl ammonium chloride 0.75%; n-soya-N-ethyl morpholinium ethosulfate 0.10%; 3,5-dibromo-3' - trifluoromethylsalicylanilide 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 1109-7. Cities Service Co., PO Drawer 50360, Atlanta GA 30302. CITCO COPPER SULFATE POWDERED INSTANT BLUESTONE. Active Ingredients: Copper sulfate (pentahydrate) 99%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added Uses. PM24

EPA File Symbol 1001-LA. W. A. Cleary Corp., 1019 Somerset St., Somerset NJ 08873. SNO-CHEK. Active Ingredients: Pentachloronitrobenzene 6%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 121-RI. Cutter Lab., Inc., 4th & Parker St., Berkeley CA 94710. CUTTER INSECT REPELLENT STICK. Active Ingredients: N,N-diethyl-meta-toluamide 31.35%; other isomers 1.65%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 32695-1. Dale Alley Co., PO Box 444, St. Joseph MO 64502. RL 2 RABON LIVESTOCK DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM15

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chem. Div., 300 Union Commerce Bldg., Cleveland OH 44115. BRAVO 6F. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile 54%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM21

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., Inc., Biochemicals Dept., 7056 DuPont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl-N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM12

EPA File Symbol 3040-UR. Edco Chem. Co., Inc., PO Box 5877, 1048 Key Rd., Columbia SC 29201. EDCO SWIMMING POOL ALGAECIDE 10. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 5905-UUI. Helena Chem Co., Clark Tower, 5100 Poplar Ave., Suite 3200, Memphis TN 38137. DI-WORM 150 DUST. Active Ingredients: Bacillus thuringiensis, Berliner, Potency of 320 International

Units per mg. (At least 0.5 billion viable spores per gram) 0.064%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 10827-L. Industrial Solvents, PO Box 312, San Marcos TX 78666. IND-SOL 90. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 20.62%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 10827-U. Industrial Solvents, PO Box 312, San Marcos TX 78666. IND-SOL 100. Active Ingredients: Isooctyl ester of 2,4,5-trichlorophenoxyacetic acid 19.56%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 6704-TL. Dept. of the Interior, U.S. Fish and Wildlife Service, Washington DC 20240. M-44 CYANIDE CAPSULES. Active Ingredients: Sodium cyanide 88.78%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 6704-TU. U.S. Dept. of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Washington DC 20240. ZINC PHOSPHIDE. Active Ingredients: Zinc phosphide 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 36301-T. J-Chem Inc., PO Box 5421, Houston TX 77012. J-FUME 75. Active Ingredients: Ethylene dichloride 70%; carbon tetrachloride 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 36301-I. J-Chem. Inc. J-FUME C. Active Ingredients: Carbon tetrachloride 81.3%; carbon bisulfide 12.1%; ethylene dibromide 6.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 36301-U. J-Chem, Inc. J-FUME-20. Active Ingredients: Carbon tetrachloride 57%; ethylene dibromide 20%; ethylene dichloride 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 11943-R. Kel-San Products Co., 2107-09 Grand Ave., Knoxville TN 37916. BIG K PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; pine oil 3.95%; alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36724-G. Machemco, 60 Kathryn Dr., Marietta GA 30060. FOGS-EM. Active Ingredients: Petroleum distillate 99.02%; N-octyl bicycloheptene dicarboximide 0.52%; technical piperonyl butoxide 0.31%; pyrethrins 0.15%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36724-E. Machemco. ZOTS-EM. Active Ingredients: Petroleum distillate 99.37%; N-octyl bicycloheptene dicarboximide 0.33%; technical piperonyl butoxide 0.20%; pyrethrins 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36724-U. Machemco. TARGET. Active Ingredients: (5-benzyl-3-furyl) methyl 2,2 - dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.250%; related compounds 0.034%; aromatic petroleum hydrocarbons 0.331%; petroleum distillate 99.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 6418-RN. Magee Chem. Co., 415 W Touhy Ave., Des Plaines IL 60018. MC-20M. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 3.1%; sodium carbonate 3.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 7001-148. Occidental Chem. Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. BEST LAWN & SOIL INSECT SPRAY. Active Ingredients: Chlorpyrifos (O,O-diethyl-O-[3,5,6 - trichloro - 2 - pyridyl]phosphorothioate) 6.7%; xylene 83.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM12

EPA File Symbol 9605-A. Philadelphia Quartz Co., PO Box 258, Lafayette Hill PA 19444. ISP SANI-SOFTENER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.5%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10873-UL. Tifton Chem. Co., PO Box 5, Tifton GA 31794. SCATHE PEANUT HERBICIDE. Active Ingredients: Sodium 2,4-dichlorophenoxyethylsulfate 24.20%; alkanolamine salts (of the ethanol and isopropanol series) of 4,6-dinitro-o-sec-butylphenol 32.83%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 421-URA. James Varley & Sons, Inc., 1200 Switzer Ave., St. Louis MO 63147. CLOMP DISINFECTANT CLEANER CITRUS ODOR. Active Ingredients: Sodium carbonate 2.50%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 421-URL. James Varley & Sons, Inc. CLOMP DISINFECTANT CLEANER UNSCENTED. Active Ingredients: Sodium carbonate 2.50%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-alkyl (50% C12, 30% C14, 17% C15, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 421-URI. James Varley & Sons, Inc. CLOMP DISINFECTANT CLEANER PINE ODOR. Active Ingredients: Sodium carbonate 2.50%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-alkyl 50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 421-URG. James Varley & Sons, Inc. CLOMP DISINFECTANT CLEANER MINT ODOR. Active Ingredients: Sodium carbonate 2.50%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 421-URT. James Varley & Sons, Inc. CLOMP DISINFECTANT CLEANER SASS ODOR. Active Ingredients: Sodium carbonate 2.50%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.25%; tetrasodium salt of ethylene diamine tetraacetic acid 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 421-UEN. James Varley & Sons, Inc. MIST-AWAY SPRAY DISINFECTANT. Active Ingredients: Sodium carbonate 0.0758%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.0379%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 0.0379%; tetrasodium salt of ethylene diamine tetraacetic acid 0.0024%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11656-AE. Western Farm Service, Inc., c/o Shell Chem. Co., Suite 200, 1025 Conn. Ave., N.W., Washington DC 20036. PARATHION 25 WETTABLE. Active Ingredients: Parathion 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

CORRECTED ITEMS

The following are corrections to the lists of Applications received previously published in the FEDERAL REGISTER.

EPA File Symbol 1626-RE. Budd Paint Co., 1068 15th Ave., W. Seattle WA 98119. SUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT GREEN 70-158. Active Ingredients: Cuprous oxide 20.835%; copper naphthenate 2.261% (originally published as 2.26%); phenyl phenol 0.336. Method of Support: Application proceeds under 2(c) of interim policy. PM24 (40 FR 27963)

EPA File Symbol 1626-RU. Budd Paint Co. CUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT RED 70-156 (originally published as CUPROTECT SLOUGHING TYPE-ANTI-FOULING MARINE COPPER BOTTOM PAINT RED 70-158). PM24 (40 FR 27963)

EPA File Symbol 10693-RN. Flo-Kem Inc., 19402 Susana Rd., Compton CA 90221 (originally published as 10402 Susana Rd.). PM31 (40 FR 27964)

EPA File Symbol 5576-UN. Regal Supply and Chem., PO Box 1955, El Paso TX 79950. FRESH-UP. Active Ingredients: tetrasodium ethylenediamine tetraacetate 0.38%; ortho-benzyl parachlorophenol 1.32% (originally published as 132%). Method of Support: Application proceeds under 2(c) of interim policy. PM32 (40 FR 29126)

[FR Doc.75-19417 Filed 7-25-75;8:45 am]

[FRL 406-5]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Meeting

The Effluent Standards and Water Quality Information Advisory Committee is continuing its efforts in the development of information bases to establish feasible technical and economic applications of Best Available Technology (BAT) under P.L. 92-500 for U.S. Industry.

As a result of previously conducted public planning meetings, two industry areas were selected for initial industry/ES&WQIAC task force development. The industry areas are (1) Organics, Plastics and Synthetics and, (2) Paperboard from waste paper.

A series of monthly workshops/meetings have been planned on these industry areas corresponding to the milestones established for the task forces: Completion of Data Collection; Completion of Analysis; Completion of Draft Report; and, Final Action on Best Available Technology (BAT) Report.

The second workshop/meeting will be conducted at Vanderbilt University, Nashville, Tenn. on August 18–19, 1975. The workshop/meeting will begin at 1 p.m., Monday, August 18, in Olin Hall of Engineering, Room 110, Vanderbilt University, Nashville, Tenn.

Monday, August 18, will be devoted to a review of progress on three additional study efforts of ES&WQIAC. The agenda for Monday afternoon includes progress reports on: (1) Development of a Report on the Status and Use of the Matrix Method (2) Analysis of Litigation on Implementation of P.L. 92–500 and (3) Analysis of Toxic Substances Legislation. The workshop/meeting on Tuesday, August 19 will begin at 9 a.m. The agenda includes: Report on Data Collection; Review of Initial Analysis of Data; Critique of Progress; Development and Approval of Report Outline; Development of Detailed Plan for Completion of Draft Report; and New Business.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman or Mr. Martin Brossman, Exec. Director, ES&WQIAC, EPA, Crystal Mall, Bldg. #2, Wash., D.C. 20460, Tel: A.C. 703–557–7390.

Dated: July 22, 1975.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.75–19559 Filed 7–25–75;8:45 am]

[FRL 402–6]

JUDICIAL OFFICERS

Delegation of Authority

The Judicial Officers of the Environmental Protection Agency (EPA) are delegated responsibility for all functions which the Administrator is required by law or regulation to perform in acting as the final deciding officer in adjudicatory proceedings under the Federal Water Pollution Control Act, the Clean Air Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or any other authority of the Administrator. In addition, there is designated a Chief Judicial Officer who shall have referred to him, in the first instance, all matters encompassed by this delegation of authority to the Judicial Officers. The Chief Judicial Officer shall thereafter refer the proceeding to himself or another Judicial Officer, except as otherwise provided by order of the Administrator. This delegation does not affect the authority of the Administrator, the Deputy Administrator or any Assistant Administrator to perform such functions.

It is anticipated that there will be an increase in the number of appeals to the Administrator with respect to permits issued by the Regional Administrators pursuant to the National Pollutant Discharge Elimination System (§ 402 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251; 1342) in the near future. Accordingly, there is a need for an additional Judicial Officer to assist the Administrator with these proceedings. G. William Frick is hereby delegated authority to perform the functions of the EPA Judicial Officer. Michael Glenn continues to perform the functions of EPA's Chief Judicial Officer.

Dated: July 22, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75–19560 Filed 7–25–75;8:45 am]

[FRL 406–3; OPP–50019]

NORTH DAKOTA STATE UNIVERSITY

Experimental Use Permit; Issuance

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to North Dakota State University, Fargo, North Dakota 58102. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35963–EUP–1) allows the use of 4 pounds active ingredient of carbaryl (1-Naphthyl methylcarbamate) on sunflowers only in order to gather residue data necessary to support future tolerance and/or registration requests. The total acreage involved is 0.3; the program is authorized only in North Dakota. This permit is issued with the understanding that all treated crops will be destroyed or used for research purposes only. The permit is effective from July 7, 1975, to December 31, 1975.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: July 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75–19561 Filed 7–25–75;8:45 am]

[FRL 405–8; OPP–36012]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR/CHLORDANE

Denial of Registration Applications

On November 26, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 41298) of its intent to cancel all registered uses of heptachlor and chlordane pursuant to Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136d) with the exception of the uses of heptachlor or chlordane through subsurface ground insertion for termite control and the dipping of roots or tops of nonfood plants. Affected parties have been afforded the opportunity to contest this action by requesting a hearing on specific registered uses.

On this same day, the EPA also issued a regulation (39 FR 41256) pertaining to the registration of pesticide products containing heptachlor or chlordane shipped in *intrastate* commerce. The Agency invoked its authority to bring *intrastate* products containing heptachlor and chlordane under Federal control, pursuant to the provisions of Sections 3 and 25(a) of FIFRA (86 Stat. 979, 997), because 1) a public hearing process for Federally registered products is available through established administrative procedures for those persons affected by the notice of intent to cancel and 2) the Agency believes it is important to provide registrants and users of similar products containing heptachlor or chlordane, that are manufactured, sold and used intrastate and not presently registered at the Federal level, the same hearing rights as those afforded users and registrants of such Federally registered products. This regulation became effective on November 26, and at that time, all affected persons were instructed to apply for Federal registration. Applications were made not only by those who currently ship such products in intrastate commerce, but by affected persons who sought Federal registration as well. All persons affected by this regulation who made application to the Agency to register products containing heptachlor or chlordane received notices of intent to deny such registration by certified mail. These applicants have been afforded 30 days from the date of receipt of such letters of intent to deny to request a hearing pursuant to Section 6 of FIFRA.

Pesticide Products Intended for Shipment in Intrastate Commerce. Applications for registration were made to the Agency as a result of the November 26 FEDERAL REGISTER notice implementing Section 162.20 of 40 CFR. Notices of intent to deny registration have been mailed applicants based on the notice regarding intrastate products. Applicants were instructed that they could request a hearing within 30 days of receipt of such notice pursuant to Section 6 of FIFRA as set forth in the FEDERAL REGISTER notice. Applicants were

also advised that if they did request a hearing in accordance with the procedures established, their products could continue to be sold in the state where it has been registered pending completion of the scheduled cancellation proceedings.

Applications made to the Agency were published in the FEDERAL REGISTER in accordance with the provisions of the Agency's interim policy with respect to the administration of Section 3(c)(1)(D), which provides that upon receipt of every application for registration the EPA will publish such notice.

Notices of intent to deny registration have been sent to the following applicants for the listed products:

EPA File Symbol 11515-GU. ABC Chemical Corp., 14288 Meyers Rd., Detroit MI 48227. ABC CHEMICAL CORP. LAWNSECT.

EPA File Symbol 11457-R. Arbo Products Co., 7825 Olive St., New Orleans LA 70118. ARBO 10% CHLORDANE DUST.

EPA File Symbol 5719-LT. Chacon Chemical Corp., A Sub. of Leisure Enterprises, Inc., 5245 Chakemco St., South Gate CA 90280. CHACON LAWN & GARDEN INSECT SPRAY.

EPA File Symbol 9404-L. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND 5% CHLORDANE DUST INSECTICIDE.

EPA File Symbol 9404-GT. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND CHLORO-TOX BAIT.

EPA File Symbol 34901-E. Smith Distributors, 2742 Shadowdale, Houston TX 77043. SPRAY-CHEM.

EPA File Symbol 12956-R. William Mihelich & Son Nursery, 14300 Toepfer, Warren MI 48089. MIHELICH'S SUPER ANT AND GRUB CONTROL.

EPA File Symbol 12956-E. William Mihelich & Son Nursery, 14300 Toepfer, Warren MI 48089. MIHELICH'S NURSERY ANT AND GRUB CONTROL.

Pesticide Products Intended for Shipment in Interstate Commerce. Notices of intent to deny registration have also been mailed in response to applications for registration made to the Agency for products containing heptachlor or chlordane intended for sale in interstate commerce. Such notices were based on the November 26 FEDERAL REGISTER notice of intent to cancel. Applicants were advised that pursuant to Section 3(c)(6) they had 30 days from receipt of the notice of intent to deny to make any changes necessary to meet the Agency's requirements for registration. The only change possible to comply with current requirements is to restrict such products to use as subsurface ground applications for termite control or for dipping of roots or tops of nonfood plants as set forth in the FEDERAL REGISTER notice of intent to cancel. Applicants have also been advised that if this change is possible and desired they may submit a revised application. Otherwise, such applications to register are denied. Products not registered with the Agency cannot be legally sold. Applicants were also told that remedies for denial are available through the administrative procedures set forth in Section 6(b) of FIFRA.

Applications made to the Agency were published in the FEDERAL REGISTER in accordance with the provisions of the Agency's interim policy with respect to the administration of Section 3(c)(1)(D).

Notices of intent to deny registration have been sent to the following applicants for the listed products.

EPA File Symbol 8123-AG. Frank Miller & Sons, Inc., 13831 S. Emerald Ave., Chicago IL 60627. EMULSIFIABLE CHLORDANE CONCENTRATE.

EPA File Symbol 5905-UEI. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HEPTACHLOR 5-G GRANULAR FIRE ANT, TICK AND CHIGGER KILLER.

EPA File Symbol 1021-RGGU. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7241.

EPA File Symbol 3509-RNU. Safe-Way Farm Products Co., PO Box 6309, Austin TX 78762. SAFE-WAY BRAND CHLORDANE 40% WETTABLE POWDER.

EPA File Symbol 11474-RI. Sungro Chemicals, Inc., PO Box 24632, Los Angeles CA 90024. BATTLE.

Conclusion. Any person adversely affected by this notice may, within 30 days after publication in the Federal Register, request a hearing with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Any questions concerning this notice should be directed to Product Manager 15, Registration Division, Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Notice of the Agency's denial of these applications for registration is given pursuant to the provisions of section 3(c)(6) of FIFRA. An identical notice which contained lists of other affected applications to register products containing heptachlor/chlordane was published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22587).

Dated: July 22, 1975.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-19561 Filed 7-25-75;8:45 am]

[FRL 406-4; OPP-00010]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE WORKING GROUP ON REGISTRATION AND CLASSIFICATION

Meeting

Pursuant to P.L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Registration and Classification will be held on August 18 and 19, 1975.

This is the first meeting of the Working Group under SFFIAC auspices. The meeting will be concerned primarily with review of the proposed regulations implementing Sections 5(f) and 24(c) of the amended FIFRA. However, the agenda will also include a review of the latest draft of the presumptively restricted pesticide list.

The meeting will be open to the public. For details as to the time and place, any member of the public wishing to attend should contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-8053.

Dated: July 21, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-19558 Filed 7-25-75;8:45 am]

[FRL 408-1; OPP-50022]

DEPARTMENT OF THE INTERIOR

Receipt of Application for Experimental Use Permit To Use Sodium Cyanide for Coyote Control and Solicitation of Public Views

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the U.S. Department of the Interior (USDI) has applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of sodium cyanide in toxic collars to control coyotes that are preying on sheep. Such application is subject to the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

According to the section 5 regulations, the Administrator shall publish notice in the Federal Register of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested parties are invited to submit written comments pertinent to this application to the Federal Register Section, Room E-401 Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received on or before August 12, 1975, and should bear the identifying notation OPP-50022. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located at the Headquarters address mentioned above.

The application requests an experimental use permit to use approximately

100 liters of a sodium cyanide formulation in toxic collars to be placed on tethered lambs in an effort to destroy coyotes preying on sheep. The composition of the formulated product is a saturated solution of sodium cyanide in water calculated at 33 percent (by weight). Eastman Kodak Brilliant Yellow Dye will be placed in the solution for safety purposes and to delineate contamination. Tests will be conducted only by Fish and Wildlife Service (U.S. Department of the Interior) supervised trappers in thirteen western States where current control operations are conducted on private or public lands; those States are: Arizona, California, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, and Wyoming. No more than five (5) collared lambs will be used at one test site. According to the USDI, it is expected that no more than 300 to 1,000 complaints of coyote predation will be involved, utilizing no more than 900 to 3,000 collars in any one year. No sites are to be selected where the following hazards may occur: (1) potential presence of endangered canids, red wolf, rocky mountain wolf, or timber wolf; (2) where human interference or safety problems are likely to occur; and (3) where weather conditions may cause undue stress or death of the lamb (extreme heat or cold). Collared lambs will be exposed for a period of no longer than 3 days, according to the judgment of the trapper. Appropriate training and recording mechanisms will be essential parts of the experimental use permit.

The objective of the proposed test program is to investigate the potential of the toxic collar for selective control of killer coyotes under varying geographic locations, range situations, seasonal variations, and ranching practices. Primary hazard to livestock resulting from toxic collar use does not appear to be a significant problem, according to the USDI. This judgment is based on the fact that the cyanide is not exposed to animals unless they are attacked by coyotes, and if not killed by coyotes, the animals are decontaminated or destroyed by the trapper/applicator. Testing would begin upon approval of the permit by EPA.

This notice does not indicate a decision by EPA on the application. This permit, if granted, will be effective for a specified period of time, normally one (1) year, depending upon the crop or site to be tested and the requirements of the testing program submitted.

Dated July 23, 1975.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-19689 Filed 7-25-75;9:17 am]

[FRL 407-2; FIFRA Docket No. 382]

PREDATOR CONTROL

Registration of Sodium Cyanide; Prehearing Conference

This application under Section 3 and 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136a), is governed by Special Rules of Practice (40 CFR 164.130-133); 40 F.R. 12265). Those rules in turn specify that the regular rules for the conduct of the hearing (40 CFR 164.1-110) should apply to "the extent feasible, as determined by the presiding officer."

In his Notice of Hearing, dated July 11, 1975, the Administrator has specified that the hearing herein begin on August 12, 1975 and end on August 15, 1975; that proposed orders, findings of fact, and conclusions of law must be filed by each party within four days of the close of the hearing; that the presiding officer must issue his initial decision within ten days after the hearings; that parties may file exceptions [1] to that decision within 14 days after the hearing; and that the Administrator's final decision will be issued within 21 days after the hearing.

The foregoing compressed schedule indicates that special procedural rules must be devised to expedite the hearing process.

Against this background, counsel for EPA, with the concurrence of counsel for the Department of Interior, filed a motion on July 23, 1975, requesting that a prehearing conference be held herein on July 28, 1975, pointing to the need to resolve special procedural questions, and contending that to await August 7, 1975, when a prehearing conference is scheduled (40 F.R. 30611, July 22, 1975), is too late to resolve such questions. Unfortunately, at this point, the only identified interested parties are EPA and the Department of Interior, and the certificate of service indicates service of the motion on none else. Therefore, it is impossible to provide notice of such a conference to interested persons or even constructive notice to other potential parties through publication in the Federal Register.

The presiding officer does not disagree with the allegations as to need for special procedures, and it would have been helpful if the motion had proposed a set of rules based on EPA experience in other expedited proceedings, such as the Aldrin/Dieldrin proceeding (FIFRA Docket No. 145, et al.). Having been advised that the earliest possible date of publication in the FEDERAL REGISTER is July 28, 1975, a prehearing conference will be convened on July 30, in order to provide at least minimal notice to interested persons. At such conference, EPA and Interior will be expected to offer a specific set of proposed rules, either jointly or separately.

It is ordered, That a prehearing conference shall be convened in this proceeding beginning at 10:00 a.m., on July 30, 1975, in Room 3803, Waterside Mall, 4th and M Streets, S.W., Washington, D.C.

To the extent not granted, the EPA motion filed July 23, 1975, is denied.

FREDERICK W. DENNISTON,
Administrative Law Judge.

JULY 24, 1975.

[1] While the Notice refers to reply briefs, it was obviously intended to refer to exceptions.

FEDERAL COMMUNICATIONS COMMISSION

OPERATORS OF CABLE TELEVISION SYSTEMS

Memorandum

JULY 17, 1975.

The memorandum quoted below is being mailed to all cable television operators:

"TO OWNERS OR OPERATORS OF CABLE TELEVISION SYSTEMS:

"As you know, the filing dates for FCC Forms 325, 326, and 395 have been postponed. The Commission is now revising Form 326-A (computation of annual fee), and its due date is also being postponed. (The form and accompanying fees for 1973 and 1974 were originally due August 1, 1975.) It is envisioned that all four reporting forms will be mailed in a single package, which you should receive by October, 1975. The forms will then be due on a staggered schedule to be announced in the mailing. PLEASE DO NOT FILE ANY FORMS OR ANNUAL FEES UNTIL THEN.

"A further word about the annual fee and Form 326-A. When the Commission recently revised the entire FCC fee schedule, it established a special cable annual fee of 6 cents per subscriber for 1973 and 1974. (For computations involving 1975 and thereafter, the annual fee will be 13 cents.) Because the 6 cent fee will apply to 1973 and 1974 only, special Forms 326-A are being designed. Please be sure to use them when filing your 1973 and 1974 annual fees."

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

[FR Doc.75-19503 Filed 7-25-75;8:45 am]

[FCC 75-816; CSR-659; DE 0022]

ROLLINS CABLE VUE, INC.

Memorandum Opinion and Order re Declaratory Ruling

By the Commission:

In re: Rollins Cable Vue, Inc. d/b/a

Rollins Cablevision Newport, Delaware request for Declaratory Ruling.

1. On December 4, 1974, Rollins Cable Vue, Inc., d/b/a Rollins Cablevision ("Rollins"), operator of a cable television system at Newport, Delaware filed an informal request for an opinion as to whether or not it could delete carriage of a "grandfathered" television signal on a temporary basis and retain the right to resume carriage of the signal at a later date by filing an application for a certificate of compliance. On February 4, 1975, Rollins advised the Commission that it would prefer its informal request to be treated as a formal "Request for Declaratory Ruling." The petition is unopposed.[1]

2. Rollins' system in Newport carries the following television broadcast signals:[2]

KYW-TV (NBC, Channel 3), Philadelphia, Pennsylvania; WTAF-TV (Ind., Channel 29), Philadelphia, Pennsylvania; WPVI-TV (ABC, Channel 6), Philadelphia, Pennsylvania; WPHL-TV (Ind., Channel 17), Philadelphia, Pennsylvania; WKBS-TV (Ind., Channel 48), Philadelphia, Pennsylvania; WCAU-TV (CBS, Channel 10), Philadelphia, Pennsylvania; WHYY-TV (Educ., Channel 12), Wilmington, Delaware; WGAL-TV (NBC, Channel 8), Lancaster, Pennsylvania; WMAR-TV (CBS, Channel 2), Baltimore, Maryland; WBAL-TV (NBC, Channel 11), Baltimore, Maryland; WJZ-TV (ABC, Channel 13), Baltimore, Maryland.

Rollins proposes to contract with the 4th Network, a program supplier, for certain syndicated programs which will be put on a separate cable channel on the Newport cable system. Because of the system's limited channel capacity, Rollins proposes to delete the signal of WBAL-TV in order to be able to provide this programming. In support of its request, Rollins argues that because WBAL-TV is a "non must carry" grandfathered signal it can be deleted without violating any Commission Rule. However, Rollins believes that there is Commission precedent which indicates that a "non must carry" grandfathered signal may not be added "as a matter of right" if such signal is voluntarily withdrawn from the system, citing *Nationwide Cablevision, Inc.*, FCC 74-1302, 49 FCC 2d 1138 (1974). Rollins asserts that although it is withdrawing WBAL-TV voluntarily it is doing so because of technical reasons—"that is, a present lack of channel capacity, which is only temporary."[3]

3. Rollins seeks a Declaratory Ruling as to whether or not it can temporarily delete the signal of Station WBAL-TV which was authorized for carriage subsequent to March 31, 1972 and still retain the right to add the signal at a later date.[4] It should be noted that contrary to Rollins' assertion, WBAL-TV is not a grandfathered signal on the subject cable television system. In *Rollins Cablevision, supra*, we stated that the failure of Rollins to give the proper notification pursuant to former Section 74.1105 of the Rules prevented WBAL-TV from being authorized under Section 76.65. However, the Commission did authorize the continued carriage of WBAL-TV on the subject system because no oppositions were filed to the request for waiver of former Section 74.1105, and in order to avoid the disruption of established viewing habits. Rollins' reliance on *Nationwide Cablevision, Inc., supra*, is misplaced. *Nationwide* involved the addition of a television broadcast signal that had been authorized for carriage prior to March 31, 1972, and subsequently deleted prior to that date. In the instant case, WBAL-TV was authorized for carriage after March 31, 1972, and is now proposed to be deleted. In *Alabama Cablevision Co.*, FCC 73-1210, 43 FCC 2d 980 (1973), an application for a certificate of compliance was filed seeking to add a television signal which had been previously carried but deleted prior to March 31, 1972. Therein we stated that the signal could not:

"Within the clear meaning of Section 76.11(a) of the Rules, be added again to the systems without first obtaining certificates of compliance. This situation, however, must be distinguished from the case where a system has been previously certified to carry a signal, which is subsequently temporarily deleted. In that case, absent unusual circumstances, it would be unnecessary for a system to obtain another certificate of compliance before again commencing carriage of the previously certified signal."

The instant case involves a previously certified signal that is sought to be temporarily deleted. Accordingly, consistent with the policy set forth in *Alabama Cablevision, supra*, Rollins may voluntarily delete the signal of WBAL-TV and resume such carriage at a later date without filing an application for a certificate of compliance, or otherwise notifying the Commission.

Accordingly, it is ordered, That Rollins Cablevision may temporarily suspend carriage of WBAL-TV on its Newport cable television system until such time as converters are made available to subscribers. Additionally, it will not be necessary for Rollins to obtain another certificate of compliance before again commencing carriage of WBAL-TV on the Newport system.

Adopted: July 8, 1975.

Released: July 17, 1975.

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

[FR Doc.75-19360 Filed 7-25-75;8:45 am]

[1] Rollins also operates cable television systems in Wilmington, Elsmere and certain unincorporated areas of New Castle County, Delaware. Rollins originally included the cable systems in Wilmington and Elsmere, Delaware in its request. However, the subsequent availability of converters, which give subscribers in Elsmere and Wilmington additional channels, negated the need to delete carriage of WBAL-TV on those systems.

[2] In addition to the eleven broadcast signals carried, Rollins originates approximately 20-25 hours of cablecasting which uses up the remaining channel capacity available on the 12 channel Newport system.

[3] Rollins intends to make converters available to subscribers in Newport in the near future when it becomes economically feasible to do so.

[4] WBAL-TV was authorized for carriage on the Newport system by the Commission decision in *Rollins Cablevision*, FCC 74-555, 47 FCC 2d 258 (1974).

FEDERAL MARITIME COMMISSION

ATLANTIC CONTAINER LINE (G.I.E.) AND DART CONTAINERLINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

ATLANTIC CONTAINER LINE (G.I.E.)
and
DART CONTAINERLINE, LTD.

Notice of Agreement Filed by:
George F. Galland, Esquire, Galland, Kharasch, Calkins & Brown, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Agreement No. 10095-1, between the above-named lines, is an application to extend the approval of the agreement for a period of not less than one year beyond October 22, 1975.

By Order of the Federal Maritime Commission

FRANCIS C. HURNEY,
Secretary.

Dated: July 22, 1975.

[FR Doc.75-19496 Filed 7-25-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-142; PGA 75-5]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment and Permitting Filing of Revised Rates

JULY 22, 1975.

On June 6, 1975, Cities Service Gas Company (Cities) tendered for filing a proposed revised tariff sheet[1] pursuant to its PGA clause which would track a 3.95¢ per Mcf PGA rate decrease. The proposed decrease reflects 1) a decrease of 0.21¢ per Mcf, or $590,609 per year, in current purchased gas costs, and 2) a reduced surcharge to recover deferred purchased gas costs. Cities has requested an effective date of July 23, 1975.

Notice of Cities' filing was issued on June 13, 1975, with protests or petitions to intervene due on or before July 1, 1975. The Commission has received no comments, protests, or petitions to intervene.

Our review of Cities' proposed PGA adjustment indicates that it is based in part upon small independent producer and emergency purchases at rates in excess of the rate levels established in Opinion No. 699-H.[2] The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Cities' June 6, 1975, PGA filing and suspend it for one day to become effective July 24, 1975, subject to refund.

With regard to the question of small producer purchases, we note that the Supreme Court has remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[3] As to the emergency purchases, we note that the U.S. Circuit Court of Appeals for the D.C. Circuit has set aside Order No. 491, *et al.*[4] holding that the Commission exceeded its authority under the Natural Gas Act.[5] We shall, at an appropriate future time, set the issue of the justness and reasonableness of these costs for hearing.

Our review of Cities' proposed tariff sheet indicates that the claimed costs other than those associated with that portion of small producers and emergency purchases in excess of Opinion No. 699-H complies with the standards set forth in Docket No. R-406. Accordingly, Cities may file a substitute tariff sheet to become effective July 23, 1975, reflecting costs other than those associated with small producer and emergency purchases in excess of the rate levels prescribed by Opinion No. 699-H.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Cities' proposed PGA adjustment tendered on June 6, 1975, be accepted for filing, suspended for one day and permitted to become effective July 24, 1975, subject to refund.

(2) The claimed costs other than those associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders:

(A) Cities proposed Twelfth Revised Sheet PGA-1 to its Second Revised Volume No. 1 of the FPC Gas Tariff is hereby accepted for filing, suspended for one day, and permitted to become effective July 24, 1975, subject to refund, pending further Commission order in this docket and Docket Nos. RP75-27 and RP74-4.

(B) Cities may file to become effective July 23, 1975, a substitute tariff sheet reflecting that portion of Cities' proposed rates which reflect costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order to be issued in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19523 Filed 7-25-75;8:45 am]

[1] Twelfth Revised Sheet PGA-1 to Second Revised Volume No. 1.

[2] Docket No. R-389-B, issued June 21, 1974.

[3] *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974).

[4] Order No. 491, 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973); Order No. 491-C, 50 FPC 1634 (1973).

[5] *Consumer Federation of America, et al. v. F.P.C.* (D.C. Cir., Docket No. 73-20009, issued March 13, 1975).

[Docket No. RP73-65; RP74-82; PGA76-1]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JULY 21, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 17, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, as follows:

Twenty-Fourth Revised Sheet No. 16, Ninth Revised Sheet No. 64A.

These proposed changes result from the implementation of Columbia's Purchased Gas Cost Adjustment provision contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings, which are based on small producer purchases at rates above the effective national rate, Columbia also tendered for filing Alternate Twenty-Fourth Revised Sheet No. 16 and Alternate Ninth Revised Sheet No. 64A. These tariff sheets exclude amounts attributable to small producer purchases which are in excess of the effective national rate.

In the event that the Commission suspends Twenty-Fourth Revised Sheet No. 16 and Ninth Revised Sheet No. 64A, Columbia proposes that Alternate Twenty-Fourth Revised Sheet No. 16 and Alternate Ninth Revised Sheet No. 64A be effective September 1, 1975.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19522 Filed 7-25-75;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Further Extension of Procedural Dates

JULY 21, 1975.

On June 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued May 9, 1975, in the above-designated matter.

On July 8, 1975, Staff Counsel filed a motion supplementing that of June 17th, to further extend procedural dates. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Rate of Testimony, September 19, 1975.

Service of Intervenor's Testimony, October 3, 1975.

Service of Company Rebuttal, October 17, 1975.

Hearing, November 18, 1975 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19537 Filed 7-25-75;8:45 am]

[Docket No. RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Settlement

JULY 22, 1975.

Take notice that on July 14, 1975, the Administrative Law Judge in the proceeding in Docket No. RP73-115, certified to the Commission for action a proposed settlement agreement. The said proceeding involves the selection of a proposed curtailment plan over the Consolidated Gas Supply Corporation system (Con Gas).

The proposed settlement provides for a data base on which to implement the curtailment of gas according to nine priorities of service. The industrial end-use data is alleged to be based upon data for the twelve months ending September 30, 1974, while the residential and commercial requirements are stated to be based upon the number of those consumers attached as of February 1, 1975, and certain consumption factors for such consumers. The agreement provides that buyers net storage injection requirements in any month in which storage injections exceed storage withdrawals shall be allocated to all categories of use in accordance with the percentage requirements served by storage withdrawals in each of such categories in the month when storage withdrawals exceed storage injections. The agreement furthermore calls for Con Gas to monitor the implementation of curtailment and does not allow buyers to carry over any injection or withdrawal seasonal volumes in accordance with its established requirements, but which are not actually taken during such season.

Any person wishing to file comments either in support or against this proposed settlement shall file them with the Commission on or before August 11, 1975. Any person wishing to reply to the initial comments shall do so within 15 days after the aforesaid initial commitment date. All comments shall be served on all parties to this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19526 Filed 7-25-75;8:45 am]

[Docket No. CS71-322]

COTTON PETROLEUM CORP.

Petition for Waiver of Regulations

JULY 22, 1975.

Take notice that on July 2, 1975, Cotton Petroleum Corporation (Petitioner), 2121 South Columbia Street, Tulsa, Oklahoma 74114, filed in Docket No. CS71-322 a petition for waiver in part of Subsection 157.40(c) of the Regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas to Arkansas Louisiana Gas Company (Arkla) under the small producer certificate issued in Docket No. CS71-322 from properties acquired from Diamond Shamrock Corporation (Diamond) and Edwin L. Cox (Cox), all as more fully set forth in the petition for waiver which is on file with the Commission and open to public inspection.

Petitioner states that effective July 1, 1974, Diamond assigned to Petitioner its interest in certain oil and gas leases in Oklahoma and that effective August 1, 1976, Cox assigned to Petitioner its rights in certain oil and gas leases in Oklahoma. Petitioner states further that the leases had been unitized and that each of the aforementioned assignors owned a 50 percent interest in production from the one gas well on the leases, the Henry Boekman No. 1 well. Sales from the leases are said to have been authorized in Docket Nos. CI70-637 and CI70-430 to be made by Diamond and Cox which are large producers.

Subsection 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that it paid $90,000 for the leases and the well that were purchased. Petitioner further states that it has spent approximately $400,000 in drilling a new well on the leases and alleges that because of the expenditure it has raised the production of gas from the leases from 150 Mcf of gas per day to 3,150 Mcf of gas per day. Petitioner states that Arkla has agreed to a price amendment to make such drilling economically feasible and that the new price is 55.0 cents per Mcf of gas plus tax reimbursement.

Petitioner requests that it be exempted from the provisions of the Regulations (18 CFR 157.40(c)) because it states that the provisions made were to prevent large producers from circumventing the applicable area of national rate. Petitioner further alleges that had Diamond and Cox drilled the subject well they would have been entitled to a price amendment as to production from a new well pursuant to Opinion 699-H. Petitioner states that Diamond and Cox in no way avoided the applicable maximum pricing provisions for large producers by selling the acreage involved to a small producer, Petitioner. Petitioner further alleges that the new rate is in line with the applicable national rate. It is further stated that because Diamond and Cox retained no interest in the leases or the gas reserves thereunder and the economics of the transfer indicate that they did not avoid price regulation, the rationale for the prohibition in 157.40 is not applicable to Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19527 Filed 7-25-75;8:45 am]

[Docket No. ER76-7]

DUKE POWER CO.

Filing of Supplement to Contract

JULY 21, 1975.

Take notice that on July 11, 1975, Duke Power Company (Duke) tendered for filing a supplement to Duke Rate Schedule FPC No. 143. This schedule is the contract between Duke and Broad River Electric Cooperative, Inc. (Broad River). Duke states that the supplement provides for increased designated KW demand at nine delivery points. Duke states that the changes are made at the request of and with the agreement of Broad River. The proposed effective date is August 20, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19545 Filed 7-25-75;8:45 am]

[Docket No. CI75-602]

ROY M. HUFFINGTON, INC.

Order Providing for Hearing, Granting Interventions, and Prescribing Procedures

JULY 21, 1975.

On April 9, 1975, Roy M. Huffington, Inc. (Huffington) filed a petition for permission under Section 7(b) of the Natural Gas Act to abandon the sale of gas to Michigan Wisconsin Pipe Line Company (Mich Wis) from the Lawson Field, Acadia Parish, Louisiana, covered under a contract dated June 6, 1966. Alternatively, Huffington requests authorization to abandon approximately 30 percent of the sale, attributable to the royalty interest shares of the gas, and to increase the price for the working interest share. Huffington states that one of its principal lessors, the City of Crowley, Louisiana (Crowley), is demanding increased royalty payments based on current market value presumed to be that paid by Cities Service Oil Company to its lessors (95.1 cents per Mcf). Huffington's presently effective rate is 21.625 cents per Mcf at 15.025 psia. Huffington states that continuation of service would be economically infeasible if it were required to make such increased royalty payments.

Mich Wis filed a protest and petition to intervene on May 15, 1975, stating that it vigorously opposes Huffington's application and requesting that a formal hearing be convened in this proceeding. Mich Wis states that either alternative proposed by Huffington would deprive Mich Wis and its customers of a substantial quantity of previously-committed gas reserves at a time when the pipeline is already encountering increasing difficulties in maintaining an adequate system gas supply. Mich Wis indicates that essentially Huffington proposes to abandon 30 percent of the existing reserves

and impose upon Mich Wis and its customers a substantially increased rate for gas produced from the remaining 70 percent of the reserves. Approval of the application, according to Mich Wis, would create a dangerous precedent and encourage similar attempts to seek profitable revisions of contracts on the threat of terminating service.

Petitions to intervene have also been filed by Southern Natural Gas Company (Southern Natural), Mobil Oil Corporation (Mobil), and United Gas Pipe Line Company (United) on May 9, 12, and 15, 1975, respectively. Southern Natural indicates that it has an interest in royalty claims allowed in excess of the amount that pipelines may pay producers under Commission regulations and in the disposition of royalty claims where the result is to permit the lessors to take their gas in kind and separately market such gas at prices negotiated by them. Southern National's petition states that this proceeding may raise important issues, the disposition of which may establish precedents directly affecting Southern Natural and its dealings with lessors.

Mobil's petition indicates that the Commission's determination in this proceeding as to proper rate treatment of market value royalty costs may raise policy issues, the resolution of which may directly and prejudicially affect Mobil's recovery of excess royalty costs which are paid pursuant to similar market value type lease agreements.

United, in its petition, states that it depends on field purchases of gas in Louisiana and Texas, that fair market value royalty problems such as experienced by Huffington exist in both Louisiana and Texas, and that the precedent set by the Commission in this proceeding could be far-reaching.

The application, protest, and petitions to intervene raise factual and legal questions which should be resolved in an evidentiary proceeding. The problem concerning royalty contracts was recognized but not decided in *Mobil Oil Corporation* v. *FPC*, 463 F.2d 256 (D.C. Cir. 1971), *cert. denied*, 406 U.S. 976 (1972). In that case, the Court reversed the Commission's determination "that the royalty provisions of oil and gas leases constitute sales of natural gas for resale in interstate commerce subject to the Natural Gas Act, and that the landowners are subject to regulation as natural gas companies whose sales are covered by the filings of their lessees, the producer-operators." (463 F.2d at 257). The Court stated, however, that:

. . . The problem of relationship of market prices to producer ceilings presents different considerations.

Without purporting to rule on the matter in any way, we can certainly visualize the possibility that a court confronted with a contention of entitlement to a market price basis higher than the producer's ceiling would consider it to run counter to the intention of the parties, unless there is something to rebut the fair presumption that they contemplated interstate movement and market prices compatible therewith.[23] The Court might also consider that this result would be in furtherance of the general principle against application of contracts so as to contravene public policy, whether or not the result would be in violation of supremacy clause doctrine prohibiting state rules or decisions that require a regulated company to take action inconsistent with Federal regulation, see *Northern Natural Gas Co.* v. *State Corp. Comm. of Kansas*, 372 U.S. 84, 83 S.Ct. 646, 9 L.Ed.2d 601 (1963).[24]

[23] [Footnote omitted.]

[24] The question would arise whether a decision requiring a producer to pay the royalty owner on a basis higher than his Federal ceiling would be interfering with his carrying on interstate commerce conformably with the conduct prescribed for the producer by the Federal regulatory agency. . .

Questions also arise concerning interpretation of the royalty payment provisions of the leases. In lieu of delivery of royalty gas in kind to lessors or for their accounts, Huffington has the option, under each lease, to:

Pay to Lessor sums equal to the value thereof at the well; provided that the price paid Lessor for said gas shall not be less than the *average price* then current for gas of like character or quality *delivered to the pipeline purchaser in that field*. (Emphasis added.)

Crowley's claim, as quoted by Huffington, for a royalty payment based on the price being paid by Cities Service may be inconsistent with the lease provision, since that price appears to be the highest price rather than the average price for gas delivered from the field. Further question arises concerning interpretation of what is meant by a "pipeline purchaser in that field." Information has not been furnished on which pipeline or pipelines were in the Lawson Field when the leases were executed (1963 and 1964); however, at least two interstate pipeline purchasers other than Mich Wis buy gas in that field and others at least traverse it or are in close proximity.

Another question of interpretation of the language of the leases involves the following provision in each lease:

In the event of cancellation or forfeiture of this lease *for any cause*, Lessee may, nevertheless, retain hereunder 40 acres around each well producing oil and 160 acres around each well producing gas (including wells drilled under this lease by directional drilling) . . . (Emphasis added.)

The lease covering the major portion of the acreage provides that no wells are to be drilled on the surface thereof. Huffington sells gas to Mich Wis from interests in six units (Hayes Sand Units B, C, D, E, F, and G), portions of most being within the corporate limits of Crowley. Since all of the wells are apparently outside of said limits, it is not clear, in view of the above-quoted provision of the leases, what rights Crowley would have to future production from said wells even if it succeeded in obtaining cancellation of the leases.

The parties should address themselves to all these issues in their prepared testimony.

The Commission finds: (1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) Participation by the petitioners to intervene in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, (18 CFR, Chapter I), a public hearing shall be held commencing September 23, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the propriety of permitting and approving the proposed abandonment, as requested by the Applicant on April 9, 1975. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(B) The direct case of Roy M. Huffington, Inc., and that of Michigan Wisconsin Pipe Line Company and the other intervenors in regard to their respective positions on all issues in this proceeding shall be filed and served on all parties of record including Commission Staff on or before September 4, 1975. Following conclusion of cross-examination thereon, the Presiding Law Judge may set such dates as are reasonable for the submission of answering and rebuttal cases, if any. The hearing shall consider the issues raised by Huffington's application including, *inter alia*, whether the present or future convenience or necessity permit either alternative proposed in the application, the proper rate treatment of market value royalty costs, and the correct interpretation of the royalty payment provisions and acreage retention provisions in Applicant's leases as discussed above.

(C) The petitioners to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19521 Filed 7-25-75;8:45 am]

[Docket No. ID-1761]

WALTER F. JOHNSEY

Initial Application

JULY 21, 1975.

Take notice that on June 6, 1975, Walter F. Johnsey (Applicant) filed an initial application with the Federal

Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, Southern Electric Generating Company, Public Utility.
Director, Alabama Power Company, Public Utility.
Executive Vice President, and Chief Financial Officer.

Southern Electric Generating Company (SEGCO) has its principal place of business at 600 North 18th Street, Birmingham, Alabama and is engaged in the generation and transmission of electric energy within the State of Alabama and the sale of such energy under a long-term contract to ALABAMA and Georgia Power Company (hereinafter referred to as "GEORGIA"), each of which owns 50% of its common stock. Such sales are made at SEGCO's generating units at the Ernest C. Gaston Steam Plant in Shelby County, Alabama, in the case of ALABAMA, and in the case of GEORGIA, at two points on the Alabama-Georgia state line and at GEORGIA's Goat Rock switching station in Alabama. ALABAMA acts as SEGCO's agent in the operation of SEGCO's units.

Alabama Power Company (ALABAMA) has its principal place of business at 600 North 18th Street, Birmingham, Alabama, and is engaged within the State of Alabama in the generation and purchase of electric energy and distribution and sale of such energy at retail in 639 communities (including Birmingham, Mobile and Montgomery) as well as in rural areas, and at wholesale to 15 municipalities, 11 rural distributing cooperative associations and one generating and transmitting cooperative.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19533 Filed 7-25-75;8:45 am]

[Docket No. E-8969]

KANSAS CITY POWER & LIGHT CO.

Filing of Supplemental Data

JULY 21, 1975.

Take notice that on July 7, 1975, the Missouri Public Service Company tendered supplemental data intended to make complete the original filing of Kansas City Power & Light on August 9, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.0). All such petitions or protests should be filed on or before July 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19529 Filed 7-25-75;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER & LIGHT CO.

Filing of Report of Rate Refunds

JULY 21, 1975.

Take notice that on July 14, 1975 Kansas City Power & Light Company (KCPL) tendered for filing a report of rate refunds pursuant to an Order issued June 3, 1975 in this proceeding. KCPL states that this filing includes a statement for each customer itemizing by months the excess amounts collected from the dates payments were received until July 10, 1975 (when KCPL states the refund checks were mailed), including the 7% interest thereon.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19531 Filed 7-25-75;8:45 am]

[Docket No. CP68-314]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Petition To Amend

JULY 21, 1975.

Take notice that on July 11, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Kansas 68901, filed in Docket No. CP68-314 a petition to amend the order of the Commission issued in said docket on August 5, 1968 (40 FPC 222), pursuant to Section 7(c) of the Natural Gas Act to authorize redelivery of natural gas at an additional exchange point with Colorado Interstate Gas Company, a division of Colorado Interstate Gas Corporation (CIG), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order of the Commission on August 5, 1968 (40 FPC 222), it was authorized to deliver natural gas to CIG in Texas County, Oklahoma, and that CIG was authorized in Docket No. CP68-319 to deliver equivalent volumes of natural gas to Petitioner in the Kansas Hugoton Field. Petitioner requests that an additional exchange point be authorized for deliveries of gas by CIG to Petitioner in Weld County, Colorado. Petitioner states that it has excess capacity available in Weld County and that it is unable to increase its receipt of gas from its reserves in the Kansas Hugoton Field because of the lack of pipeline and compressor capacity. Petitioner states that to the extent that CIG can make deliveries to Petitioner on a best efforts basis in Weld County, Petitioner will be able to increase its takes in the Hugoton Field.

Petitioner states that it is advised that deliveries at the proposed additional delivery point would have no effect on CIG's operations. It is stated that there would be no need for new facilities to effectuate the proposed change and that there would be no change in the total volumes exchanged by Petitioner and CIG or in the daily obligation relating thereto.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19540 Filed 7-25-75;8:45 am]

[Docket No. E-9161]

MONOGAHELA POWER CO., ET AL.

Notice of Further Extension of Procedural Dates

JULY 21, 1975.

On June 30, 1975, Monogahela Power Company, The Potomac Edison Com-

pany, and West Penn Power Company filed a renewal of a motion to extend the procedural dates fixed by order issued March 10, 1975, as most recently modified by notice issued April 21, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Good Cause having been shown, Section 1.13(d) of the Commission's Rules of Practice and Procedure is waived and notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Companies' Direct Testimony, September 15, 1975.
Service of Staff Testimony, October 9, 1973.
Service of Intervenor Testimony, October 23, 1975.
Service of Company Rebuttal, November 6, 1975.
Hearing, November 17, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19535 Filed 7-25-75;8:45 am]

[Docket No. CP73-15]

NATURAL GAS PIPELINE CO. OF AMERICA

Withdrawal

JULY 21, 1975.

On July 15, 1975, Natural Gas Pipeline Company of America filed a withdrawal of its application for certificate of public convenience and necessity, filed July 17, 1972, in the above-designated matter.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective August 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19536 Filed 7-25-75;8:45 am]

[Docket Nos. CP71-50, CP71-54, CI71-187]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.

Notice of Extension of Time

JULY 18, 1975.

In the matter of Natural Gas Pipeline Company of America, Docket No. CP71-50; Michigan Wisconsin Pipeline Company, Docket No. CP71-54; Phillips Petroleum Company, Docket No. CI71-187.

On July 14, 1975, Phillips Petroleum Company filed a motion to extend the procedural dates fixed by order issued July 7, 1975, in the above-designated matter. On July 16, 1975, Natural Gas Pipeline Company of America filed a motion for the same time extension. The motions state that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of All Parties' Testimony, September 22, 1975.

Hearing, October 21, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19530 Filed 7-25-75;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Order Modifying and Accepting Settlement

JULY 21, 1975.

On May 15, 1974, North Penn Gas Company (North Penn) tendered for filing Twelfth Revised Sheet No. PGA-1 to its FPC Gas Tariff, First Revised Volume No. 1, to be effective July 1, 1974. The changes proposed therein would have increased annual revenues from jurisdictional sales and service by $970,491 based on the 12-month period ending February 28, 1974, as adjusted. Additionally, North Penn submitted Thirty-Eighth Revised Sheet No. 5 and Original Sheet No. 5A, wherein North Penn proposed to amend its P-1 rate schedule to permit automatic recovery of any gross receipts tax which the Commonwealth of Pennsylvania may assess on jurisdictional sales of natural gas to Corning Natural Gas Company (Corning), a New York public utility corporation and North Penn's sole customer under its P-1 rate schedule. Implementation of such a provision would have allowed North Penn to initially recoup $415,636, said amount having been imposed by the Commonwealth for 1972 sales to Corning.

By our order of June 28, 1974, we suspended the proposed rate increase for five months until December 1, 1974. Further, we denied North Penn's requested waiver of Section 154.38(d)(3) and rejected the proposed gross tax receipts amendment to the P-1 Rate Schedule as an automatic adjustment provision violative of that section. Finally, we directed North Penn to file within 30 days a substitute tariff sheet incorporating the effect of the gross tax receipts assessment into the base tariff rate rather than as a separate surcharge adjustment to the base tariff rate.

Accordingly, on June 29, 1974, North Penn filed Substitute Twelfth Revised Sheet No. PGA-1 to include the assessment in the base tariff rate. We accepted said substitute sheet by letter order of August 28, 1974.

North Penn successfully challenged the imposition of the gross receipts tax on 1972 sales to Corning and, accordingly, on November 8, 1974, filed Second Substitute Twelfth Revised Sheet No. PGA-1 to exclude from the base tariff rate the surcharge applicable to the assessment on 1972 sales.

By order of December 6, 1974, we accepted North Penn's November 8, 1974, filing, upon condition that, within 20 days, North Penn file revised tariff sheets reflecting deletion of the surcharge for 1973 and 1974 from the base tariff rates. The Commonwealth of Pennsylvania had as then made no gross receipts tax assessments on North Penn's 1973 and 1974 interstate sale to Corning. The Commission acted without prejudice to North Penn's right to submit appropriate filings to seek recovery of future gross receipts tax assessments, if and when made.

North Penn responded on December 20, 1974, by filing Alternate Second Substitute Twelfth Revised Sheet No. PGA-1 and Substitute Thirteenth Revised Sheet No. PGA-1, which were accepted by letter order of January 17, 1975, and made effective, subject to refund, as of December 1, 1974.

Following submission of Staff's testimony and exhibits, informal settlement conferences were held in which representatives of North Penn, Intervenors Corning, New York State Electric and Gas Corporation (NYSEG, Corning's primary resale customer), and the Public Service Commission of the State of New York, and Commission Staff participated. These communications produced a Stipulation and Agreement, which North Penn transmitted to the Commission for approval on April 7, 1975. Pursuant to the terms of the Stipulation and Agreement, all parties (with the exception of the New York Public Service Commission) submitted comments regarding North Penn's proposed inclusion of the gross receipts tax provision. North Penn filed its written reply to the comments of Corning, NYSEG, and Staff on May 21, 1975.

THE STIPULATION AND AGREEMENT

The Stipulation and Agreement consists of seven parts, numbered I through VII, and Appendices A, B, and C. Under its terms, rates for the year beginning December 1, 1974, will be increased by $774,372, based on the 12-month period ending February 28, 1974, as adjusted. The settlement base tariff rate is 75.249 cents per Mcf for North Penn's P-1 and G-1 rate schedules. This rate reflects a jurisdictional cost of service of $11,021,523, with a 9.31 percent overall rate of return which provides a return on equity of 11.50 percent, and is based upon an allocation of fixed costs for storage and transmission which assigns 25 percent to demand and 75 percent to commodity. No party objects to the settlement cost of service, including capitalization and rate of return, cost allocation, and rate design.

Article IV of the Stipulation and Agreement provides that it shall become effective only if approved without modification or condition by the Commission, except that, should either North Penn or Intervenors find unacceptable the Commission's disposition of the gross receipts tax provision, then such malcontents may reject that provision without inhibiting the effectiveness of the other provisions of the approved Stipulation and Agreement.

Article VII contains the gross receipts tax provision. North Penn therein proposes to amend the General Terms and Conditions of its FPC Gas Tariff to allow recovery, pursuant to a Section 4 filing, of any additional revenue required as a result of an assessment by the Commonwealth of Pennsylvania of such a tax in 1973[1] or any subsequent year. North Penn would be obligated thereunder to contest the legality of such an assessment only through the court of last resort in Pennsylvania.

[1] No such tax has been assessed on 1973 sales, but the Pennsylvania Department of Revenue has until January 24, 1976, to reopen the settlement of the 1973 tax return.

We have reviewed the proposed settlement rates and find them to be just and reasonable. With respect to Article VII of the Stipulation and Agreement, we perceive three issues which demand individual resolution.

A. *Responsibility to Litigate.* Corning, NYSEG, and Staff concur in the belief that any attempt by the Pennsylvania Department of Revenue to assess a gross receipts tax on interstate sales of natural gas raises serious Constitutional questions, including the question of undue burden on interstate commerce, the magnitude of which should require North Penn to contest such an assessment beyond the courts of Pennsylvania and through the United States Supreme Court, if necessary.[2]

North Penn views the question of how far the challenge to be carried as one of "managerial judgement," stating by "managerial judgment," stating by implication that, in the interest of settlement, it has agreed to litigate an assessment through the Pennsylvania courts. North Penn advises that Corning, if it so chooses, may intervene and prosecute an appeal beyond the state courts.

We view North Penn's pledge to contest an assessment only through the Pennsylvania courts is unrealistic, given the grounds for the challenge. In its own Petition for Review before the Pennsylvania Board of Finance and Review, North Penn attacked the subject assessment as violative of the Commerce Clause of Article I, Section 8, Clause 3 of the United States Constitution and Section 1 of the Fourteenth Amendment. The United States Supreme Court is the ultimate arbiter of questions of this nature.

North Penn's "managerial judgment" argument is unpersuasive. North Penn has manifested its willingness to divest its management of these judgment calls by binding itself into an agreement to contest a future gross receipts tax assessment through the state courts.

We find that the modification here proposed by Corning, NYSEG, and Staff is reasonable and proper to insure final resolution of this issue, and that said modification will not unduly burden North Penn.

B. *Amortization Period.* Corning, NYSEG, and Staff also join in their concern that protracted, unsuccessful litigation of a future assessment may result in North Penn's imposition of a substantial increase in the wholesale rates charged Corning in one year. For example, if the annual assessment amounts to $415,636 per year (based on the assessment for 1972 sales), and litigation takes three years, then, adding past years' assessments to that for the current year, Corning could be faced with a rate increase of more than $1,500,000 for the ensuing year. According to NYSEG, this hypothetical situation would create a one year surcharge of about 10.6 cents per Mcf on the gas NYSEG purchases indirectly from North Penn through Corning.

In order to protect Corning and its customers from having to absorb immediate pass-on of a lump-sum future assessment, while at the same time permitting North Penn to recoup the assessment within a reasonable time, Corning, NYSEG, and Staff propose modification of Article VII of the Stipulation and Agreement to provide that the time for recovery of past gross receipts taxes would be double the number of past taxable years at the time of the final court decision or five years, whichever period is shorter.

North Penn opposes a modification which may delay recovery of its tax expenses for years. At the very least, North Penn feels it should be allowed to earn a return on the unamortized portion of the tax assessment during the amortization period. North Penn asserts that the unfairness of the amortization provision is compounded by the litigation provision, whereunder North Penn may be forced to carry the contest through the Supreme Court, thereby lengthening the period of litigation and increasing the amount to be recovered.

Imposition of the proposed amortization provision, with its 5-year ceiling, is reasonable and proper, and is consistent with established Commission policy regarding rate treatment to be accorded substantial one-time expenses. North Penn's fear that it will be deprived of a return on the unamortized portion is not well-founded, as said portion should be included in rate base, upon which a rate of return will be earned. Equally unpersuasive is North Penn's reference to the "compounding" effect produced by the litigation and amortization provisions. We consider each provision independently of the other.

C. *Inclusion of Article VII in North Penn's FPC Tariff.* Staff states its belief that the tax assessment clause should be part of the settlement agreement but not part of the filed tariff sheets, as provided in the first sentence of Article VII.

North Penn replies that tying said clause to the life of the settlement will cause it to be dissolved when a new rate filing is accepted by the Commission. North Penn points out that said clause is designed to be used only once, if and when a tax is assessed and North Penn's challenge fails. Because the supervening rate filing will likely precede any ultimately successful challenge, North Penn observes that Staff's approach would effectively nullify the usefulness of said clause. Further, North Penn hypothesizes that, should North Penn be in the midst of such a challenge when a new rate filing is made, North Penn could be forced to absorb expenses that it would not have incurred otherwise.

We agree with North Penn that tying the tax assessment clause to the stipulation and agreement will probably cause said clause to be dissolved before it has become operational. Yet we find the alternative even less desirable. We are generally opposed to including in the provisions of an FPC Gas Tariff terms which may remain in perpetual effect to permit a cost item of presently unknown magnitude to be reflected in jurisdictional rates at some presently undetermined future date. We believe that clauses which allow rates to be increased should be subject to periodic review by the Commission and affected parties. This is accomplished in the instant case by limiting the duration of the tax assessment clause so that it runs concurrently with the settlement rates approved herein. Upon our acceptance of North Penn's next Section 4 rate filing, this tax assessment clause will lose its force and effect. North Penn remains free, however, to re-submit the same clause as part of a subsequent settlement. At that time we will have the opportunity to re-consider said clause in light of circumstances then existing on North Penn's system.

Finding Staff's recommendation to treat the tax assessment clause contained in Article VII as part of the settlement but not as an amendment to North Penn's tariff to be reasonable, we shall adopt it, without prejudice to North Penn's right to seek renewal of said provision at an appropriate future time.

The Commission finds: The prehearing settlement of this proceeding on the basis of the Stipulation and Agreement submitted on April 7, 1975 by North Penn on behalf of all parties to the proceeding is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved, except that Article VII of said Stipulation and Agreement should be revised as provided in Ordering Paragraph (B), below.

The Commission orders: (A) Articles I through VI of the Stipulation and Agreement submitted to the Commission on April 7, 1975 in this proceeding are incorporated by reference and hereby approved.

(B) The provision set forth in Article VII of the subject stipulation and agreement is modified as follows:

In the event that, prior to North Penn's next general rate filing under Section 4 of the Natural Gas Act, (1) a Gross Receipts Tax is assessed by the Commonwealth of Pennsylvania on North Penn's sales of natural gas in interstate commerce to Corning Natural Gas Corporation for 1973, or any year, and (2) North Penn litigates the validity of such assessment through the court of last resort with full recognition that the imposition of such assessment raises *inter alia* serious questions under the United States Constitution, and (3) North Penn is nevertheless required to pay said Gross Receipts Tax, North Penn shall be entitled to file a revised tariff sheet providing for recovery from Corning of any additional revenues required as a result of the assessment of such Gross Receipts Tax which it has been compelled to pay pursuant to a final non-appealable judgment or order in the aforementioned

[2] North Penn won its case on the September, 1973 assessment for 1972 sales at the administrative level, securing a favorable ruling from the Board of Finance and Review of the Commonwealth of Pennsylvania on July 31, 1974. Thus, no court has as yet adjudicated the merits of this jurisdictional question.

circumstances, *provided, however*, that any such Gross Receipts Tax paid by North Penn prior to the time when North Penn seeks recovery thereof in accordance with this order may only be recovered through a wholesale rate designed to recover from Corning the amount of the Gross Receipts Tax paid for a past period over a prospective amortization period twice as long as the past period in question or over a prospective amortization period of five years, whichever period is shorter.

Article VII is further modified such that the above-quoted provision shall be considered part of the Stipulation and Agreement, but shall not be included in North Penn's FPC Gas Tariff.

(C) Pursuant to Article IV of the Stipulation and Agreement, North Penn, or any other party to this proceeding and settlement, will be given 15 days from the date of issuance of this order to reject Article VII, as reformed in Ordering Paragraph (B), above. Should no such objections be timely received, Article VII, as modified, is approved and shall be effective in accordance with the remaining provisions of this Stipulation and Agreement. Rejection by any party will cause Article VII, as proposed by North Penn or as modified herein, to be deleted from the Stipulation and Agreement and declared null and void, but will not alter the effectiveness of the remaining Articles of the approved Stipulation and Agreement.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19518 Filed 7-25-75;8:45 am]

[Docket No. CP75-185]

NORTHERN NATURAL GAS CO.

Withdrawal

JULY 21, 1975.

On July 14, 1975, Northern Natural Gas Company filed a withdrawal of its application for certificate of public convenience and necessity, filed December 20, 1974, in the above-designated matter.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective August 13, 1975.

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19534 Filed 7-25-75;8:45 am]

[Docket No. E-9155]

NORTHERN STATES POWER CO.

Further Extension of Time

JULY 21, 1975.

On July 14, 1975, Intervenors filed a motion to extend the procedural dates fixed by order issued February 5, 1975, as most recently modified by notice issued July 3, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Hearing, October 14, 1975.

PHASE II

Service of Intervenor's Testimony, August 1, 1975.

Service of Staff Testimony, August 11, 1975.

Service of Company Rebuttal, August 27, 1975.

Intervenor's Rebuttal, September 15, 1975.

Hearing, October 14, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19532 Filed 7-25-75;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO.

Further Extension of Procedural Dates

JULY 21, 1975.

On July 7, 1975, Intervenors filed a motion to extend the procedural dates fixed by order issued December 31, 1974, as most recently modified by notice issued, June 17, 1975, in the above-designated matter.

On July 16, 1975, Northern States Power Company filed a response in opposition to Intervenors' motion of July 7, 1975. Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 4, 1975.

Service of Company Rebuttal, September 25, 1975.

Hearing, October 15, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19547 Filed 7-25-75;8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Filing of Stipulation and Agreement

JULY 21, 1975.

Take notice that on July 17, 1975, Ohio Electric Company tendered for filing a Stipulation and Agreement and a Notice for Approval of Stipulation and Agreement in this proceeding. The Stipulation and Agreement incorporates a Supplement to Rate Schedule FPC No. 1 of Ohio Electric Company for Electric Service to Ohio Power Company. The Stipulation and Agreement states that, if approved by the Commission, it would resolve all issues in this proceeding which arose out of Ohio Electric Company's filing of an initial rate schedule with Ohio Power Company on July 3, 1974 which was set for a Section 206 investigation by Commission order of September 16, 1974.

The Stipulation and Agreement reduces from 15% to 12% the return on common equity to be earned by Ohio Electric Company.

Copies of the Stipulation and Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this Stipulation and Agreement should file such comment with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 29, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-19539 Filed 7-25-75;8:45 am]

[Docket No. CP76-6]

PANHANDLE EASTERN PIPE LINE CO. AND TRUNKLINE GAS CO.

Application

JULY 21, 1975.

Take notice that on July 7, 1975, Panhandle Eastern Pipe Line Company (Panhandle Eastern), and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-6 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Panhandle Eastern to construct and operate an interconnection between Trunkline's 26-inch main line where it intersects with Panhandle Eastern's 4-inch Hoopeston lateral in Vermilion County, Illinois, and authorizing Trunkline to deliver gas to Panhandle Eastern, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants states that by a letter agreement between them dated November 21, 1974, Trunkline has agreed to provide a tap on its 21-inch main line and to permit Panhandle to make a connection between such tap and Panhandle's 4-inch lateral line. Panhandle's 4-inch lateral line is said to extend approximately 25 miles northward from Panhandle's Danville lateral and to serve the communities of Henning and Rossville, Illinois. The application states that the lateral is the sole source of gas supply to those communities. The proposed tap would be less than one-half mile south of the northern terminus of Panhandle's lateral pipeline.

It is proposed that the interconnection would be used in emergency situations, created by an outage in Panhandle's 4-inch lateral pipeline, to supply Henning and Rossville with gas. Applicants state that deliveries would not exceed 3,500 Mcf. per day, and all volumes of gas so received would be returned to Trunkline within 60 days of the end of the emergency period by reduction in Panhandles' takes of gas from Trunkline near Tuscola, Illinois, under a service agreement dated September 28, 1970.

The estimated cost of the tap and connection is approximately $6,200 to be borne by Panhandle out of funds on hand. Applicants state that they are constructing the subject facilities within the contemplation of Section 157.22 of the

Regulations under the Natural Gas Act (18 CFR 157.22).

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19542 Filed 7-25-75;8:45 am]

[Docket No. ES76-3]

PENNSYLVANIA POWER & LIGHT CO.

Application

JULY 22, 1975.

Take notice that on July 15, 1975, Pennsylvania Power & Light Company (Applicant), Two North Ninth Street, Allentown, Pennsylvania 18101, filed an application with the Federal Power Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue short-term unsecured Promissory Notes including commercial paper notes.

Applicant is a Pennsylvania corporation principally engaged in the production, purchase, transmission, distribution and sale of electricity in a service area of approximately 10,000 square miles in 29 counties of central eastern Pennsylvania with an estimated population of about 2.4 million persons.

The unsecured Promissory Notes are to be issued from time to time, prior to September 30, 1976, to lenders, brokers, dealers or direct purchasers of unsecured Promissory Notes, including banks and institutional investors. Notes in the form of commercial paper will mature in no more than 270 days from the date of issue, and all other notes will have maturities of less than one year from the date of issue. The aggregate face amount of such notes to be outstanding at any one time is not to exceed (i) 25 percent of Applicant's revenues during the last preceding 12 months of operations, or (ii) $150 million, whichever is less. The notes are to bear final maturities of on or before September 30, 1977.

The proceeds from the issuance of the Notes will be used principally as interim financing of Applicant's construction program, which will require approximately $1.135 billion over the 1975-1977 period.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19525 Filed 7-25-75;8:45 am]

[Docket Nos. CP68-166 and CP70-185]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

JULY 22, 1975.

Take notice that on July 3, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP68-166 and CP70-185 a petition to amend further the orders issuing certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act in said dockets on May 1, 1968 (39 FPC 607), and June 22, 1970 (43 FPC 937), respectively, by authorizing Petitioner to sell natural gas to Boston Gas Company (Boston) under Petitioner's Rate Schedule CD-6 in lieu of Petitioner's Rate Schedules G-6 or GS-6 and to render such a service under a revised maximum daily volume schedule, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that Boston has requested that Petitioner render services to it under Petitioner's Rate Schedule CD-6 in lieu of Petitioner's Rate Schedule G-6 or/and GS-6. Petitioner alleges that the availability provisions of its Rate Schedule G-6 provide in part that service under said rate schedule is available only to buyers which do not have underground gas storage available to them. This provision is said to prevent Boston from purchasing natural gas from Petitioner under Petitioner's Rate Schedule G-6 if Boston should desire to receive underground storage service. One of the stated purposes of the proposed change is to allow Boston to receive a two-year storage service as proposed in Docket No. CP75-376 [1] starting in 1975, for the protection of Boston's priority 1 and 2 requirements customers. Petitioner requests that the instant petition be consolidated with Docket No. CP75-376.

Petitioner further requests authorization to change the daily volume limits that are established for Boston at its various points of delivery.[2] Petitioner states that Boston has requested that service be rendered to it under a single new gas sales contract to be executed between Petitioner and Boston to provide for the delivery of gas in accordance with the new daily volume limits. The requested change by Boston to service under Petitioner's Rate Schedule CD-6 would allegedly afford Boston the flexibility for peak-shaving to assure the gas supply to its priority 1 and 2 requirements customers. It is stated that under Rate Schedule CD-6 Boston would be allowed a fluctuation in its level of takes from Petitioner at existing points in delivery within the total contract demand. Petitioner states that Boston is unable to transfer gas from station to station and that the proposed change would decrease Boston's need for supplemental gas. Petitioner states that the proposed changes would not increase Boston's presently authorized total maximum daily contract quantity of 93,912 Mcf of gas per day, nor would it entitle Boston to receive on any one day total deliveries through all of its delivery points in excess of 93,912 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Prac-

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[1] Noticed July 11, 1975.

[2] Petitioner's proposed changes in daily volume limits are as follows:

Service area; delivery points	Existing daily volume limits	Proposed daily volume limits
Leominster	5,100	5,100
Clinton	1,998	2,700
Southbridge	4,159	7,000
Spencer	3,176	3,800
Gloucester	4,895	4,895
Beverly-Salem:		
Beverly-Salem	12,035	12,035
West Peabody	1,899	1,899
Lynn:		
Lynn	13,821	20,000
Lynnfield	2,550	2,550
Mystic Valley:		
Arlington	24,798	35,000
Burlington	7,293	7,293
Lexington	2,452	3,500
Reading	3,825	3,825
Revere	5,911	5,911

tice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19524 Filed 7-25-75;8:45 am]

[Docket No. CP75-262]

TENNESSEE GAS PIPELINE CO. AND COLUMBIA GULF TRANSMISSION CO.

Order Granting Interventions, Setting Pre-Hearing Conference Date, and Prescribing Procedure

JULY 21, 1975.

On March 6, 1975 Tennessee Gas Pipeline Company (Tennessee) and Columbia Gulf Transmission Company (Columbia) (or jointly termed "Applicants") filed a joint application for authority to construct and operate a pipeline supply lateral in the East and West Cameron Areas, Offshore Louisiana.

This facility would be an extension of the existing 16.8 miles, 30-inch pipeline of these Applicants that extends from East Cameron Block 273 to their jointly owned Blue Water project in Vermilion Block 245 which was certificated in Docket No. CP73-48.

The proposed facility will consist of:

(a) Approximately 30.4 miles of 30-inch pipeline extending from the terminus of Applicants' existing 30-inch pipeline in East Cameron Block 273 to a point in West Cameron Block 601.

(b) Approximately 10.2 miles of 24-inch pipeline, forming a continuation of the 30-inch pipeline in (a) above extending from an underwater connection in West Cameron Block 601 with that line to an existing producer platform in West Cameron Block 643 owned by Tenneco Oil Company, *et al.*

The proposed facilities will cost an estimated $31,462,392 which will be shared equally by Applicants. They will also share equally in the 150,000 Mcf per day design capacity of the proposed facility and in the operating costs in conjunction therewith. Columbia will design and construct, and Tennessee will operate the facility. Initial financing will be arranged through short term loans and/or internally generated funds. Permanent financing has not yet been arranged.

Gas reserves to be transported in the proposed lateral line are located on or near the proposed facility and are either currently on call to Applicants or their subsidiary corporations or they are expected to be made available upon the completion of further testing and drilling in the area; all as specified in greater detail in the joint application on file with the Federal Power Commission.

On April 14, 1975, United Gas Pipeline Company (United) and on April 16, 1975, Sea Robin Pipeline Company (Sea Robin) filed timely petitions to intervene in these proceedings.

The Commission finds: (1) The intervention of United and Sea Robin in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for pre-hearing conference in accordance with the procedures set forth below.

The Commission orders: (A) United and Sea Robin are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave; and *Provided, further,* that the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the Authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a pre-hearing conference shall be held on September 10, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference shall be held to explore the availability of unused capacity, if any, to transport the anticipated volumes of the Applicants in the existing lines in the area owned by Sea Robin, United and others. If this issue cannot be resolved to the satisfaction of all parties than the instant application shall be set for hearing by the assigned Administrative Law Judge.

(C) Applicants and interveners will provide complete flow diagrams for the proposed pipeline and for existing pipelines attached to or near the proposed pipeline and will also submit a current and detailed gas reserve status of all gas supplies committed, or anticipated, for the use of the above pipelines. Such data will be filed with the Commission and served upon all parties, including Commission Staff, on or before August 25, 1975.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19519 Filed 7-25-75;8:45 am]

[Docket No. CP76-8]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 21, 1975.

Take notice that on July 8, 1975, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-8 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act for permission and approval to abandon two sales meter stations and approximately 270 feet of 4-inch pipeline in Warren County, Kentucky, and a certificate of public convenience and necessity authorizing the construction and operation of a new sales meter station to replace the two meter stations it proposes to abandon, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the two sales meter stations that are proposed to be abandoned are the Woodburn Sales Meter Station which was constructed in 1930 and the Franklin No. 3 Sales Meter Station which was relocated to its present location in 1959. Applicant further states that both of these meter stations are located on the same lot in Warren County, and are used to serve Western Kentucky Gas Company (Western Kentucky). These facilities, it is stated, have deteriorated to the extent that they cannot be operated in compliance with the requirements of the Natural Gas Pipeline Safety Act of 1968 and the regulations promulgated thereunder.

Applicant proposes to construct and operate a new meter station approximately 270 feet from the existing facilities on existing and currently used right-of-way. The cost of the proposed facility is estimated at approximately $9,270 to be paid for from cash on hand. It is stated that the abandoned measuring and regulating equipment would have a salvage value estimated at approximately $1,190. Applicant states that 270 feet of 4-inch pipeline would be abandoned in place. It is stated that there would be no change in either contract demand or quantity entitlements of Western Kentucky with the proposed changes in facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval to abandon are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19541 Filed 7-25-75;8:45 am]

[Docket Nos. CP72-135, CP72-140, CI68-527, CI72-358]

TRANSCONTINENTAL GAS PIPELINE CORP., ET AL.

Proposed Settlement

JULY 22, 1975.

Transcontinental Gas Pipeline Corp., Docket No. CP72-135; Transcontinental Gas Pipeline Corp. and United Gas Pipeline Co., Docket No. CP72-140; Sun Oil Co., Docket Nos. CI68-527, CI72-358.

Take notice that on June 4, 1975, the Administrative Law Judge in the proceeding in Docket Nos. CP72-135, *et al.*, certified to the Commission for action a proposed settlement. The said proceeding involves the proposal of Sun Oil Company (Sun) to arrange the transportation of gas for injection into its Fordoche Field oil reservoirs Pointe Coupee and Iberville Parishes, Louisiana. Sun proposed to deliver gas to Transcontinental Gas Pipeline Corporation (Transco) from its Chacahoula Field reserves, Assumption and La Fourche Parishes, Louisiana. In order to avoid unnecessary construction of facilities, Sun would initially deliver gas to United Gas Pipeline Company (United) which has existing facilities in the Chacahoula Field. United would deliver this gas by means of a gas-for-gas exchange with Transco and Transco would deliver a like quantity to Sun at Fordoche Field. Sun also sought authority to sell gas from the Chacahoula Field not used for injection purposes to Transco and to ultimately sell the gas used for injection purposes in the Fordoche Field to Transco at a later date.[1]

This proceeding further involves a proposal by Transco to transport 10,000 Mcf/d on a firm basis and 5,000 Mcf/d on an interruptible basis for Sun from Chacahoula Field and Starr County, Texas to Fordoche Field for Sun's benefit.[2] The gas transported would be utilized by Sun in a pressure maintenance program in the Fordoche Field in order to prevent petroleum hydrocarbons from falling back into the reservoirs through retrograde condensation which would result in the loss of substantial quantities of oil as well as economic loss.

By order issued March 17, 1975, the Commission directed that the proceedings listed at the head of this notice be consolidated for hearing and decision and that it be determined whether Sun's applications should be granted where, *inter alia*, no reserves are dedicated to the proposed long term project. Specifically, it was to be determined whether a long term firm transportation certificate should be issued where no gas reserve dedication has been made. It would also be determined whether Sun is entitled to new prices for the native gas in the Fordoche Field dedicated prior to October 1, 1968, since Sun was issued a permanent certificate in Docket No. CI68-527 for sales from the basic acreage and reservoirs located in the Fordoche Field. Finally, there would be a determination of the basis for the proposed 20 year firm transportation agreement and volume of gas to be transported in light of Sun's refusal to commit reserves to the project. The Commission found that since the proceedings heretofore described and listed at the head of this order involve common questions of fact and law, they should be consolidated for hearing and decision. Consequently, the Commission ordered the commencement of a public hearing on April 29, 1975, to be preceded by the service of prepared testimony and exhibits on or before April 10, 1975.

By order dated April 24, 1975, the Commission denied Sun's motion for a three month continuance of the proceeding which alleged that such additional time was necessary to complete a pressure maintenance program study to determine whether the injection of extraneous gas at Fordoche Field is economic as presently structured and whether the injection program should be modified.

At the hearing held on April 29, 1975, it was disclosed that the contracts between Sun and Transcontinental for the sale of gas from the Chacahoula Field and between Sun and Transcontinental, with United participating, for the transportation of gas to Fordoche Field were terminated by mutual agreement. In view of this development the hearing was recessed until May 14, 1975, to provide the Staff an opportunity to meet with Sun technical personnel to discuss and review the operations of the Fordoche and Chacahoula Field, and determine what witnesses or documentation may be required for the record in this matter.

The hearing reconvened on May 14, 1975, at which time it was learned that, during the intervening period, Transco had filed a notice of withdrawal of applications in Docket No. CP72-135 and jointly with United in Docket No. CP72-140, and had also filed a notice of termination of its rate schedule X-54. Staff indicated its satisfaction with the results of a conference with Sun technical personnel which explored all of the operations of the gas injection program in the Fordoche Field. Based on the information developed therein, Staff recommended that upon submittal of certain documents in the record together with certain stipulations, the Administrative Law Judge certify the proposed settlement embodied in the stipulation to the Commission for further administrative action. The documents referred to were entered in the record and included a brief report on the history of the Fordoche gas injection program, a letter which sets forth the volumes of gas transported from the Chacahoula Field for injection at Fordoche Field, and a letter on behalf of Sun stating it's willingness to accept the inclusion of a condition in the amendment to the certificate in Docket No. CI68-527, that upon termination of the injection program both the native gas and the 8,350,648 Mcf transported into Fordoche Field from the Chacahoula Field will be sold to Transco at whatever rate may be deemed applicable by the Commission at that time. Thereafter, all parties stipulated that Docket Nos. CP72-135, CP72-140 and CI72-358 would be terminated and the certificate in Docket No. CI68-527 will be amended to provide that when sales by Sun to Transco from Fordoche Field are resumed upon completion of the pressure maintenance program, the price to be paid by Transco for both native and injected gas will be whatever the applicable rate is under Commission area rate orders outstanding at that time.

On June 4, 1975, pursuant to the provisions of Section 1.18(e) of the Rules of Practice and Procedure, the Presiding Administrative Law Judge certified the proposed settlement, contained and supported in the record consisting of pages 30 to 50 of the transcript of the hearing held on May 14, 1975, to the Commission for appropriate action.

Any person, including the parties to this proceeding, desiring to file comments either in support of or in opposition to the proposed settlement should file such comments within 15 days after publication of this notice in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19528 Filed 7-25-75;8:45 am]

[1] Sun was issued a permanent certificate in Docket No. CI68-527 for sales from the basic acreage located in the Fordoche Field on July 16, 1971.

[2] A temporary certificate was issued to Transco in Docket No. CP72-135 on May 26, 1972.

[Docket No. ER76-9]

VERMONT ELECTRIC POWER CO., INC.

Filing of Rate Schedule

JULY 21, 1975.

Take notice that the Vermont Electric Power Company, Inc. (VELCO) on July 14, 1975, tendered for filing with the Federal Power Commission the following rate schedules:

Gas turbine power transmission contract between Vermont Electric Power Company, Inc. (VELCO) and the Green Mountain Power Corporation, dated as of December 10, 1974.

Gas turbine power transmission contract between Vermont Electric Power Company, Inc. (VELCO) and the City of Burlington Electric Department, dated as of December 10, 1974.

Gas turbine power transmission contract between Vermont Electric Power Company, Inc. (VELCO) and Central Vermont Public Service Corporation, dated as of December 10, 1974.

Service under these rate schedules commenced on October 31, 1974, and will terminate on June 30, 1985, unless terminated by written notice from either VELCO or any of the other contracting parties.

VELCO states that service rendered under these rate schedules consists of the transmission of blocks of capacity and energy sold by the three contracting parties from their separate entitlements in certain gas turbine electric generating units listed in the three separate schedules attached to and made a part of each contract with VELCO.

VELCO further states that charges for transmission services are based on the transmission charge formula now being used by VELCO under three-party transmission agreement and related bulk power transmission agreements, filed with the Commission, and that the quantities of power transmitted by VELCO under these contracts, and the revenues derived therefrom, cannot be accurately estimated because the amounts of power transmitted will vary on a month-to-month basis under the terms of various purchase agreements.

VELCO requests a waiver of Section 35.3 of the Commission's Regulations to allow an effective date of November 1, 1974, stating that if notice requirement is not waived, VELCO might not recover its costs for transmission service for a certain period of time covered by the Agreements, and noting that the waiver, if granted, will have no effect upon purchasers of VELCO power under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19546 Filed 7-25-75;8:45 am]

[Docket No. ER76-8]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

JULY 21, 1975.

Take notice that on July 14, 1975, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated April 1, 1975, to the Agreement designated as Virginia's Rate Schedule FPC No. 85-42 between Virginia and Southside Electric Cooperative (Southside).

Said supplement requests Commission authorization for connection of Southside's Gills Delivery Point, located approximately 0.5 mile east of the intersection of Route 628 and Route 602, and on the northside of Route 628 in Chesterfield County, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is April 15, 1975. Virginia also requests waiver of the timely filing requirements since the service connection has been completed, and requests further, that the requirement that billing data be filed also be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19543 Filed 7-25-75;8:45 am]

[Docket No. ER76-6]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

JULY 21, 1975.

Take notice that on July 11, 1975, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated June 4, 1975, to the Agreement designated as Virginia's Rate Schedule FPC No. 84-29 between Virginia and Shenandoah Valley Electric Cooperative (Shenandoah).

Said supplement requests Commission authorization for connection of Shenandoah's new delivery point (Trimbles Mill) located on the east side of Route 707 approximately 0.1 mile south of the intersection of Route 705 and Route 707 near Trimbles Mill, in Augusta County, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is projected as a date in September, 1975. Virginia also requests waiver of the requirement to file billing data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19544 Filed 7-25-75;8:45 am]

[Docket Nos. CP75-155 and CP75-162]

WISCONSIN GAS CO. AND NORTHERN STATES POWER CO.

Extension of Time

JULY 21, 1975.

On July 15, 1975, Northern States Power Company filed a request to extend the date of filing, which was set by the Commission's order issued on June 23, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date of filing the information required by the order issued is extended to August 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19520 Filed 7-25-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Tendered Settlement Agreement and Motion To Terminate

JULY 21, 1975.

Take notice that by motion dated July 9, 1975, Wisconsin Public Service Corporation, (WPSC), submitted to the Commission a proposed settlement agreement which would purportedly resolve all issues at both Phases I and II at this docket. WPSC requests approval of the settlement agreement and termination of these proceedings. In addition to reducing the amount of the requested rate increase, the proposed settlement provides for reduction of the number of demand and energy blocks, revision of WPSC's fuel clause to conform with Order No. 517 and revision of service contracts to eliminate certain anti-competitive provisions.

Any person desiring to file comments to such proposed settlement should file such comments or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.10 of the

Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before August 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19538 Filed 7-25-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on July 18, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before August 15, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of G318-M-O, Report of Underground Natural Gas Storage. This is a new report to be filed 16 times each year by companies, not subject to FPC jurisdiction, that operate underground natural gas storage fields in the U.S. This report collects information on storage capacity, gas storage levels, injections and withdrawals, and ownership of underground storage reservoirs. This is a joint data collection effort with the Federal Power Commission. FPC will collect information from companies under their jurisdiction. FEA will collect similar information from operators of reservoirs not subject to FPC jurisdiction. The estimated number of respondents to the G318-M-O is 50 companies. Average number of hours required to complete and file each response is 4. Response is mandatory under Public Law 93-275.

Request for clearance of FEA-P111-S-O, Utility Supplier Questionnaire. This is a single time questionnaire to be mailed to suppliers who have sold petroleum products to utilities in 1974 requesting information on transactions with utilities. The estimated number of respondents is 1,000. FEA estimates that on the average, 20 hours will be required to complete and file each questionnaire. Response is mandatory under Public Law 93-275 and Public Law 93-159.

Request for clearance of FEA forms, CLC-92 and 92A, both entitled, No. 2 Heating Oil Price Adjustment. This is a request for an extension with no change of the forms currently in use. These forms are required to be filed monthly by oil firms subject to the selling price rules for No. 2 Heating Oil (10 CFR 212.93) and provide the means for them to compute, report and adjust maximum permissible selling prices applicable to the sale of No. 2 Heating Oil. Respondents number approximately 4,000 and the average number of hours required to file the form is 3 hours. Response is mandatory under Public Law 93-159 and 93-275.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision of FCC Form 404, Application for Aircraft Radio Station License. This form is required to be filed when applying for a new or modified aircraft radio station license. Section 87.29 of the Commission's rules requires the use of FCC Form 404. It is estimated that the respondent burden will average thirty minutes per response. The FCC receives approximately 30,000 applications annually.

Request for clearance of a revision of FCC Form 502, Application for Ship Radiotelephone and/or Radionavigation Station License. The form is required to be filed when applying for new or modified ship radiotelephone and/or radionavigation station licenses, except for radiotelephone stations required by Title III, Part II of the Communications Act of 1934, as amended, or the Safety of Life at Sea Convention; or where the applicant is also the licensee of radiotelegraph equipment aboard the vessel. Section 83.36(a) of the Commission's rules requires the use of FCC Form 502. It is estimated that the respondent burden will average fifteen minutes per response. The FCC receives approximately 75,000 applications annually.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[F.R. Doc.75-19508 Filed 7-25-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region IV, August 13-14, 1975 from 10 a.m. to 4 p.m. each day, Room 5A-1, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309. The meeting will be devoted to the initial step of procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for Supplemental Architect-Engineer one-year term fixed price contracts. One contract to be awarded for each of the following states: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Consideration and selection for each contract will be limited to architectural-engineering firms within their respective states. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: July 18, 1975.

L. A. SHEPPARD,
Acting Regional Administrator.

[FR Doc.75-19425 Filed 7-25-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, August 13, 1975 from 10:30 to 1, Room 404, General Services Administration, Winder Building, 17th and F Streets, N.W., Washington, D.C. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the Design Term Contracts (8) for Region 3, which are listed as follows:

Maryland (one term contract) (GS-00B-03475).
Virginia (one term contract) (GS-00B-03477).
West Virginia (one term contract) (GS-00B-03478).
Pennsylvania & Delaware (one term contract) (GS-00B-03476).
District of Columbia (four term contracts) (GS-00B-03471-72-73-74).

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 522(b)(5) the meeting will not be open to the public.

Dated: July 18, 1975.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.75-19426 Filed 7-25-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-47]

ESTABLISHMENT OF ADVISORY COMMITTEE

Determination

A notice regarding a meeting of the Atmospheric Sciences Advisory Committee was published in the FEDERAL REGISTER on July 18, 1975. The notice did not specifically state that the meeting was open to the public. It is planned as an open meeting. The time and place are as originally publicized.

Dated: July 22, 1975.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.75-19486 Filed 7-25-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-451]

AIRCRAFT ACCIDENT

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:30 a.m. (local time) on September 8, 1975, in the Grand Ballroom of the Roosevelt Hotel, Madison Avenue at 45th Street, New York City, New York.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Eastern Air Lines, Inc., Boeing 727-225, N8845E, which occurred June 24, 1975, near the John F. Kennedy International Airport, Jamaica, New York.

Dated: July 23, 1975.

LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.75-19473 Filed 7-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261 and 50-261 (OL Modification)]

CAROLINA POWER AND LIGHT CO. (H. B. ROBINSON, UNIT NO. 2)

Hearing

JULY 22, 1975.

In accordance with the Notices of Hearings published on October 3, 1973 [1] and July 31, 1974,[2] and the Commission's Consolidation Order of September 9, 1974 (CL1-74-34), a joint hearing in the above-identified proceedings will be held before this Atomic Safety and Licensing Board ("the Board") to consider the following:

(a) whether or not Robinson's (Unit 2) license should be continued, modified, conditioned, or terminated in order to protect environmental values, and

(b) whether or not the license should be permitted to increase the steady state power levels up to a maximum of 2300 megawatts (thermal).

It is ordered That the evidentiary hearing shall be convened on Tuesday, August 12, 1975, at 10:00 a.m. local time, at the Coker College Music Room, Hartsville, South Carolina 29550.

In addition to deciding upon the matters in controversy among the parties, the Board will, in accordance with Section A.11 of Appendix D to 10 CFR Part 50: (a) Determine whether the requirements of Section 102(2) (C) and (D) of the National Environmental Policy Act of 1969, and Appendix D to 10 CFR Part 50 of the Commission's Regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether Operating License No. DPR-23 should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

The public is invited to attend the hearing. Any person who has requested the opportunity to make a limited appearance will be afforded an opportunity to state his or her views or to file a written statement on the first day of the hearing or at such other times as the Licensing Board may for good cause designate.

The following agenda will be followed:

1. Disposition of preliminary matters raised by the parties or by the Atomic Safety and Licensing Board;
2. Operating Statements of the parties;
3. Statements by persons permitted to make limited appearances;
4. Disposition of preliminary motions of the parties and related matters;
5. Introduction of testimony; and
6. Questioning of witnesses by parties and by members of the Licensing Board.
7. Closing matters.

It is so ordered.

Dated at Bethesda, Maryland this 22nd day of July 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF, ESQ.,
Chairman.

[FR Doc.75-19487 Filed 7-25-75;8:45 am]

[1] Notice of Hearing Pursuant to 10 CFR 50, Appendix D, Section B, dated September 28, 1973 (38 F.R. 27433 on October 3, 1973).

[2] Notice of Hearing on Modification of Facility Operating License dated July 27, 1974 (39 F.R. 27748 on July 31, 1974).

[Docket Nos. STN 50-518, etc.]

TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANTS UNITS 1A, 2A, 1B AND 2B)

Special Prehearing Conference

Pursuant to the Schedule for Further Action set out in the Special Prehearing Conference Order issued May 2, 1975, there will be a final Special Prehearing Conference beginning at 10 a.m. on August 5, 1975, in the United States Court House, Court Rm. #1, 8th Avenue and Broad Street, Nashville, Tennessee 37203.

At this final Special Prehearing conference any steps necessary for the further identification of key issues will be taken.

The Board will discuss the areas of its special interests to insure that the parties will address themselves to any questions which may be raised in this regard.

The results of the parties efforts to stipulate and secure admissions will be reviewed.

It is so ordered.

Dated at Bethesda, Maryland, this 22nd day of July, 1975.

For the Atomic Safety and Licensing Board.

JOHN F. WOLF,
Chairman.

[FR Doc.75-19488 Filed 7-25-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 22, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Application for Federal Assistance, State and Local Construction Grants, EPA 5700-32, on occasion, municipalities applying for construction grants, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service:

Study of Medium Sized Supply Cooperatives, single-time, medium-sized farm supply co-ops, Lowry, R. L., 395-3772.

Schedule of Information on Selected Fresh Fruit and Vegetable Marketing Cooperatives, single-time, managers of farmer cooperatives, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Hospital Questionnaire for Indiana Prospective Payment Study, SSA-3174, single-time, participating hospitals in Ind., Mich., Iowa, Ill., Minn., Sunderhauf, M. B., 395-6140.

Office of the Secretary, Format for Non-Specific Sponsorship Offers, OS-41-75, single-time, persons or organizations who have called in to toll-free Nos., Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

National Park Service, Questionnaire for Visitor Use Survey, Chickamauga and Chattanooga National Military Park, single-time, visitors to the park, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Sources and Uses of Funds of U.S. Direct Investment Abroad, BE133, annually, corporations having foreign affiliates, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Analysis of Potential Impact of NHI on Current Users of BCHS Projects and Their Families, HSABCHS 0623, single-time, BCHS project users, families, and project staff, Human Resources Division, Sunderhauf, M. B., 395-3532.

Center for Disease Control, Talc Workers Medical Questionnaire, CDCNIOSH0520, single-time, all present talc miners and millers in Vermont, Ellett, C. A., 395-5867.

DEPARTMENT OF JUSTICE

Departmental and Other Discretionary Grant Progress Report, LEAA4587/1, quarterly, recipients of discretionary funds, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Evaluation of Project Information Package—Field Test, OE 392-1, OE 392-2, OE 392-3, OE 392-4, OE 392-5, single-time, students and PIP related personnel, Human Resources Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-19602 Filed 7-25-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

MATTEL, INC.

Suspension of Trading

JULY 17, 1975.

The common stock of Mattel, Inc. being traded on the New York, Midwest PBW and Boston Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mattel, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:00 P.M. (EDT) on July 17, 1975 through midnight (EDT) on July 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-19453 Filed 7-25-75;8:45 am]

[812-3795]

SCHICK INVESTMENT CO.

Filing of Application Under Sections 6(c) and 6(e) for an Order of Temporary Exemption From Section 7 and Certain Other Provisions

JULY 18, 1975.

Notice is hereby given that Schick Investment Company ("Applicant"), a Delaware corporation, has applied pursuant to Sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from Section 7 and certain other provisions of the Act. Applicant, in requesting such temporary exemption, has agreed that Applicant and other persons in their transactions and relations with it shall be subject to all provisions of the Act and the respective Rules and Regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than Section 7 and the following: Section 8; subsection (a) of Section 10; subsection (a)(2) of Section 13; subsections (a) and (d) of Section 17 (to the extent described below); subsections (f), (g) and (h) of Section 17; Section 30 (except subsection (f) thereof); Section 31; and Section 32 of the Act and the Rules and Regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations.

Applicant requests a temporary exemption from the provisions of Sections 17(a) and (d) of the Act with respect to certain transactions, each of which, Applicant asserts, is in accordance with Applicant's established and existing practices and because Applicant asserts that deviating from such practices during the pendency of the application would be an undue burden. Such transactions are as follows: (A) the sharing of Applicant's corporate facilities with Frawley Enterprises, Inc. and Schick Incorporated (affiliated companies of Applicant), and the sharing of the expenses pertaining to the shared facilities, including rentals and amortization and depreciation of leasehold improvements and furnishings, (B) the sharing of and reimbursement for certain administrative expenses, including salaries of officers and other administrative and clerical employees, among Applicant, Frawley Enterprises, Inc. and Schick Incorporated, (C) the leasing of certain premises owned by Applicant to Mel Hardman Productions, Inc. (a majority-owned subsidiary) and its subsidiary, Sun Classic Pictures, Inc., (D) the lending of funds by Applicant to Frawley Enterprises, Inc. against the borrower's demand notes at interest not exceeding 10% per annum, provided that the principal balance of such notes at any time outstanding shall not exceed $640,000, which represents the largest principal amount of such loans from Applicant to Frawley Enterprises since December 31, 1973, and which principal balance currently is $550,000, (E) the lending of funds by Applicant to Mel Hardman Productions, Inc. and/or Sun Classic Pictures, Inc. against the borrower's demand notes at interest not exceeding 10% per annum, provided that the principal amount of such notes at any time outstanding shall not exceed $300,000, (F) an arrangement with Frawley Enterprises, Inc.'s bank to the effect that cash balances of Applicant and Schick Incorporated as well as Frawley Enterprises, Inc., and their respective subsidiaries, may be used to satisfy the compensating balances requirement pertaining to Frawley Enterprises, Inc.'s bank debt, but which does not restrict the employment by Applicant of any funds which it may from time to time have on deposit with Frawley Enterprises, Inc.'s bank, and (G) the participation of Applicant and its subsidiaries as participating employers under Frawley Enterprises, Inc.'s Thrift and Profit Sharing Plan and its Employee Pension Plan.

This request has been made as an amendment to an application filed by Applicant pursuant to Section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) of the Act provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The last business day before the expiration of the 60-day period of exemption provided in Section 3(b)(2) was on June 9, 1975. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted, as requested, from June 9, 1975 until the Commission has acted upon the application under Section 3(b)(2) of the Act.

Notice is further given that any interested person may, not later than August 11, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address

stated above. Proof of such service (by affidavit, or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commisison thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-19454 Filed 7-25-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Subgroup Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture Subgroup on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet in Washington, D.C. The Subgroup will meet on August 12, 1975, in Conference Room N-3437 of the Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., and will begin at 8:30 a.m. The meetings will be open to the public and all interested parties are encouraged to attend.

The Noise Subgroup will review information received and proceed toward the development of a recommendation on noise for agriculture.

The Subgroup Chairman may permit oral statements before the group by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by close of business August 8, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will speak, a short summary of the intended presentation, and the approximate amount of time required for the presentation. Such submissions will be provided to the Committee Chairman for his consideration. At this time, the Subgroup repeats its request for relevant information pertaining to Noise in the agricultural industry.

Communications and questions about the proceeding should be addressed to:

Ms. Jeanne W. Ferrone, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3633, Washington, D.C. 20210. Phone: 202/523-8024.

All materials which have been submitted to, or developed by, the Committee and its subgroups since the beginning of its deliberations, as well as the official record of all proceedings, are available for public inspection and copying at the above location.

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

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-19479 Filed 7-25-75;8:45 am]

Office of the Secretary

THE WURLITZER CO.

Notice of Negative Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-28: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 22, 1975, in response to a worker petition filed on May 21, 1975, by the International Union of Electrical, Radio, and Machine Workers, AFL-CIO, on behalf of workers formerly producing electronic organs at the North Tonawanda, New York plant of the Wurlitzer Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 23802) on June 2, 1975. No public hearing was requested and none was held.

The information upon which the determination is based was obtained principally from officials of the Wurlitzer Company, customers of the firm, the National Association of Electronic Organ Manufacturers, the American Music Conference, the U.S. Department of Commerce, and industry analysts.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment of production workers at the North Tonawanda plant decreased 14 percent from 1973 to 1974 and 74 percent from the first quarter of 1974 to the same period in 1975. Salaried employment decreased 44 percent from 1972 to 1974 and 46 percent from the first quarter of 1974 to the first quarter of 1975. All production workers were permanently separated from the North Tonawanda plant by the end of June 1975.

Sales or Production, or Both, Have Decreased Absolutely

Wurlitzer produced electronic organs at the North Tonawanda plant from mid-1973 until the plant closed in June 1975. One customer, whose purchases accounted for 71 percent of all production at the plant in 1974, ceased all purchases from Wurlitzer in December 1974 causing production to decline 52 percent in the fourth quarter of 1974 and 40 percent in the first quarter of 1975.

Increased Imports Contributed Importantly

Imports of electronic organs like or directly competitive with those produced at Wurlitzer's North Tonawanda plant declined both absolutely and relatively in 1974. Such imports declined from 19 thousand units comprising 8.8 percent of domestic consumption in 1973 to 18 thousand units comprising 7.1 percent of consumption in 1974. Imports continued to decline relative to domestic production and consumption in the first quarter of 1975 compared to the same period in 1974.

Forty-percent of all organs sold by the North Tonawanda plant were produced under contract for Wurlitzer in Guatemala. Most of such imports, however, occurred in late 1973, while Wurlitzer was preparing for full production at the North Tonawanda plant; thus, imports by Wurlitzer were not a factor in the decision to close the North Tonawanda plant. With the closure of the plant Wurlitzer terminated all purchases of imported organs and components from Guatemala.

The North Tonawanda plant was closed due to the sharp decline in demand for electronic organs occurring in late 1974 and the resultant loss of the major customer for organs produced at that plant. The customer cited the general economic slowdown as the reason for the cancellation of its contract with Wurlitzer. With the loss of the customer who had purchased more than 70 percent of the organs produced at the North Tonawanda during its period of operation, Wurlitzer officials decided to close the plant and transfer its remaining production operations to a Wurlitzer facility in Mississippi.

Conclusion

After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with electronic organs produced at the North Tonawanda, New York plant of Wurlitzer Company did not contribute importantly to the total or

partial separation of the workers or to the absolute decline in sales or production of the plant.

Signed at Washington, D.C., this 18th day of July 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Assistance.

[FR Doc.75-19480 Filed 7-25-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 816]

ASSIGNMENT OF HEARINGS

JULY 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140344, Unzicker Trucking Inc., now assigned September 15, 1975, at Chicago, Ill., is postponed indefinitely.

MC 61396 Sub 270, Herman Bros. Inc., now assigned September 17, 1975, at Boston, Mass., is postponed indefinitely.

MC 87511 Sub 17, Sala Motor Freight Line, Inc., now assigned September 9, 1975 at New Orleans, Louisiana; will be held at the St. Maxent Room "A", Downtown Howard Johnson Motel, 330 Loyala Avenue and continued on September 22, 1975 at Lafayette, Louisiana in the Sheraton Town House Hotel, 1020 Pinhook Road.

MC 119777 (Sub-No. 312), Ligon Specialized Hauler, Inc., and MC 124951 (Sub-No. 33), Wathen Transport, Inc., now being assigned September 15, 1975 at Chicago, Illinois (2 days), in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-19550 Filed 7-25-75;8:45 am]

ATLANTA AND WEST POINT RAIL ROAD CO. ET AL.

Exemption From Mandatory Car Service Rules

Exemption under provision of rule 19 of the Mandatory Car Service rules ordered in Ex Parte No. 241, *Fourteenth revised exemption No. 91.*

To all railroads:

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception)

Exception. This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Rail Road Company, Reporting Marks: AWP.

Bangor and Aroostook Railroad Company, Reporting Marks: BAR.

Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.

Central Vermont Railway, Inc., Reporting Marks: CV-CVC.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.

D&H Deleted.

Duluth, Winnipeg and Pacific Railway, Reporting Marks: DWP.

Erie Lackawanna Railway Company (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees), Reporting Marks: DL&W-EL-ERIE.

Florida East Coast Railway Company, Reporting Marks: FEC.

Illinois Central Gulf Railroad Company, Reporting Marks: ICG-CLG-GMO-IC.

The Kansas City Southern Railway Company, Reporting Marks: KCS-LA.

Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), Reporting Marks: LV.

Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.

St. Louis Southwestern Railway Company, Reporting Marks: SSW.

Southern Pacific Transportation Company, Reporting Marks: SP.

The Texas Mexican Railway Company, Reporting Marks: TM.

The Western Pacific Railroad Company, Reporting Marks: WP.

The Western Railway of Alabama, Reporting Marks: WA.

Effective July 16, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 16, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-19551 Filed 7-25-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 23, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 107012 (Sub-No. E77), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Windham, Bennington, Rutland, and Windsor Counties, Vt., to points in Webster, Nicholas, Braxton, Clay, Kanawha, Fayette, Putnam, Wayne, Mingo, Boone, Cabell, Logan, Lincoln, Brooke, Hancock, Ohio, Marshall, Wirt, Pleasants, Roane, Wood, Ritchie, Calhoun, Gilmer, Jackson, Mason Counties, W. Va.; (2) from points in Chittenden, Franklin, Grand Isle, and Lamoille Counties, Vt., to points in Lawrence, Greene, Indiana, Westmoreland, Washington, Somerset, Fayette, Allegheny, Armstrong, Bearer, Butler Counties, Pa., Nicholas, Webster, Braxton, Clay, Fayette, Kanawha, Putnam, Mingo, Wayne, Boone, Cabell, Lincoln, Logan, Brooke, Hancock, Marshall, Ohio, Ritchie, Wood, Pleasants, Wirt, Roane, Calhoun, Gilmer, Jackson, Mason Counties, W. Va.; (3) from points in Addison, Orange, and Washington Counties, Vt., to points in Greene, Lawrence, Somerset, Westmoreland, Washington, Indiana, Butler, Fayette, Allegheny, Armstrong, Bearer Counties, Pa., Webster, Nicholas, Kanawha, Fayette, Braxton, Clay, Logan, Putnam, Mingo, Wayne, Boone, Cabell, Lincoln, Ohio, Hancock, Marshall, Brooke, Mason, Pleasants, Wood, Roane, Wirt, Ritchie, Calhoun, Gilmer, Jackson Counties, W. Va.; (4) from points in Caledonia, Essex, and Orleans Counties, Vt., to points in Lawrence, Somerset, Indiana, Fayette, Westmoreland, Washington, Greene, Butler, Allegheny, Armstrong, Bearer Counties, Pa.; Webster, Kanawha, Nicholas, Braxton, Clay, Fayette, Logan, Mingo, Putnam, Wayne, Cabell, Lincoln, Boone, Ohio, Marshall, Brooke, Hancock, Pleasants, Roane, Wirt, Mason, Ritchie, Wood, Calhoun, Gilmer, Jackson Counties, W. Va. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 107012 (Sub-No. E78), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances*, crated; (1) from points in Alexandria, Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, Fairfax, Falls Church, Fredericksburg, King George, Orange, Prince William, Spotsylvania, Stafford, and Westmoreland, Counties, Va., to points in Pulaski, Russell, Mercer, Anderson, Fayette, Washington, Rockcastle, Marion, Adair, Cumberland, Woodford, Casey, Boyle, Jessamine, Clinton, Wayne, Monroe, Lincoln, Green, Taylor, Metcalfe, Madison, and Gerrard Counties, Ky. (Milan, Ind.) *; Webster, McCracken, Hopkins, Hancock, Union, Marshall, Hickman, Graves, Trigg, Lyon, Caldwell, Fulton, McLean, Livingston, Ballard, Daviess, Carlisle, Calloway, Henderson, Crittenden, Trimble, Spencer, Muhlenberg, Henry, Hardin, Nelson, Sheleby, Meade, Jefferson, Grayson, Warren, Oldham, Logan, Barren, Edmonson, Todd, Ohio, LaRue, Allen, Christian, Simpson, Bullitt, Breckridge, Hart, and Butler Counties, Ky. (Evansville, Ind.) *; (2) from points in Clarke, Frederick, Greene, Harrisonburg, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren, and Winchester, Counties, Va., to points in Woodford, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Marion, Metcalfe, Mercer, Madison, Lincoln, Jessamine, Anderson, Green, Gerrard, Fayette, Cumberland, Clinton, Casey, Boyle, and Adair Counties, Ky. (Milan, Ind.) *; McLean, Union, Henderson, Daviess, McCracken, Trigg, Caldwell, Crittenden, Lyon, Marshall, Hancock, Carlisle, Livingston, Hopkins, Graves, Calloway, Webster, Hickman, Fulton, Ballard, Warren, Trimble, Meade, Spencer, Muhlenberg, LaRue, Todd, Sheleby, Simpson, Ohio, Logan, Oldham, Nelson, Jefferson, Henry, Hart, Barren, Hardin, Grayson, Edmonson, Christian, Butler, Bullitt, Breckenridge, and Allen Counties, Ky. (Evansville, Ind.) *.

(3) From points in Albemarle, Amelia, Brunswick, Buckingham, Chesterfield, Chas Pity, Charlottesville, Colonial Heights, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, Hopewell, James Pity, King William, King Queen, Louisa, Lunenburg, Mecklenberg, New Kent, Nottoway, Petersburg, Powhatan, Prince George, Prince Edward, Richmond, and Waynesboro Counties, Va., to points in Clinton, Casey, Wayne, Woodford, Taylor, Monroe, Lincoln, Cumberland, Russell, Mercer, Jessamine, Fayette, Rockcastle, Metcalfe, Green, Adair, Pulaski, Marion, Anderson, Washington, Boyle, Madison, and Gerrard Counties, Ky. (Milan, Ind.) *; Crittenden, Webster, McCracken, Hickman, Daviess, Union, Marshall, Henderson, Fulton, Carlisle, Trigg, Lyon, Hancock, Ballard, McLean, Livingston, Caldwell, Calloway, Hopkins, Graves, Trimble, Sheleby, Muhlenberg, Henry, Christian, Butler, Oldman, Logan, Hart, Edmonson, Bullitt, Ohio, Meade, Hardin, Allen, Warren, Spencer, Nelson, LaRue, Barren, Todd, Simpson, Breckenridge, Jefferson, and Grayson Counties, Ky. (Evansville, Ind.) *; (4) from points in Accomack, Greensville, Northumberland, Portsmouth, Surry, Chesapeake, Hampton, Nansemond, Richmond, Virginia B. Wight Isle, Franklin, Mathews, Norfolk, Suffolk, Williamsburg, Gloucester, Middlesex, Northampton, Sussex, and York Counties, Va., to points in Russell, Pulaski, Jessamine, Woodford, Fayette, Casey, Adair, Madison, Green, Washington, Boyle, Metcalfe, Gerrard, Monroe, Anderson, Mercer, Wayne, Taylor, Rockcastle, Marion, Lincoln, Cumberland, and Clinton Counties, Ky. (Milan, Ind.) *; Union, McLean, Henderson, Fulton, Carlisle, Ballard, Hopkins, Hancock, Calloway, Marshall, Graves, Webster, Caldwell, Lyon, McCracken, Trigg, Livingston, Hickman, Daviess, Crittenden, Oldham, Nelson, Hart, Todd, Spencer, Bullitt, Allen, Jefferson, Hardin, Simpson, Breckenridge, Meade, Warren, Grayson, Muhlenberg, Barren, Logan, Trimble, Christian, Sheleby, Ohio, LaRue, Henry, Edmonson, and Butler Counties, Ky. (Evansville, Ind.) *; (5) from points in Alleghany, Bedford, Buena Vista, Clifton Forge, Floyd, Halifax, Lynchburg, Patrick, Roanoke, Smyth, Wise, Amherst, Bedford, Buchanan, Covington, Franklin, Henry, Martinsville, Pittsylvania, Rockbridge, South Boston, Wythe, Appomattox, Bland, Carroll, Craig, Galax, Highland, Montgomery, Pulaski, Russell, Staunton, Augusta, Botetourt, Campbell, Danville, Giles, Lexington, Nelson, Radford, Salem, Tazewell, Bath, Bristol, Charlotte, Dickenson, Grayson, Lee, Norton, Roanoke, Scott, and Washington Counties, Va., to points in Carlisle, Calloway, Caldwell, Ballard, McCracken, Hancock, Daviess, Marshall, Hopkins, Crittenden, Webster, Trigg, Lyon, Hickman, McLean, Graves, Union, Livingston, Henderson, and Fulton Counties, Ky. (Evansville, Ind.) *; Erie, Allegany, Cataraugus, Chatauqua, Orleans, Livingston, Genesee, Wyoming, Niagara, Steuben, and Monroe Counties, N.Y.; Elk, Clarion, Cameron, Warren, Mercer, Forest, Erie, Venango, McKean, Crawford, Potter, and Jefferson Counties, Pa. (Cleveland, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107012 (Sub-No. E79), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Clallam, Grays Harb, Jefferson, Kitsap, Mason, San Juan, Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Chelan, Douglas, Grant, Island, Kittitas, King, Skagit, Snohomish, Whatcom Counties, Wash., to points in Wapello, Washington, Scott, Jackson, Jefferson, Johnson, Iowa, Jones, Van Buren, Muscatine, Keokuk, Henry, Lee, Linn, Louisa, Cedar, Benton, Dubuque, Des Moines, Davis, Clinton Counties, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 107012 (Sub-No. E80), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances, crated*, (1) from points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming Counties, W. Va., to points in Washington, Warren, Schenectady, Saratoga, Montgomery, Hamilton, Fulton, Franklin, Essex, Clinton, Oneida, Lewis, Jefferson, Herkimer, St. Lawrence, Oswego, Wyoming, Orleans, Steuben, Niagara, Monroe, Livingston, Genesee, Erie, Chatauqua, Cataraugus, Allegany Counties, N.Y., Warren, Potter, Mercer, Venango, Elk, Crawford, Clarion, Cameron, McKean, Jefferson, Forest, Erie Counties, Pa.; (2) from points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster Counties, W. Va., to points in Washington, Warren, Saratoga, Schenectady, Essex, Clinton, Montgomery, Hamilton, Fulton, Franklin, Onondaga, Ontario, Otsego, Schoharie, Yates, Wayne, Schuyler, Seneca, Tioga, Madison, Tompkins, Delaware, Courtland, Chemung, Broome, Chenango, Cayuga, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Herkimer, Wyoming, Niagara, Orleans, Monroe, Steuben, Livingston, Genesee, Erie, Chatauqua, Cataraugus, Allegany Counties, N.Y., Potter, Venango, McKean, Mercer, Jefferson, Warren, Clarion, Cameron, Forest, Erie, Elk, Crawford Counties, Pa.; (3) from points in Lincoln, Logan, Boone, Cabell, Mingo, Putnam, Wayne Counties, W. Va., to points in Schenectady, Warren, Washington, Fulton, Franklin, Essex, Clinton, Saratoga, Montgomery, Hamilton, Onondaga, Otsego, Schoharie, Schuyler, Seneca, Ontario, Wayne, Yates, Tioga, Tompkins, Delaware, Courtland, Chenango, Chemung, Cayuga, Broome, Madison, St. Lawrence, Oswego, Oneida, Lewis, Jefferson, Herkimer, Wyoming, Niagara, Orleans, Steuben, Chatauqua, Cataraugus, Allegany, Monroe, Livingston, Genesee, Erie Counties, N.Y.; Warren, Mercer, Venango, Potter, McKean, Crawford, Clarion, Cameron, Jefferson, Forest, Erie, Elk Counties, Pa.; (4) from points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., to points in Washington, Warren, Saratoga, Schenectady, Montgomery, Hamilton, Clinton, Fulton, Franklin, Essex, Oswego, St. Lawrence, Herkimer, Oneida, Lewis, Jefferson Counties, N.Y.; (5) from points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wire, Wood Counties, W. Va., to points in Washington, Clinton, Warren, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Tioga, Seneca, Wayne, Otsego, Yates, Tompkins, Schoharie, Schuyler, Broome, Ontario, Cayuga, Chemung, Chenango, Courtland, Delaware, Madi-

son, Onondaga, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Steuben, Wyoming, Niagara, Orleans, Allegany, Cataraugus, Chatauqua, Erie, Genesee, Livingston, Monroe Counties, N.Y.; Warren, Potter, Venango, Cameron, Clarion, McKean, Mercer, Crawford, Elk, Erie Counties, Pa. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 107295 (Sub-E135), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel columns*, from Canton, Ohio, to points in Arkansas and Missouri (plantsite of Lally Bros., Div. Fire-Trol Corp. at Orland Park, Ill.)*; (2) *Steel joist, steel beams, steel roofing deck, steel shapes and steel trusses*, from Canton, Ohio to points in Arkansas, Iowa, Missouri, and points in Indiana in and west of Porter, Jasper, White, Tippecanoe, Montgomery, Putnam, Owen, Greene, Daviess, Pike, and Warrick Counties (Paris, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107295 (Sub-No. E230) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER May 2, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, accessories, used in the erection, construction, and completion thereof; (7) from points in that part of Ohio in and south of Darke, Miami, Champaign, Madison, Franklin, Licking, Muskingum, Guernsey, and Belmont Counties, to points in Vermont. The purpose of this filing is to eliminate the gateways of points in Illinois, Pine Bluff, Ark., Baltimore, Md., and Lumberton, N.C. The purpose of this partial correction is to include the destination point in (7) above. The remainder of this letter-notice remains as previously published.

No. MC 108207 (Sub-No. E2), filed May 6, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats, meat by-products*, and *meat products*, as defined by the Commission (except canned or packaged meats and canned or packaged meat products other than canned hams packaged hams and packaged bacon) *dairy products* as defined by the Commission, *salad dressing, yeast*, and *uncooked bakery goods;* (1) from points in Michigan, Illinois, and Missouri to points in New Mexico, Arizona, and California, restricted against the transportation of commodities except frozen food and carcass meat, from Kansas City, Mo., to the destination area; (2) from points in Louisiana, Arkansas, and Memphis, Tenn., to points in New Mexico, Arizona, and California; (3) from points in that part of Oklahoma on and east of Interstate Highway 35 to points in New Mexico; and (4) from points in Oklahoma to points in Arizona and California; restricted against the transportation of oleomargarine, butter, shortening, yeast, salad dressing, and cheese, from Shreveport, La., Little Rock, Ark., and Memphis, Tenn. and points in Oklahoma to the destination area. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E23), filed May 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products*, and *dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *frozen foods, salad dressing, uncooked bakery goods, table sauces*, and *prepared salads*, in vehicles equipped with mechanical refrigeration, and (2) *Foodstuffs*, except those described in (1) when moved in mixed loads with one or more of the commodities described in (1), in vehicles equipped with mechanical refrigeration; from Rossville, Tenn., to points in that part of Mississippi on and south of U.S. Highway 98. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 108207 (Sub-No. E63), filed May 31, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables* when moving in mixed loads with one or more of the following: *Meats, meat products, meat products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, and 766, *dairy products, frozen foods, salad dressings, yeast, uncooked bakery goods, fish*, and *prepared salads*, in vehicles equipped with mechanical refrigeration; (1) from points in Arizona to points in Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Illinois, Mississippi, Indiana, Ohio, Michigan, Minnesota, Wisconsin, points in that part of South Dakota, on and east of South Dakota Highway 47, points in that part of Kansas and that part of Nebraska on and east of U.S. Highway 183; and (2) from points in New Mexico to points in that part of Oklahoma, on and east of Interstate Highway 35, Louisiana, Arkansas, Missouri, Iowa, Illinois, Mississippi, Indiana, Michigan, Ohio, Minnesota, that part of South Dakota, on and east of South Dakota Highway 47, Wisconsin, that part of Kansas and that part of Nebraska on and east of U.S. Highway 183. Restriction: The operations authorized above are restricted against the transportation of the above-described commodities in bulk. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 110420 (Sub-E22), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in Illinois to Green Bay, Wis. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC 110420 (Sub-E23), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in Indiana to Green Bay, Wis., and points in Minnesota. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC 110420 (Sub-E25), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, (A) from points in Michigan west of Luce and Mackinac Counties to Downington, Pa. (Milwaukee, Wis.)*; (B) from points in Michigan on and south of Michigan Highway 55 to Green Bay, Wis. (Milwaukee, Wis.)*; (C) from points in the Upper Peninsula of Michigan to points in Missouri and Tennessee (Milwaukee, Wis. and Chicago, Ill.)*; (D) from points in the Lower Peninsula of Michigan on and north of Michigan Highway 68 to points in Missouri and points in Tennessee on and west of Tennessee Highway 13 (Milwaukee, Wis. and Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-E33), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Napoleon, Ohio to points in Nebraska and Minnesota. The purpose of this filing is to eliminate the gateway of Cudahy, Wis.

No. MC 110420 (Sub-E67), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative:

E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in Wisconsin on and east of Wisconsin Highway 13 which are on and east of U.S. Highway 51, to Lititz, Pa., and Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-E102), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Chicago and Argo, Ill.; (A) to points in Maryland (Hammond, Ind.)*; (B) to points in Utah (North Kansas City, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-E107), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Granite City, Ill., to points in Utah. The purpose of this filing is to eliminate the gateway of North Kansas City, Mo.

No. MC 110420 (Sub-E112), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C., 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles, from Milwaukee, Wis. to (A) points in Missouri, Ohio and points in Michigan in and south of Charlevoix, Otsego, Montomorency, and Alpena Counties (Chicago, Ill.)*; (B) points in Utah (Clinton, Iowa, and North Kansas City, Mo.)*; (C) points in Arkansas, Kentucky, and Tennessee (Chicago, Ill)*; (D) points in Kansas (Chicago, Ill.)*; (E) points in New York, Pennsylvania, Virginia, and West Virginia (Chicago, Ill.)*; (F) points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas (Pekin, Ill.)*; (G) points in Maryland (Hammond, Ind.)*; (H) points in the Upper Peninsula of Michigan and in Emmet, Cheboygan, and Presque 156 Counties, Mich. (Watertown, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-E158), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *liquid paint*, paint materials, resins, varnishes and lacquers, in bulk, in tank vehicles, from the plantsite of Modil Finishes Co., at Kankakee, Ill., (A) to points in Maine, New Hampshire, and Plymouth, Suffolk, and Essex Counties, Mass. (Milwaukee, Wis. and Carpentersville, Ill.)*; (B) to points in Colorado, Idaho, Montana, Utah, Wyoming, and points in Nebraska on and west of U.S. Highway 281 (Jamesville, Wis.)*; (C) to points in Minnesota and Nebraska (Hawkeye Chemical Co. plantsite near Clinton, Iowa)*; (2) Liquid varnish, in bulk, in tank vehicles, from the plantsite of Modil Finishes Co. at Kankakee, Ill., to points in Monroe, Broward, and Dade Counties, Fla. The purpose of this filing is to eliminate the gateway of Saukville, Wis.

No. MC 110420 (Sub-E162), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Paint, paint products, can coatings and liners, and related specialty chemical coatings, in bulk, in tank vehicles, from North Chicago, Ill., to (A) points in Colorado, Idaho, Montana, Utah and Wyoming (Janesville, Wis.)*; (B) points in New York (Milwaukee, Wis., and Ringwood, Ill)*; (C) points in Pennsylvania in and east of Tioga, Lycoming, Union, Mifflin, Juniata, and Franklin Counties (Milwaukee, Wis., and Ringwood, Ill)*; (D) points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, Virginia, and points in West Virginia in and south of McDowell, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Grant, Mineral, Hampshire, and Morgan Counties (Milwaukee, Wis., and Carpenterville, Ill.)*; (E) points in South Dakota (Milwaukee, Wis., and Apple River Chemical Co. plantsite near East Dubuge, Ill.)*; (F) points in Texas and Tennessee (Milwaukee, Wis., and Kankakee, Ill.)*; (G) points in Florida and Georgia (Saukville, Wis)*; (H) points in Oklahoma, Mississippi, and Alabama (Saukville, Wis.)*; (I) Houston, Tex., and East Point, Ga. (Milwaukee, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-E181), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Paw Paw, Mich. to points in South Dakota. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Minneapolis, Minn.

No. MC 110420 (Sub-E182), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from New York, N.Y., to points in South Dakota and Nebraska. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Minneapolis, Minn.

No. MC 110420 (Sub-E185), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanning extracts*, in bulk, in tank vehicles, from Williamsport, Pa., to Red Wing, Minn. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-E186), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanning extracts*, in bulk, in tank vehicles, from Parsons, W. Va., to Red Wing, Minn. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 111320 (Sub-No. E130), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, mobile cranes* and *mobile shovels*, and *parts* moving therewith or separately, in driveaway and truckaway service: (1) (a) between points in that part of Ohio on and east of a line beginning at Huron, Ohio, thence along Ohio Highway 13 to junction U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Michigan, (b) between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction Interstate Highway 71 to Lake Erie, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 14 to junction U.S. Highway 12 to the West Virginia-Virginia State line; (2) between points in Pennsylvania on, west, and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 119 to junction U.S. Highway 22 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Ohio on, west, and north of a line beginning at Toledo, Ohio, thence along Interstate

Highway 280 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line; and (3) between points in that part of Pennsylvania east and north of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111823 (Sub-No. E53), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Tyndall Air Force Base, Naval Air Station, Whiting Field, Eglin Air Force Base, Naval Air Station, Pensacola, Panama City, Valparaiso, and Milton, Florida; on the one hand, and, on the other, Ent Air Force Base and Peterson Field, Colorado Springs, Colorado; Fitzsimons General Hospital, Denver, Colorado; Fort Carson, Colorado Springs, Colorado; Lowry Air Force Base, Denver, Colorado; U.S. Air Force Academy, Colorado Springs, Colorado; Naval Submarine Base New London, Groton, Connecticut; Fort Sheridan, Highland Park, Illinois; Joliet Army Ammunition Depot, Joliet, Illinois; Savanna Army Depot, Savanna, Illinois; Naval Air Station, Glenview, Illinois; Naval Training Center, Great Lakes, Illinois; Scott Air Force Base, Belleville, Illinois; Chanute Air Force Base, Rantoul, Illinois; Fort Benjamin Harrison, Indianapolis, Indiana; Naval Ammunition Depot, Crane, Indiana; Grissom Air Force Base, Peru, Indiana; Forbes Air Force Base, Topeka, Kansas; Fort Leavenworth, Leavenworth, Kansas; Fort Riley, Junction City, Kansas; McConnell Air Force Base, Wichita, Kansas; Fort Knox, Fort Knox, Kentucky; Aberdeen Proving Ground, Aberdeen, Maryland.

Edgewood Arsenal, Edgewood, Maryland; Fort Detrick, Frederick, Maryland; Fort Holabird, Baltimore, Maryland; Fort Ritchie, Cascade, Maryland; Naval Training Center, Bainbridge, Maryland; Fort Devens, Ayer, Massachusetts; Naval Air Station, South Weymouth, Massachusetts; L. G. Hanscom Field, Bedford, Massachusetts; Otis Air Force Base, Falmouth (Cape Cod), Massachusetts; Westover Air Force Base, Springfield, Massachusetts; Kincheloe Air Force Base, Sault Ste Marie, Michigan; K. I. Sawyer Air Force Base, Gwinn, Michigan; Selfridge Air National Guard Base, Mount Clemens, Michigan; Wurtsmith Air Force Base, Oscoda, Michigan; Duluth International Airport, Duluth, Minnesota; Fort Leonard Wood, Waynesville, Missouri; Richards-Gebaur Air Force Base, Kansas City, Missouri; Whiteman Air Force Base, Knob Noster, Missouri; Offutt Air Force Base, Omaha, Nebraska; Pease Air Force Base, Portsmouth, New Hampshire; Fort Dix, Wrightstown, New Jersey; Fort Monmouth, Oceanport, New Jersey; McGuire Air Force Base, Wrightstown, New Jersey; Naval Air Station, Lakehurst, New Jersey; Camp Drum, Watertown, New York; Fort Hamilton, Brooklyn, New York; Fort Wadsworth, Staten Island, New York; U.S. Coast Guard Base, Governor's Island (New York City), New York; Griffiss Air Force Base, Rome, New York; Hancock Field, Syracuse, New York; Plattsburg Air Force Base, Plattsburg, New York; Naval Hospital, Saint Albans, New York.

Seneca Army Depot, Romulus, New York; Stewart Field, Newburgh, New York; U.S. Military Academy, West Point, New York; Grand Forks Air Force Base, Emerado, North Dakota; Minot Air Force Base, Minot, North Dakota; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pennsylvania; Letterkenny Army Depot, Chambersburg, Pennsylvania; Naval Base, Philadelphia, Pennsylvania; New Cumberland Army Depot, New Cumberland, Pennsylvania; Tobyhanna Army Depot, Tobyhanna, Pennsylvania; Defense Activities, Mechanicsburg, Pennsylvania; Valley Forge General Hospital, Phoenixville, Pennsylvania; Ellsworth Air Force Base, Rapid City, South Dakota; and Camp McCoy, Sparta, Wisconsin. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky. or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E60), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia area; Bolling Air Force Base, Fort McNair, Walter Reed Army Medical Center, and Naval Station, District of Columbia; Andrew Air Force Base, Camp Springs, Md.; National Naval Medical Center, Bethesda, Md.; Fort Myer, Arlington, Va.; and Cameron Station, Alexandria, Va.; on the one hand, and, on the other, Craig Air Force Base, Selma, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Fla.; Ent Air Force Base and Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.

K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.; Keesley Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla.; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Base, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex., Kelly Air Force Base, San Antonio, Tex.; Laredo Air Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville,

Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E64), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Naval Air Station, Kingsville, Tex., Naval Air Station Chase Field, Beeville, Tex., and Naval Air Station, Corpus Christi, Tex., on the one hand, and, on the other, Naval Submarine Base New London, Groton, Conn., Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C., Andrews Air Force Base, Camp Springs, Md., Bolling Air Force Base, D.C., Fort Myer, Arlington, Va., Fort McNair, D.C., Cameron Station, Alexandria, Va., Walter Reed Army Medical Center, D.C., National Naval Medical Center, Bethesda, Md., Naval Station, D.C., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Illinois, Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Fort Knox, Fort Knox, Ky., Aberdeen Proving Ground, Aberdeen, Md., Edgewood Arsenal, Edgewood Arsenal, Md., Fort Detrick, Frederick, Md., Fort Holabird, Baltimore, Md., Fort George Meade, Laurel, Md., Fort Ritchie, Cascade, Md., Naval Air Station, Patuxent, Patuxent River, Md., Naval Academy, Annapolis, Md., Naval Training Center, Bainbridge, Md., Fort Devens, Ayer, Mass., Naval Air Station, South Weymouth, Mass., L. G. Hanscom Field, Bedford, Mass., Otis Air Force Base, Falmouth (Cape Cod), Mass., Westover Air Force Base, Springfield, Mass., Kincheloe Air Force Base, Sault Ste Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Pease Air Force Base, Portsmouth, New Hampshire, Fort Dix, Wrightstown, N.J.

Fort Monmouth, Oceanport, N.J., McQuire Air Force Base, Wrightstown, N.J., Naval Air Station, Lakehurst, N.J., Camp Drum, Watertown, N.Y., Fort Hamilton, Brooklyn, N.Y., Fort Wadsworth, Staten Island, N.Y., U.S. Coast Guard Base, Governor's Island (New York City), N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Naval Hospital, Saint Albans, N.Y., Seneca Army Depot, Romulus, N.Y., Stewart Field, Newburgh, N.Y., U.S. Military Academy, West Point, N.Y., Grand Forks Air Force Base, Emerado, N Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Army War College, Carlisle Barracks, Pa., Letterkenny Army Depot, Chambersburg, Pa., Naval Base, Philadelphia, Pa., New Cumberland Army Depot, New Cumberland, Pa., Tobyhanna Army Depot, Tobyhanna, Pa., Defense Activities, Mechanicsburg, Pa., Valley Forge General Hospital, Phoenixville, Pa., Fort Belvoir, Alexandria, Va., Fort Eustis, Newport News, Va., Fort Lee, Petersburg, Va., Fort Monroe, Hampton, Va., Fort Story, Virginia Beach, Va., Langley Air Force Base, Hampton, Va., Marine Corps School, Quantico, Va., Naval Air Station Oceana, Oceana (Virginia Beach), Va., Naval Amphibious Base, Little Creek (Norfolk), Va., Naval Shipyard Norfolk, Portsmouth, Va., Naval Weapons Laboratory, Dahlgren, Va., Naval Weapons Station Yorktown, Yorktown, Va., Defense General Supply Center, Richmond, Va., Vint Hill Farms Station, Warrenton, Va., and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E66), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Monmouth, Oceanport, New Jersey, on the one hand, and, on the other, Craig Air Force Base, Selma, Ala., Fort McClelland, Anniston, Ala., Fort Rucker, Ozark, Ala., Gunter Air Force Base, Montgomery, Ala., Maxwell Air Force Base, Montgomery, Ala., Redstone Arsenal, Huntsville, Ala., Blytheville Air Force Base, Blytheville, Ark., Ent Air Force Base & Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., Fort Carson, Colorado Springs, Colo., Lowry Air Force Base, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Eglin Air Force Base, Valparaiso, Fla. Naval Air Station, Pensacola, Fla., Naval Air Station Whiting Field, Milton, Fla., Tyndall Air Force Base, Panama City, Fla., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grisson Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Campbell, Hopkinsville, Ky., Fort Knox, Fort Knox, Ky., Barksdale Air Force Base, Shreveport, La., England Air Force Base, Alexandria, La., Fort Polk, Leesville, La., Naval Air Station, New Orleans, La., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Ocsoda, Mich., Duluth International Airport, Duluth, Minn. Columbus Air Force Base, Columbus, Miss., Keesler Air Force Base, Biloxi, Miss., Naval Air Station, Meridian, Miss.

Naval Construction Battalion, Gulfport, Miss., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Altus Air Force Base, Altus, Okla., Fort Sill, Lawton, Okla., Tinker Air Force Base, Oklahoma City, Oklahoma, Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., Arnold Air Force Station, Tullahoma, Tenn., Naval Air Station Memphis, Millington, Tenn., Bergstrom Air Force Base, Austin, Tex., Brooks Air Force Base, San Antonio, Tex., Carswell Air Force Base, Fort Worth, Tex., Dyess Air Force Base, Abilene, Tex., Ellington Air Force Base, Houston, Tex., Naval Air Station, Dallas, Tex., Fort Bliss, El Paso, Tex., Fort Hood, Killeen, Tex., Fort Sam Houston, San Antonio, Tex., Fort Wolters, Mineral Wells, Tex., Goodfellow Air Force Base, San Angelo, Tex., Kelly Air Force Base, San Antonio, Tex., Lackland Air Force Base, San Antonio, Tex., Laredo Air Force Base, Laredo, Tex., Laughlin Air Force Base, Del Rio, Tex., Naval Air Station, Corpus Christi, Tex., Naval Air Station Chase Field, Beeville, Tex., Naval Air Station, Kingsville, Tex., Randolph Air Force Base, Universal City, Tex., Reese Air Force Base, Lubbock, Tex., Sheppard Air Force Base, Wichita Falls, Tex., Webb Air Force Base, Big Spring, Tex., and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, or that part of Indiana and Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E71), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher,

1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Sheppard Air Force Base, Wichita Falls, Tex., on the one hand, and, on the other, Naval Submarine Base New London, Groton, Conn., Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C., Andrews Air Force Base, Camp Springs, Md., Bolling Air Force Base, D.C., Fort Myer, Arlington, Va., Fort McNair, D.C., Cameron Station, Alexandria, Va., Walter Reed Army Medical Center, D.C., National Naval Medical Center, Bethesda, Md., Naval Station, D.C., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Fort Campbell, Hopkinsville, Ky., Fort Knox, Fort Knox, Ky., Aberdeen Proving Ground, Aberdeen, Md., Edgewood Arsenal, Edgewood Arsenal, Md., Fort Detrick, Frederick, Md., Fort Holabird, Baltimore, Md., Fort George Meade, Laurel, Md., Fort Ritchie, Cascade, Md., Naval Air Station Patuxent, Patuxent River, Md., Naval Academy, Annapolis, Md., Naval Training Center, Bainbridge, Md., Fort Devens, Ayer, Mass., Naval Air Station, South Weymouth, Mass., L. G. Hanscom Field, Bedford, Mass., Otis Air Force Base, Falmouth (Cape Cod), Mass., Westover Air Force Base, Springfield, Mass., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Pease Air Force Base, Portsmouth, N.H., Fort Dix, Wrightstown, N.J.

Fort Monmouth, Oceanport, N.J., McGuire Air Force Base, Wrightstown, N.J., Naval Air Station, Lakehurst, N.J., Camp Drum, Watertown, N.Y., Fort Hamilton, Brooklyn, N.Y., Fort Wadsworth, Staten Island, N.Y., U.S. Coast Guard Base, Governor's Island (New York City), N.Y., Griffis Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Naval Hospital, Saint Albans, N.Y., Seneca Army Depot, Romulus, N.Y., Stewart Field, Newburg, N.Y., U.S. Military Academy, West Point, N.Y., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Army War College, Carlisle Barracks, Pa., Letterkenny Army Depot, Chambersburg, Pa., Naval Base, Philadelphia, Pa., New Cumberland Army Depot, New Cumberland, Pa., Tobyhanna Army Depot, Tobyhanna, Pa., Defense Activities, Mechanicsburg, Pa., Valley Forge General Hospital, Phoenixville, Pa., Charleston Air Force Base, Charleston, S.C., Fort Jackson, Columbia, S.C., Myrtle Beach Air Force Base, Myrtle Beach, S.C., Naval Base, Charleston, S.C., Polaris Missile Facility, Charleston, S.C., Shaw Air Force Base, Sumter, S.C., Fort Belvoir, Alexandria, Va., Fort Eustis, Newport News, Va., Fort Lee, Petersburg, Va., Fort Monroe, Hampton, Va., Fort Story, Virginia Beach, Va., Langley Air Force Base, Hampton, Va., Marine Corps School, Quantico, Va., Naval Air Station Oceana, Oceana (Virgina Beach), Va., Naval Amphibious Base, Little Creed (Norfolk), Va., Naval Shipyard Norfolk, Portsmouth, Va., Naval Station, Norfolk, Va., Naval Weapons Laboratory, Dahlgren, Va., Naval Weapons Station, Yorktown, Va., Defense General Supply Center, Richmond, Va., Vint Hill Farms Station, Warrenton, Va., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E75), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Hood, Killeen, Tex., and Bergstrom Air Force Base, Austin, Tex., on the one hand, and, on the other, Naval Submarine Base New London, Groton, Conn., Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia, Andrews Air Force Force Base, Camp Springs, Md., Bolling Air Force Base, District of Columbia, Fort Myer, Arlington, Va., Fort McNair, District of Columbia, Cameron Station, Alexandria, Va., Walter Reed Army Medical Center, District of Columbia, National Naval Medical Center, Bethesda, Md., Naval Station, District of Columbia, Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Bellville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Fort Knox, Fort Knox, Ky., Aberdeen Proving Ground, Aberdeen, Md., Edgewood Arsenal, Edgewood Arsenal, Md., Fort Detrick, Frederick, Md., Fort Holabird, Baltimore, Md., Fort George Meade, Laurel, Md., Fort Ritchie, Cascade, Md., Naval Air Station Patuxent, Patuxent River, Md., Naval Academy, Annapolis, Md., Naval Training Center, Bainbridge, Md., Fort Devens, Ayer, Mass., Naval Air Station, South Weymouth, Mass., L. G. Hascom Field, Bedford, Mass., Otis Air Force Base, Falmouth (Cape Cod), Mass., Westover Air Force Base, Springfield, Mass., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich.

Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Pease Air Force Base, Portsmouth, N.H., Fort Dix, Wrightstown, N.J., Fort Monmouth, Oceanport, N.J., McGuire Air Force Base, Wrightstown, N.J., Naval Air Station, Lakehurst, N.J., Camp Drum, Watertown, N.Y., Fort Hamilton, Brooklyn, N.Y., Fort Wadsworth, Staten Island, N.Y., U.S. Coast Guard Base, Governor's Island (New York City), N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Naval Hospital, Saint Albans, N.Y., Seneca Army Depot, Romulus, N.Y., Stewart Field, Newburgh, N.Y., U.S. Military Academy, West Point, N.Y., Grand Forks Air Force Base, Emerado, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Army War College, Carlisle Barracks, Pa., Letterkenny Army Depot, Chambersburg, Pa., Naval Base, Philadelphia, Pa., New Cumberland Army Depot, New Cumberland, Pa., -Tobyhanna Army Depot, Tobyhanna, Pa., Defense Activities, Mechanicsburg, Pa., Valley Forge General Hospital, Phoenixville, Pa., Myrtle Beach Air Force Base, Myrtle Beach, S.C., Fort Belvoir, Alexandria, Va., Fort Eustis, Newport News, Va., Fort Lee, Petersburg, Va., Fort Monroe, Hampton, Va., Fort Story, Virginia Beach, Va., Langley Air Force Base, Hampton, Va., Marine Corps School, Quantico, Va., Naval Air Station Oceana, Oceana (Virginia Beach), Va., Naval Amphibious Base, Little Creek (Norfolk), Va., Naval Shipyard Norfolk, Portsmouth, Va., Naval Station, Norfolk, Va., Naval Weapons Laboratory, Dahlgren, Va., Naval Weapons Station, Yorktown, Va., Defense General Supply Center, Richmond, Va., Vint Hill Farms Station, Warrenton, Va., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E76), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Ellington Air Force Base, Houston, Tex., on the one hand, and, on the other, Naval Submarine Base New London, Groton, Conn., Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C., Andrews Air Force Base, Camp Springs, Md., Bolling Air Force Base, D.C., Fort Myer, Arlington, Va., Fort McNair, D.C., Cameron Station, Alexandria, Va., Walter Reed Army Medical Center, District of Columbia, National Naval Medical Center, Bethesda, Md., Naval Station, D.C., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Fort Knox, Fort Knox, Ky., Aberdeen Proving Ground, Aberdeen, Md., Edgewood Arsenal, Edgewood Arsenal, Md., Fort Detrick, Frederick, Md., Fort Holabird, Baltimore, Md., Fort George Meade, Laurel, Md., Fort Ritchie, Cascade, Md., Naval Air Station Patuxent, Patuxent River, Md., Naval Academy, Annapolis, Md., Naval Training Center, Bainbridge, Md., Fort Devens, Ayer, Mass., Naval Air Station, South Weymouth, Mass.

L. G. Hanseom Field, Bedford, Mass., Otis Air Force Base, Falmouth (Cape Code), Mass., Westover Air Force Base, Springfield, Mass., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Pease Air Force Base, Portsmouth, N.H., Fort Dix, Wrightstown, N.J., Fort Monmouth, Wrightstown, N.J., McGuire Air Force Base, Wrightstown, N.J., Naval Air Station, Lakehurst, N.J., Camp Drum, Watertown, N.Y., Fort Hamilton, Brooklyn, N.Y., Fort Wadsworth, Staten Island, N.Y., U.S. Coast Guard Base, Governor's Island (New York City), N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Naval Hospital, Saint Albans, N.Y., Seneca Army Depot, Romulus, N.Y., Stewart Field, Newburgh, N.Y., U.S. Military Academy, West Point, N.Y., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Army War College, Carlisle Barracks, Pa., Letterkenny Army Depot, Chambersburg, Pa., Naval Base, Philadelphia, Pa., New Cumberland Army Depot, New Cumberland, Pa., Tobyhanna Army Depot, Tobyhanna, Pa., Defense Activities, Mechanicsburg, Pa., Valley Forge General Hospital, Phoenixville, Pa., Fort Belvoir, Alexandria, Va., Fort Eustis, Newport News, Va., Fort Lee, Petersburg, Va., Fort Monroe, Hampton, Va., Fort Story, Virginia Beach, Va., Langley Air Force Base, Hampton, Va., Marine Corps Scholl, Quantico, Va., Naval Air Station Oceana, Oceana (Virginia Beach, Va., Naval Amphibious Base, Little Creek (Norfolk), Va., Naval Shipyard Norfolk, Portsmouth, Va., Naval Station, Norfolk, Va., Naval Weapons Laboratory, Dahlgren, Va., Naval Weapons Station, Yorktown, Va., Defense General Supply Center, Richmond, Va., Vint Hill Farms Station, Warrenton, Va., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., Louisville, Ky., or Houston, Tex.

No. MC 111823 (Sub-No. E90), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Moody Air Force Base, Valdosta, Ga., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., Fort Carson, Colorado Springs, Colo., Lowry Air Force Base, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Knox, Fort Knox, Ky., Fort Devens, Ayer, Mass., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo.

Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Camp Drum, Watertown, N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Seneca Army Depot, Romulus, N.Y., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Tinker Air Force Base, Oklahoma City, Okla., Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E91), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Atlanta Army Depot, Forest Park, Ga., Fort McPherson, Atlanta, Ga., and Dobbins Air Force Base, Marietta, Ga., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., Fort Carson, Colorado Springs, Colo., Lowry Air Force Base, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Knox, Fort Knox, Ky., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whitmen Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Pease Air Force Base, Portsmouth, N.H., Camp Drum, Watertown, N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Seneca Army Depot, Romulus, N.Y., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Altus Air Force Base, Altus, Okla., Fort Sill, Lawton, Okla., Tinker Air Force Base, Oklahoma City, Okla., Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State

line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E95), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Benning, Columbus, Ga., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., Fort Carson, Colorado Springs, Colo., Lowry Air Force Base, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Naval Submarine Base New London, Groton, Conn., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Knox, Fort Knox, Ky., Fort Devens, Ayer, Mass., Naval Air Station, South Weymouth, Mass., L. G. Hanscom Field, Bedford, Mass., Otis Air Force Base, Falmouth (Cape Cod), Mass., Westover Air Force Base, Springfield, Mass., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Pease Air Force Base, Portsmouth, N.H., Camp Drum, Watertown, N.Y., Griffiss Air Force Base, Rome, N.Y., Hancock Field, Syracuse, N.Y., Plattsburg Air Force Base, Plattsburg, N.Y., Seneca Army Depot, Romulus, N.Y., Stewart Field, Newburgh, N.Y., U.S. Military Academy, West Point, N.Y., Grand Forks Air Force Base, Emeradeo, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111823 (Sub-No. E96), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Gordon, Augusta, Ga., on the one hand, and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., Fort Carson, Colorado Springs, Colo., Lowry Air Force Base, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Knox, Fort Knox, Ky., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Altus Air Force Base, Altus, Okla., Fort Sill, Lawton, Okla., Tinker Air Force Base, Oklahoma City, Okla., Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to Springfield, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line.

No. MC 111940 (Sub-E3), filed May 13, 1974. Applicant: SMITH'S TRUCK LINES, Box 88, Muncy, Pa. 17756. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities*, (1) between points in New York on and west of Interstate 81, on the one hand, and, on the other, points in Delaware, and those points in New Jersey on and south of U.S. Highway 30. (2) Between points in New York (except points in Chautauqua County and points in New York on and south of New York Highway 7), and points in Maryland on and east of Interstate Highway 81 and the Maryland-Virginia State line, and the District of Columbia. (3) Between that area of New York bounded on the west by New York Highway 14, on the east by the New York Highway 12, and including points in New York on and north of New York State Highway 8 from its interstate intersection with New York Highway 12 to the New York-Vermont State line, on the one hand, and, on the other, points in Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Muncy, Pa. and points within 25 miles of Muncy, Pa.

No. MC 113828 (Sub-E13), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Petroleum Products*, in bulk, in tank vehicles, from Baltimore, Md. to points in North Carolina. The purpose of this filing is to eliminate the gateways of Washington, D.C., and St. Marys County, Maryland.

No. MC 113828 (Sub-E17), filed June 4, 1974. Applicant: O'BOYLE TANK LINES INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, (1) from points in Delaware and Philadelphia Counties, Pa. and Bergen, Essex, Gloucester, Camden, Hudson, Union, and Middlesex Counties, N.J. to points in North Carolina and those in Virginia south of U.S. Highway 60. The gateways being eliminated are Bolling Field, Washington, D.C. and St. Mary's County, Md. (2) from points in Delaware and Philadelphia Counties, Pa. and Bergen, Essex, Gloucester, Camden, Hudson, Union, and Middlesex Counties, N.J. to points in Virginia on and north of U.S. Highway 60. The gateway being eliminated is Bolling Field, Washington, D.C. (3) from points in Bergen, Essex, Hudson, and Union Counties, N.J. to points in Maryland on, south, and west of a line beginning at the Pennsylvania-Maryland Border and extending southward along U.S. Route 15 to its intersection with Maryland Route 550, thence along Route 550 to its inter-

section with Maryland Route 75, thence along Route 75 to its intersection of U.S. Route 40, thence along U. S. Route 40 to its intersection with Maryland Route 32, thence along Maryland Route 32 to its intersection with Maryland Route 178, thence along Maryland Route 178 to its intersection with U.S. Route 50, thence along U.S. Route 50 to the Chesapeake Bay. The gateways being eliminated are Bolling Field or Andrews Air Force Base, Washington, D.C.

(4) from points in Middlesex County, N.J., to points in Maryland on, south, and west of a line beginning at the Pennsylvania-Maryland Border and extending southward along Maryland Route 63 to its intersection with Interstate 70, thence along Interstate 70 to its intersection with Interstate 70N, thence along Interstate 70N to its intersection with Maryland Route 97, thence along Maryland Route 97 to its intersection with Maryland Route 108, thence along Maryland Route 108 to its intersection with Maryland Route 198, thence along Maryland Route 198, to Fort Meade, thence along Maryland Route 175 to its intersection with Maryland Route 178, thence along Maryland Route 178 to its intersection with U.S. Route 50 to the Chesapeake Bay. The gateways being eliminated are Bolling Field or Andrews Air Force Base, Washington, D.C., and (5) from points in Philadelphia and Delaware Counties, Pa. and Gloucester and Camden Counties, N.J. to points in Maryland on and south of a line beginning at the Virginia-Maryland Border and extending south and west along Maryland Route 28 to its intersection with Maryland Route 97, and thence along Maryland Route 97 to its intersection with Maryland Route 183, thence along Maryland Route 183 to its intersection with Maryland Route 650, thence along Route 650 to Interstate 495, thence along Interstate 495 to its intersection with Maryland Route 424, thence along Maryland Route 424 to its intersection with Maryland Route 214, thence along Maryland Route 214 to the Chesapeake Bay. The gateways being eliminated are Bolling Field or Andrews Air Force Base, Washington, D.C.

No. MC 113843 (Sub E827), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Fruits and berries and frozen fruit and berry concentrates*, from those points in Pa. on and west of U.S. Highway 15, and on, north, and east of a line beginning at the Pa.-N.Y. State line and extending along Pa. Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pa. Highway 144, thence along Pa. Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pa. Highway 34, thence along Pa. Highway 34 to junction U.S. Highway 15 to points in Colorado. The purpose of this filing is to eliminate the gateway of Penn Yan, N.Y.

No. MC 113843 (Sub-No. E1000), (correction), filed December 2, 1974, published in the FEDERAL REGISTER June 30, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from those points in New Jersey south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 39, thence along New Jersey Highway 39 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean (except Salem County), on the one hand, and, on the other, those points in Indiana west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to Lafayette, thence along U.S. Highway 231 to junction Indiana Highway 162, thence along Indiana Highway 162 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 545, thence along Indiana Highway 545 to junction Indiana Highway 56, thence along Indiana Highway 56 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E1012), (Correction), filed December 2, 1974, published in the FEDERAL REGISTER. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shiels (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Ohio (except those points on and east of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 600, thence along Ohio Highway 600 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the exception.

No. MC 114019 (Sub-No. E115), (Correction), filed May 4, 1974, republished in the FEDERAL REGISTER June 19, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from points in New York, Pennsylvania, and West Virginia, those in New Jersey within 40 miles of City Hall, New York, N.Y., and those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and points in Ohio on and south of U.S. Highway 40, and Sparrows Point and Baltimore, Md., to points in North Dakota, South Dakota, Minnesota, and points in Wisconsin on, north, and west of Wisconsin Highway 15. The purpose of this filing is to eliminate the gateways of Lafayette, Ind., and Fort Atkinson, Wis. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E142) (Correction), filed May 9, 1974, republished in the FEDERAL REGISTER June 19, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, 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: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), from the facilities of the Colgate-Palmolive Co., at Clarksville and Jeffersonville, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Danville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio except Cincinnati. The purpose of this partial correction is to correct the origin points. The remainder of this letter-notice remains as previously published.

No. MC 114552 (Sub-No. E13), filed May 3, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from points in Louisiana to the District of Columbia; (2) *Lumber* (except plywood and veneer); (a) from points in Louisiana to points in Maine, Vermont, and New Hampshire; (b) between points in Louisiana on, and south of a line beginning at the Louisiana-

Texas State line, thence along Louisiana Highway 8 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to the Outflow Channel, thence along the Outflow Channel to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Ohio, on and north of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, Virginia, West Virginia, Maryland, New Jersey, New York, and Pennsylvania; (c) between points in Louisiana, on the one hand, and, on the other, points in Massachusetts and Rhode Island; (d) between points in Louisiana, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 127; (e) between points in Louisiana, on the one hand, and, on the other, points in South Carolina, on and north of U.S. Highway 78; (f) between points in Louisiana on and south of U.S. Highway 84, on the one hand, and, on the other, points in Michigan (except that portion south of Interstate Highway 96 and west of U.S. Highway 131); (g) between points in Mississippi, on the one hand, and, on the other, points in Maryland; (h) between points in Mississippi, on and south of a line beginning at the Mississippi-Alabama State line, thence extending along U.S. Highway 80 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, on the one hand, and, on the other, points in Ohio, on and north and east of a line beginning at the Ohio-West Virginia State line, thence extending along U.S. Highway 33 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 661, thence along Ohio Highway 661 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, and points in Massachusetts, North Carolina, Virginia, New Jersey, New York, Pennsylvania, and Rhode Island; and (i) between points in Mississippi, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of: in (1) above, Charlotte, N.C.; in (2) (a) and (b), North Carolina and South Carolina; in (c) above, Cherokee, N.C., and Georgia; in (d) Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, and Union Counties, N.C.; in (f) the North Carolina counties in (d) and Tennessee; in (g) and (h), Georgia; in (e), North Carolina; and in (i), Georgia and Tennessee.

No. MC 115840 (Sub-No. E70), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, components, parts and accessories* which are materials and supplies (except in bulk), used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes; (1) from points in Florida to points in Arizona, California, Colorado, Idaho, those points in Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, points in Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, Wyoming, and Ohio (except those points in that part of Ohio on, west, and north of a line beginning at the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, points in Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming;

(5) from points in South Carolina to points in Arizona, California, Colorado, Idaho, Illinois on and bounded by a line beginning at Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, points in Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (6) from points in North Carolina to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (7) from points in Tennessee on and east of Interstate Highway 65 (including Davidson County, Tenn.), to points in California, Arizona, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (8) from points in Mississippi on and east of Interstate Highway 55 to points in California, Colorado, Idaho, Washington, Oregon, Montana, and Nevada; (9) from points in that portion of Mississippi on and south of Interstate Highway 20 to points in Ohio, West Virginia; (10) from points in Louisiana on and east of the Mississippi River to points in Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, thence along U.S. Highway 22 to Cincinnati, Ohio), points in Michigan, West Virginia, Minnesota, North Dakota, Oregon, Washington, and Wisconsin;

(11) from points in Alabama to points in Arizona, California, Colorado, Idaho, Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway (referred to as Aurora Avenue), thence along unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line to the point of beginning, Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), points in Washington, Oregon, Iowa, Minnesota, Montana, and Nevada; and (12) from points in Alabama on and east of Interstate Highway 59 (and including Jefferson and Walker Counties, Ala.), to points in Texas, Kansas, Utah, New Mexico, North Dakota, South Dakota,

Michigan, West Virginia, Nebraska, Missouri, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E89), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *materials* and *supplies* (except in bulk) used in the operations of a foundry, which are materials and supplies used in the agriculture, water treatment, food processing, and institutional supply industries, and which are also iron and steel articles, sand hoppers, conveyors, dust collectors, and meter boxes; (1) from points in California, Washington, Oregon, Idaho, Utah, Nebraska, New Mexico, Nevada, Arizona, Montana, Wyoming, New York, Colorado, North Dakota, South Dakota, Rhode Island, Massachusetts, Connecticut, New Hampshire, Vermont, and Maine to points in Alabama located on the Warrior-Tombigbee-Alabama River System; (2) from points in that portion of Texas on and west of U.S. Highway 75 to that portion in Alabama located on the Warrior-Tombigbee-Alabama River System in Calhoun, Etowah, and St. Clair Counties, Ala.; (4) from points in Kansas to points in Alabama located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Georgia State line on and north of Interstate Highway 85, thence along Interstate Highway 85 to (including Montgomery, Ala.), junction Interstate Highway 65, thence along Interstate Highway 65 (including Birmingham and Jefferson County, Ala.), to the Alabama-Tennessee State line; (5) from points in Iowa to points in that portion of Alabama, located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Georgia State line on and north of U.S. Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 59 (including Jefferson County, Ala.) *, thence on and east of Interstate Highway 59 to the Alabama-Georgia State line; (6) from points in that portion of Minnesota on and north of U.S. Highway 12 to points in that portion of Alabama, located on the Warrior-Tombigbee-Alabama River System; (7) from points in that portion of Pennsylvania on and east of U.S. Highway 11 to points in that portion of Alabama, located on the Warrior-Tombigbee-Alabama River System;

(8) from points in Oklahoma and Missouri to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Georgia State line on and north of U.S. Highway 80 to junction Interstate Highway 65 (including Montgomery County, Ala.), thence north and east of Interstate Highway 65 to (including Montgomery County, Ala.), thence north and east of Interstate Highway 65 to (including Jefferson County, Ala.), junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line; (9) from points in Michigan and Wisconsin to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Tennessee State line and east of Interstate Highway 65 (including Jefferson and Montgomery Counties, Ala.) to (including Baldwin and Mobile Counties, Ala.), Mobile, Ala.; (10) from points in that portion of Illinois on and north of Interstate Highway 80 to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Tennessee State line on and east of Interstate Highway 65 (including Jefferson, Montgomery, Baldwin, and Mobile Counties, Ala.); (11) from points in Maryland and Delaware to that portion of Alabama located on the Warrior-Tombigbee-Alabama River System in Baldwin and Mobile Counties, Ala.; (12) from points in that portion of Indiana on and north of U.S. Highway 20 to that portion of Alabama located on the Warrior-Tombigbee-Alabama River System beginning at the Alabama-Georgia State line on and north of U.S. Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction (including Jefferson County, Ala.) Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line, and; (13) from points in that portion of Ohio on and north of Interstate Highway 80 to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System, on and east of Interstate Highway 59 and Interstate Highway 65 (including Jefferson, Montgomery, Baldwin, and Mobile Counties, Ala.). The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala.

No. MC 118831 (Sub E25), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dinuthyl terephthalate*, Molten, in bulk, from Gibbstown, N.J. to those points in Tennessee bounded by a line beginning at the Mississippi-Tennessee State line and extending along the Mississippi-Tennessee State line to junction U.S. Highway 45, to junction Tennessee Highway 100, to junction U.S. Highway 64, to junction unnumbered Highway at Whiteville, to junction U.S. Highway 51, to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of the plantsite of E. I. Dupont de Nemours and Company at Graingers, N.C.

No. MC 119864 (Sub-No. E18), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, packinghouse products and by-products*, and *canned goods* which are embraced in food products or dairy products, and *materials* and *supplies* incidental to the production, packing, and sale of food products and dairy products produced by packinghouses (except frozen foodstuffs); (1) from points in Illinois on and west of U.S. Highway 51 which are on and north of U.S. Highway 6 to points in Michigan on and north of Michigan Highway 21 which are on and east of Michigan Highway 66 (except Gennessee County) (Chicago, Ill., or Gary, Ind., and Archbold, Ohio) *; (2) from points in Illinois (except (1) points west of U.S. Highway 51 which are north of U.S. Highway 6, and (2) points east of Illinois Highway 37 which are south of U.S. Highway 40] to points in Michigan on, north, and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada International Boundary line (except Gennessee County) (Chicago, Ill., or Gary Ind., and Archbold, Ohio) *; (3) from Olney, Ill., and points in Illinois within 25 miles thereof to points in Michigan on and east of U.S. Highways 27 and 75 (Chicago, Ill., or Gary, Ind., and Archbold, Ohio) *; (4) from St. Louis, Mo., to points in Michigan on and north of Michigan Highway 21 (Gary or Indianapolis, Ind., and Archbold, Ohio) *; and (5) from points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 6 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in Kentucky on and east of U.S. Highway 127 (Chicago, Ill., or Gary, Ind., and Archbold, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 120021 (Sub E12), filed June 4, 1974. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery Street, Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, (1) between points in Michigan, on the one hand, and, on the other, points in North Carolina; (2) between points in the Lower Peninsula of Michigan on the one hand, and, on the other, points in Arkansas in and south of Sevier, Howard, Pike, Clark, Hot Spring, Grant, Jefferson, Arkansas, Monroe, St. Francis and Crittenden Counties; (3) between points in Arkansas on the one hand, and, on the other, points in the Lower Peninsula of Michigan in, east and north of Lenawee, Jackson, Eaton, Ionia, Kent, Newaygo and Mason Counties; (4) between points in Missouri in and south

of Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe and Ralls Counties, on the one hand, and, on the other, points in Michigan in and east of Lenawee, Washtenaw, Oakland, Macomb, and St. Clair Counties;

(5) between points in Missouri in and south of Jackson, Lafayette, Saline, Howard, Boone, Calloway, Gasconade, Franklin and St. Louis Counties, on the one hand, and, on the other, points in Michigan in and east of Lenawee, Jackson, Ingham, Clinton, Gratiot, Isabella, Clare, Roscommon, Crawford, Otsego, and Cheboygan Counties; (6) between points in Michigan in and east of Lenawee, Washtenaw, Livingston, Oakland, Macomb, and St. Clair Counties, on the one hand, and, on the other, points in Nebraska in and south of Otoe, Lancaster, Seward, York, Hamilton, Howard, Sherman, Loup, Blaine, Thomas, Hooker, Grant, Sheridan, Dawes and Sioux Counties; (7) between points in Michigan in and east of Cheboygan, Otsego, Crawford, Roscommon, Gladwin, Midland, Gratiot, Clinton, Ingham, Jackson, and Lenawee Counties on the one hand, and, on the other, those in Illinois in and south of Crawford, Jasper, Effingham, Fayette, Bond, and Madison Counties; (8) between points in Michigan in and east of Huron, Tuscola, Genesee, Livingston, Washtenaw and Lenawee Counties, on the one hand, and, on the other, points in Indiana in and south of Wayne, Fayette, Rush, Hancock, Marion, Hendricks, Putman, Clay and Vigo Counties; (9) between points in Michigan in and east of Cheboygan, Otsego, Crawford, Roscommon, Clare, Isabella, Gratiot, Clinton, Ingham, Jackson and Hillsdale Counties on the one hand, and, on the other, points in Kentucky in and east of Christian, Muhlenberg, Ohio and Breckinridge Counties. The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof.

No. MC 121060 (Sub-No. E81), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk) from Mobile, Ala., to points in Illinois on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Demopolis, Ala. and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 123502 (Sub-No. E1), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Alabama to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E3), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Arkansas to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain; Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa.; Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E4), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in California to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on an east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E5), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Colorado to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E6), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Florida to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, on and east of the Hudson River, Lake George, and Lake Champlain; Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E7), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Georgia to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties); New York, on and east of the Hudson River, Lake George, and Lake Champlain; points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E8), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Carroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Idaho to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery,

and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E9), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Carroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, (a) from points in Illinois to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May-Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and (b) from points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13 to points in Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E10), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Indiana to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E11), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Iowa to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E12), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Kansas to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E13), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Kentucky to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E14), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Louisiana to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Gounties, Pa., Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E16), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Minnesota to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusets, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E17), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Mississippi to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusets, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E18), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Missouri to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E19), filed May 12, 1974. Applicant: FREE STATE

TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Montana to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E20), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Nebraska to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E21), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Nevada to points in Connecticut, Delaware, Maine, Maryland, on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E22), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in New Mexico to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E23), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in North Dakota to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E24), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Oklahoma to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E25), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Oregon to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E26), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in South Dakota to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E27), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Tennessee to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E28), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Texas to points in Connecticut, Delaware, Maine, Maryland, on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks,

Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E29), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Utah to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E30), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Washington to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E31), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Wisconsin to points in Connecticut, Delaware, Maine, Maryland, on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E32), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Wyoming to points in Connecticut, Delaware, Maine, Maryland on and east of Interstate Highway 81, Massachusetts, New Hampshire, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York on and east of the Hudson River, Lake George, and Lake Champlain, points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, and Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E34), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Ohio to points in Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, Pa. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E36), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicle, from points in South Carolina to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E37), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, ransporting: *Metal alloys*, in dump vehicles, from points in Delaware to points in Illinois, Indiana, Michigan, Ohio, Virginia (except points south of U.S. Highway 360 and east of U.S. Highway 301), and West Virginia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 123502 (Sub-No. E38), filed May 12, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, in dump vehicles, from points in Connecticut to points in Illinois, Indiana, Michigan, Ohio (except points in Ashtabula County), Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-19554 Filed 7-25-75;8:45 am]

[Notice No. 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

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.

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 the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 13TA), filed July 14, 1975. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wis. 53963. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* dealt in by wholesale and retail food business houses and chain grocery stores (except commodities in bulk), from Hodgkins, Ill., (not including points in the Hodgkins, Ill., commercial zone), to points in Wisconsin, for 180 days. Supporting shipper: Couzens Warehouse and Distributors, Inc., 6600 S. River Road, LaGrange, Ill. 60525. Send protests to: John E. Ryden,

Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 11722 (Sub-No. 44TA), filed July 14, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and sugar solutions* of sugar and water and blends of corn syrup from Toppenish and Moses Lake, Washington to the ports of entry located on the U.S.-Canadian International Boundary located at or near Blaine and Oroville, Wash., for 180 days. Supporting shipper(s): Utah-Idaho Sugar Company, P.O. Box 752, Toppenish, Wash. 98948. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 20916 (Sub-No. 15TA), filed July 15, 1975. Applicant: JOHN T. SISK, Rt. 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete utility vaults and boxes*, from the facilities of Smith Cattleguard, Inc., at Midland, Va., to Lawrenceburg, Ind., for 180 days. Supporting shipper: Smith Cattleguard Co., Midland, Va. 22728. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Washington, D.C. 20423.

No. MC 41849 (Sub-No. 32TA), filed July 15, 1975. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th St., St. Louis, Mo. 63110. Applicant's representative: J. Robert Keightley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from the plantsite of Ottawa Silica Company, at or near Ottawa, Ill., to points in St. Louis County, Mo., for 180 days. Supporting shipper: Kirchner Industries, Inc., 12901 St. Charles Rock Road, Bridgeton, Mo. 63044. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 52022 (Sub-No. 8TA), filed July 14, 1975. Applicant: SANTINI BROS., INC., d.b.a. SEVEN BROTHERS, and THE SEVEN SANTINI BROTHERS, 1405 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: Martin L. Santini, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Household Goods* between points in Panola, Rusk, Cherokee, Anderson, Freestone, Linestone, Falls, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, Refugio, Goliard, Calhoun, Victoria, DeWitt, Gonzales, Caldwell, Bastrop, Lee, Milam, Fayette, Lavaca, Jackson, Wharton, Matagorda, Colorado, Austin, Washington, Burleson, Waller, Grimes, Brazos, Robertson, Leon, Houston, Nacogdoches, Shelby, San Augustine, Sabine, Newton, Jasper, Tyler, Angelina, Trinity, Walker, Montgomery, San Jacinto, Polk, Hardin, Liberty, Jerson, Aransas, Chembers, Galverton, Harris, Orange, Brazonia, and Fort Reno Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper(s): Home-Pack Transport, Inc., Maspeth, N.Y. 11378, Express Forwarding & Stge Co., Inc., New York, N.Y. 10006, Mobil Oil Corporation, New York, N.Y. 10017, The Bendix Corp., IMO Division, New York, N.Y. 10019, IRI Research Institute, Inc., New York, N.Y. 10020, Y. Higa Enterprises, Ltd., Honolulu, HI 96810, Oasis Oil Co. of Libya, Inc., New York, N.Y. 10020, Philip Morris, Inc., New York, N.Y. 10017, Amerada Hess Corp., Woodbridge, N.J. 07095. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza - Rm. 1807, New York, N.Y. 10007.

No. MC 59570 (Sub-No. 39TA), filed July 15, 1975. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, N.J. 08753. Applicant's representative: Jean R. Hecht, 2075 Lakewood Road, Toms River, N.J. 08753. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, packages, and bags, from White Marsh, Md., to Brooklyn, N.Y., for 180 days. Supporting shipper: Watkins Salt Company, 518 E. 4th Street, Watkins Glen, N.Y. Send protests to: Dieter H. Harper, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Rm. 204, Trenton, N.J. 08608.

No. MC 106278 (Sub-No. 39TA), filed July 9, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1360, Las Cruces, N. Mex. 88001. Applicant's representative: Donald T. Law (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from El Paso, Tex., to Uravan, Colo., for 180 days. Supporting shipper: American Smelting and Refining Company, 405 Montgomery St., San Francisco, Calif. 94104. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 112016 (Sub-No. 10TA), filed July 14, 1975. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Ave., Brooklyn, N.Y. 11215. Applicant's representative: Benjamin Kabinoff, Brooklyn, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by ready-to-wear retain apparel stores and supplies used in the conduct of such business, between New York, N.Y., and Seacucus, N.J., on the one hand, and, on the other, Dallas, Tex., under continuing contract with Jubilee Shops, Inc., for 180 days. Supporting shipper: Jubilee Shops, Inc., 80 Enterprise Ave., Secaucus, N.J. 07094. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112539 (Sub-No. 13TA), filed July 14, 1975. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel transmission poles, arms, anchor bolts, and hardware for poles*, from Hazleton, Pa., to points in Maryland, New York, Connecticut, Massachusetts, Ohio, Virginia, Delaware, and Georgia, for 180 days. Supporting shipper: Meyers Industries, Hazleton, Pa. 18201. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. P.O. Bldg., Scranton, Pa. 18503.

No. MC 113651 (Sub-No. 186TA), filed July 14, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper(s): Farmland Foods, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 113666 (Sub-No. 94TA), filed July 14, 1975. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M St.

NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated modular panels*, from Frankfort, Ind., and Tarboro, N.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Formica Corporation, 10155 Reading Road, Cincinnati, Ohio 45241. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 114274 (Sub-No. 32TA), filed July 11, 1975. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, 137 N.E. 48th St. Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above origin and destined to the above named destinations, for 180 days. Supporting shipper(s): Farmland Foods, Inc., Manager-Packinghouse Product Traffic, 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116474 (Sub-No. 33TA), filed July 14, 1975. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: David C. White, 2400 S.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles*, for the account of J. H. Baxter & Company, from Eugene, Oreg., to points in Idaho, under continuing contract with J. H. Baxter & Company, for 180 days. Supporting shipper: J. H. Baxter & Company, 1618 S.W. First Ave., Portland, Oreg. 97201. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 118038 (Sub-No. 9 TA), filed July 15, 1975. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261 Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Douglas A. Wilson, 303 East "D" St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, in bags, sheets or rolls, from Portland, Oreg., to Spokane, Yakima, Pasco, and Bellingham, State of Washington and Lewiston, Caldwell, and Boise, State of Idaho, for 180 days. Supporting shipper: John O. Reese Insulation, Inc., 2018 West Nob Hill Blvd., Yakima, Wash. 98902. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 118142 (Sub-No. 91TA) filed July 14, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (Except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above specified origin and destined to the named destinations, for 180 days. Supporting shipper(s): Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119082 (Sub-No. 8 TA) filed July 14, 1975. Applicant: FOX & GINN MOVING & STORAGE CO., 167 Rumery Street, South Portland, Maine 04106. Applicant's representative: Herbert E. Ginn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between South Portland, Bangor and Mars Hill, Maine, on the one hand, and, points in Maine on the other, for 180 days. Supporting shippers: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Department of the Army, Chief, Regulatory Law Office, Pentagon, Washington, D.C. 20310. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 119295 (Sub-No. 7 TA) (Correction) filed May 9, 1975, published in the FEDERAL REGISTER issue of May 28, 1975, and republished as corrected this issue. Applicant: RAY E. CAGLE, doing business as CAGLE BROS., 845 S. 59th Avenue, Phoenix, Ariz. 85031. Applicant's representative: W. Francis Wilson, Suite 2, Luhrs Bldg., Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber products* from points in Washington, Oregon and California to points in Arizona; (2) *Lumber products*, from points in Arizona to points in California, Oregon and Washington; (3) *Lumber and lumber products*, from points in Arizona, to points in New Mexico; (4) *Lumber and lumber products*, from points in New Mexico to points in Arizona; (5) *Chemical fire retardants*, from points in Arizona to points in New Mexico; (6) *Chemical fire retardants*, from points in New Mexico to points in Arizona, applicant intends to tack its existing authority with MC-119295, for 180 days. Supporting shippers: Chemonics Industries, P.O. Box 21568, Phoenix, Ariz. 85036. Spellman Hardwoods, Inc., 2865 Grand Ave., Phoenix, Ariz. 85107. Sequoia Supply Inc., 1838 N. 23rd Ave., Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Blg., Phoenix, Ariz. 85025. The purpose of this republication is to state the tacking authority.

No. MC 119789 (Sub-No. 260TA) filed July 14, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, Electric wire or wiring, pottery or pottery and iron combined, and parts*, from LeRoy, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. SUPPORTING SHIPPER(S): Interpace Corporation, Lapp Insulator Division, Gilbert Street, Le Roy, New York 14482. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 121626 (Sub-No. 1 TA), filed July 8, 1975. Applicant: BAYVIEW TRUCKING, INC., 7901 Ramona Avenue, Sacramento, Calif. 95826. Applicant's representative: Leigh B. Morris, 100 Buch St., 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Foodstuffs*; (2) *ingredients of foodstuffs*; (3) *materials, equipment and supplies* used in the production and distribution of foodstuffs; and (4) *commodities*, the transportation of which is otherwise exempt from economic regulation under § 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle at the same time with commodities in (1) through (3) above; between the plant-

sites and storage facilities of Campbell Soup Company, at or near Modesto, Sacramento and Stockton, Calif., on the one hand, and, on the other, points in Oregon, Washington, Idaho and Utah; restricted to traffic moving in vehicles equipped with mechanical refrigeration, and further restricted to traffic originating at or destined to the plantsites and storage facilities of Campbell Soup Company, at or near Modesto, Stockton and Sacramento, Calif.; and (B)(1) frozen foodstuff and beverages.

(2) *commodities* requiring refrigeration and/or temperature or atmospheric control all or any part of the year; (3) *food and foodstuffs* not otherwise requiring refrigeration and/or temperature or atmospheric control when tendered with a shipment of these commodities described in (1) and (2) above; I. Over and along the following routes, including to and between the named points, serving all intermediate points and all off-route points within 20 miles laterally thereof; (1) All streets and highways between points within the San Francisco Territory as described in Note A; (2) Interstate Highway 80 between Oakland and Roseville; (3) State Highway 70 between Marysville and its junction with State Highway 65 from said junction to its junction with Interstate 80; (4) State Highway 20 between Marysville and Yuba City; (5) State Highway 99, thence State Highway 113 between Yuba City and Woodland; (6) Interstate Highway 5, thence State Highway 99 between Woodland and the junction of State Highway 99 with Interstate Highway 80; (7) Interstate Highway 580, 205 and 5 used consecutively between Oakland and Stockton;(8) State Highway 120 between its junction with Interstate Highway 5 and Manteca; (9) State Highway 33 between Tracy and its junction with State Highway 152 near Los Banos; (10) State Highway 132 between Vernalis and Modesto; (11) State Highway 152 between Watsonville and Gilroy; (12) State Highway 129 between Watsonville and its junction with U.S. Highway 101; (13) State Highway 99 between Sacramento and its junction with Interstate Highway 5, near Wheeler Ridge, thence Interstate Highway 5 between Wheeler Ridge and San Diego; (14) State Highway 17 between Oakland and San Jose.

(15) State Highway 82 between San Francisco and San Jose; (16) U.S. Highway 101 between San Francisco and the Los Angeles Territory as described in Note B; (17) All streets and highways and points and places within the Los Angeles Territory; (18) Any direct route or routes between the Los Angeles Territory, on the one hand, and, Brea, La Habra, Pomona and Santa Ana, on the other; (19) State Highway 152 between Los Banos and its junction with State Highway 99, and (20) Interstate Highway 10 between the Los Angeles Territory and Redlands. Restriction: No transportation is authorized of liquid dairy products or whole fresh eggs. NOTE A: San Francisco Territory: San Francisco Territory includes all the City of San Jose and that area embraces by the following boundary, beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street, easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue.

Easterly along Foxworthy Avenue to Almaden Road, southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82, northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd., and MacArthur Blvd., to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd., northerly along Mountain Blvd., to Warren Blvd. (State Highway 13); northerly along Warren Blvd., to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkely-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the Campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B: Los Angeles Territory: The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit, Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning. Applicant intends to interline with other authorized carriers at Stockton, Los Angeles, and San Francisco Bay Area points it is authorized to serve under part B herein, for 180 days. Supporting shipper: Campbell Soup Company, Modesto, Calif. 95353. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 123407 (Sub-No. 254TA), filed July 14, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Jeanette, Pa., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: ASG Industries, P.O. Box 929, Kingsport, Tenn. 37662. Send protests to: J. H. Gray, District Supervisor, 345 West Wayne St., Rm. 204, Interstate Commerce Commission, Bureau of Operations, Fort Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 255TA), filed July 14, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and zinc die castings, plastic injection moldings, and door and window harware*, from St. Paul, Minn., and Rice Lake and Turtle Lake, Wis., to Shreveport and Lafayette, La., Magnolia, McComb, and Osyka, Miss., and Magnolia, Ark., for 180 days. Supporting shipper(s): Hartzell Corporation, 2516 Wabash Avenue, St. Paul, Minn. 55114. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Fort Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 656TA) filed July 15, 1975. Applicant: SCHWERMAN TRUCKING CO., P.O. Box 1601, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy sauce*, in bulk, in tank vehicles, from Walworth, Wis., to Hamlin, N.Y., for 180 days. Supporting shipper: Kikkoman Foods, Inc., P.O. Box 69, Walworth, Wisconsin, 53184. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Rm. 807, Milwaukee, Wisconsin 53203.

No. MC 134922 (Sub-No. 137TA), filed July 15, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, restricted to traffic originating at the plantsite and warehouse facilities of Dow Chemical, USA, Fresno, Calif., restricted against the transportation of commodities in bulk, and those which because of size or weight require use of special equipment, from the plantsite and warehouse facilities of Dow Chemical, USA, at or near Fresno, Calif., to Houston, Tex., and Houston, Miss., restricted to traffic originating at the plantsite and warehouse facilities of Dow Chemical, USA, at or near Fresno, Calif., for 180 days. Supporting shipper: Dow Chemical, USA, 4787 E. Date Ave., Fresno, Calif. 93725. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139117 (Sub-No. 2TA), filed July 9, 1975. Applicant: STANLEY AMSDEN, doing business as STANLEY AMSDEN TRUCKING, General Delivery, Centerville, Mo. 63633. Applicant's representative: Stanley Amsden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from points in Dent and Reynolds Counties, Mo., to the plantsite of West Virginia Pulp and Paper Company, at or near Wickliffe, Ky., for 180 days. Supporting shipper: West Virginia Pulp & Paper Co., Wickliffe, Ky. 42087. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 139584 (Sub-No. 6TA), filed July 14, 1975. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel transmission poles, arms, anchor bolts, and hardware for poles*, from Hazleton, Pa., to points in Maryland, New York, Connecticut, Massachusetts, Ohio, Virginia, Delaware, and Georgia, for 180 days. Supporting shipper: Meyers Industries, Hazleton, Pa. 18201. 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 141138 (Sub-No. 1TA), filed July 14, 1975. Applicant: STEVE SCHRANTZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: Ernest A. Brooks, II, Attorney, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed*, in auger type bag-bulk motor vehicles, from the plantsite of Allied Mills, Inc., at East St. Louis, Ill., to points and places in Missouri on and east of U.S. Highway 63, for 180 days. Supporting shipper: Thornton W. Opperman, Branch Traffic Manager, Allied Mills, Inc., Kings Highway & St. Clair Rd., East St. Louis, Ill. 62202. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-19555 Filed 7-25-75;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 23, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or about August 18, 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-75871. By order entered July 22, 1975, the Motor Carrier Board approved the transfer to TAB Transportation, Inc., a Delaware Corporation, Springfield, Ill., of the operating rights set forth in Certificate of Registration No. MC-43123 (Sub-No. 3), issued February 24, 1965, to Rediehs Transportation Company, Inc., Hinsdale, Ill., evidencing a right to engage in transportation, in interstate or foreign commerce, of certain specified commodities, and commodities general within the state of Illinois. Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75960. By order of July 22, 1975, the Motor Carrier Board approved the transfer to Stuart L. and Florence Johnson, a Partnership, doing business as Sterling Transport Company, Sterling, Massachusetts, of Certificates No. MC-93620 and No. MC-93620 (Sub-No. 11), issued October 29, 1974, and August 28, 1958, respectively, to Sterling Transport Co., Inc., a Corporation, Franklin, Massachusetts, authorizing the transportation of various specified commodities from to and between points in the States of Rhode Island, Massachusetts, New Hampshire, Maine, Connecticut, Vermont, and Herkimer, New York. Kenneth B. Williams, 84 State St., Boston, Massachusetts, 02109, Attorney for Transferee, Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Massachusetts 02043, Attorney for Transferor.

No. MC-FC-75979. By order entered July 22, 1975, the Motor Carrier Board approved the transfer to Nation Wide Enterprises, Inc., doing business as Cal-Pacific Company, San Francisco, Calif., of the operating rights set forth in Certificate of Registration No. MC-96729 (Sub-No. 1), issued November 14, 1963, to Victor J. Johnson, doing business as Johnson Transfer Co., San Francisco, Calif., evidencing a right to engage in transportation, in interstate or foreign commerce, of general commodities, with exceptions, between specified areas in California. Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, Calif. 94108, attorney for applicants.

No. MC-FC-75980. By order entered July 22, 1975, the Motor Carrier Board approved the transfer to Giannini Trucking Co., Inc., Philadelphia, Pa., of the operating rights set forth in Permits Nos. MC 128729 and MC 128729 (Sub-No. 1), issued February 13, 1968, and September 4, 1970, respectively, to Dominick Giannini, Philadelphia, Pa., authorizing the transportation of fresh and frozen meats, from specified points in Iowa and Nebraska, to Philadelphia, Pa., limited to a transportation service

to be performed under a continuing contract or contracts with A. Servetnick & Sons, of Philadelphia, Pa. Dominick Giannini, 3016 Memphis St., Philadelphia, Pa. 19134, representative for applicants.

No. MC–FC–75980. By order entered July 22, 1975, the Motor Carrier Board approved the transfer to Kirby Daniels, doing business as S.P.D. Delivery Service, Newark, N.J., of the operating rights set forth in Certificate No. MC 133688 (Sub-No. 1), issued April 10, 1970, to Charles I. Herman, doing business as S.P.D. Delivery Service, Irvington, N.J., authorizing the transportation of baggage, between points in New Jersey and Connecticut, and specified counties in New York and Pennsylvania, restricted to traffic having an immediately prior or subsequent movement by air. William J. Hanlon, 60 Park Place, Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–19549 Filed 7–25–75;8:45 am]

MANDATORY CAR SERVICE RULES

Exemption

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241; *Exemption No. 99.*

To all U.S. Railroads:

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 395, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Note)

NOTE: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Effective July 15, 1975.

Expires August 15, 1975.

Issued at Washington, D.C., July 15, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75–19552 Filed 7–25–75;8:45 am]

federal register

MONDAY, JULY 28, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 145

PART II

DEPARTMENT OF THE ARMY

Corps of Engineers

■

FRAMEWORK AND RIVER BASIN STUDY PROGRAMS

Level A and Level B Studies

Title 33—Navigation and Navigable Water

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 252—FRAMEWORK AND RIVER BASIN STUDY PROGRAMS

Level A and Level B Studies

On 5 February 1975, the Corps of Engineers published a proposed regulation in the FEDERAL REGISTER to provide general guidance for Corps participation in multi-agency studies of Level A scope (Framework and Assessments) and Level B scope (Regional or River Basin), as defined by the Water Resources Council. Interested persons and organizations were given until March 24, 1975 in which to submit comments and suggestions on the proposed regulation.

Comments were received from several Corps of Engineers offices; the State of Georgia, Department of Natural Resources; Ohio River Basin Commission; and the Natural Resources Defense Council. All comments were given careful consideration, and as a result, the following changes were made to the proposed regulation:

1. In § 252.13(a), the last sentence was amended to show that Level C studies of a specific basin, project, or program may be conducted prior to or concurrent with Level B studies.
2. In § 252.13(c), paragraph (1) was amended to indicate midterm problems and solutions are an associated part of long range solutions.
3. In § 252.13(c), paragraph (1), the last sentence was amended to avoid the implication that participation and leadership by the states was on an "increased" scale, but rather at a "high level."
4. In § 252.13(c), paragraph (2) was amended by changing the third word from "plans" to "studies."
5. In § 252.13(c), paragraph (2), the second sentence was amended to read as follows: "The measures or programs recommended for implementation at the conclusion of each Level B study must recognize. . . ."
6. In § 252.13(c), paragraph (3) was amended to read as follows: "The required outputs of a Level B study have not been clearly defined by WRC but as a minimum, a Level B study should recommend implementation of projects and programs for inclusion in the early action plan for the basin. In addition Level B studies will generally identify: implementation studies needed within a 15–25 year time frame; other programs; a statement of their relationship to long term and unresolved issues; and recommendations for new policies or changes in existing policies."

With the above changes, and several editoriol revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective July 28, 1975.

Dated: July 8, 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

PART 252—FRAMEWORK AND BASIN STUDY PROGRAMS

Sec.
252.10 Purpose.
252.11 Applicability.
252.12 References.
252.13 Types of studies.
252.14 Program legislative and executive authorities.
252.15 Program policy.
252.16 Program management.
252.17 Reporting requirements.
252.18 Review of Level A and Level B study reports.
252.19 Program funding.

AUTHORITY: Pub. L. 89–80, Water Resources Planning Act, 22 July 1965 (42 U.S.C. 1962).

§ 252.10 Purpose.

This regulation provides general guidance for Corps of Engineers' participation in multi-agency studies of Level A scope (Framework and Assessment) and Level B scope (Regional or River Basin) as defined by the Water Resources Council (WRC).

§ 252.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 252.12 References.

(a) Section 209, Pub. L. 92–500, (86 Statute 843, 33 U.S.C. 1289), Federal Water Pollution Control Act Amendment of 1972, 18 October 1972.

(b) Public Law 89–80, Water Resources Planning Act, (79 Statute 244–254) 22 July 1965.

(c) Water Resources Council Policy Statement, Water and Related Land Resources Planning, 22 July 1970, (available from Water Resources Council, 2120 L Street NW., Washington, D.C. 20037).

(d) Water Resources Council, Statement of Purpose, Policy, and Objectives, 13 June 1974, (available from the Water Resources Council).

(e) Water Resources Council, The New Approach, 31 May 1974, contained in the Second Annual Report to the Congress of the United States on Level B planning (Appendix A).

(f) Water Resources Council, "75 Water Assessment, The Example," July 1974 (available from the Water Resources Council).

(g) ER 1105–2–10, "Intensive Management".

§ 252.13 Types of studies.

(a) *General*. There are generally three types of studies in the Federal water and related land planning programs. These are Level A Assessments and Framework Studies; Level B Regional or River Basin Studies; and Level C Implementation Studies. While the sequential lettering of these studies implies an order of procedure for those studies that are interrelated, studies are not restricted to that particular sequence. Level C or Implementation Studies may be undertaken in areas where the problems and potential solutions are well defined and the intermediate Level B study is not needed or has not yet been completed. In addition, a Level C study of a specific basin project or program may be conducted prior to or concurrent with Level B Studies unless it is apparent that interrelationships required a broader analysis to avoid potentially adverse and irreversible decisions.

(b) *Level A Studies*. Assessments and Framework Studies are the broadest comparison of water and related land planning problems in major regions of the nation. Generally, the assessment will involve a continuing program with reports prepared at five year intervals to serve as a national guide to more detailed studies. Assessments are characterized by utilization of available data organized around major policy and broad socioeconomic trends to determine their implications on more detailed planning studies. Required outputs of Level A Studies are identified in reference § 252.12(f).

(c) *Level B Studies*. (1) Level B studies are made at the Regional or River Basin level for water and related land resources where problems are of a complex, interdisciplinary nature necessitating an intermediate planning step between Level A and Level C studies. Level B studies are designed to resolve long range problems identified in a Level A study by focusing on the associated midterm problems and solutions and recommending plans and programs to be pursued by appropriate Federal, State, or local entities. Water quality, water quantity and land management problems are the focus for integration. The primary characteristic of Level B Studies is that they are largely based on judgemental planning, no new data collection, strong public involvement, and a high level of participation and leadership by the states.

(2) Level B studies provide for an interpretation of national and regional projections; identify alternative plans (methods) and programs; and identify alternative programs for management and use of water and related resources by including multiobjective and multipurpose considerations in each plan or program. The measures or programs recommended for implementation at the conclusion of each Level B study must recognize and be based on reasonable assumptions of investment capabilities of agencies designated to carry out such programs or plans, whether the agencies are Federal, State, or local. Alternative levels of investment and their impacts may be shown where appropriate.

(3) The required outputs of a Level B study have not been clearly defined by WRC, but as a minimum, a Level B study should recommend implementation of projects and programs for inclusion in the overall early action plan for the basin. In addition, Level B studies will generally identify: implementation studies needed within a 15–25 year time frame; other programs; a statement of their relationship to long-term and unresolved issues; and recommendations for new policies or changes in existing policies.

§ 252.14 Program legislative and executive authorities.

(a) Title I of the Water Resources Planning Act, Pub. L. 89-80 encourages the conservation, development, and utilization of water and related land resources of the Nation on a comprehensive and coordinated basis by all levels of government and non-governmental entities and individuals. This Act applies to both Level A and Level B studies. Title II, section 201(b) of the Act provides the general authority for River Basin Commissions, including Federal and State members, to participate in preparing assessments and river basin plans.

(b) The WRC Policy Statement (reference § 252.12(c)) further states that multi-agency water and related land resources planning shall be perrfomed under guidance of the Water Resources Council. Study leaders shall be designated by river basin commissions in their areas or by the Water Resources Council in other areas. Federal agencies, including the Corps of Engineers, engaged in this type of planning are participants in multi-agency studies.

§ 252.15 Program policy.

As a member of the Water Resources Council, the Department of the Army endorses the policies and procedures established by the Council for Level A and Level B studies. A summary of these policies, with appropriate references, is provided below. In addition, policies on the management aspects of Corps participation in Level A and Level B studies are contained in § 252.16.

(a) The WRC Statement of Purpose, Policy and Objectives (reference § 252.12 (d)) will guide the Council's development and implementation of policies, programs and activities in the future. The Statement of Purpose defines the broad framework and legislative basis for the Council's functions and activities; the Statement of Policy is a summary of the criteria, assumptions and activities that will guide and carry out implementation of the purpose of the Water Resources Council; and the Statement of Objectives sets out a schedule of specific, desired accomplishments for the relative near-term future (12-18 months).

(b) The WRC Second Annual Report to Congress on Level B Planning outlines the new approach to Level B studies adopted in 1973, (Appendix A). The new approach stresses the importance of Level B planning, the issues to be addressed, the study participants, funding and the relationships between water and land management problems including land use, coastal zones management, and rural area development. It also advanced some study limitations on time, funds and data input. Although primarily directed toward section 209, Pub. L. 92-500, the new approach is generally applicable for all Level B planning.

(c) The Corps of Engineers' role in Level A and Level B studies will usually be that of a participant but in some cases the coordinating field entity may request the Corps to assume the role of study leadership. In areas of the nation where there is no coordinating entity, the Corps may be directly named as study sponsor by the Water Resources Council. All Level A regional sponsors operate under a Regional Work Agreement which is an agreement between the sponsor and the Water Resources Council. When there is no organized regional entity, the current WRC approach is to delegate a strong leadership role to the affected State or States. Although the Corps role in Level A and Level B studies will generally be as a participant, the level of responsibility will vary on a case-by-case basis.

§ 252.16 Program management.

The Water Resources Council has the primary responsibility for managing and coordinating Level A and Level B studies nationwide. The Council assigns particular studies to appropriate regional entities, such as River Basin Commissions. When the Corps participates in a Level A or Level B study, the following management responsibilities are to be exercised:

(a) *Office, Chief of Engineers.* OCE will not normally be involved in the management and coordination of Corps participation in specific Level A and Level B Studies (see § 252.17). However, OCE will be involved as a participant through the Water Resources Council in the selection of Level A and Level B studies, the development of criteria for study, and selection and formulation of budget recommendations. The primary responsibility to effect the above coordination rests with the Army Representative to the Water Resources Council, designated by the Secretary of the Army.

(b) *Division Engineers.* (1) Division Engineers are responsible for intensive management of Corps participation in Level A and Level B studies conducted within respective Division boundaries (ref ER 1105-2-10). This responsibility includes, but is not limited to insuring that appropriate Division and District personnel are assigned to work with the regional entity designated by the Water Resources Council as the study leader, to assist the study leader, as requested, in developing study schedules, funding requirements, areas of responsibility and to assist in the conduct of the study generally in accordance with the guidelines provided by the Water Resources Council. Division Engineers are also to monitor fiscal and physical progress of Corps effort, with appropriate use of milestones, and are to assure that Corps responsibilities are fulfilled.

(2) In cases where the Corps is assigned a leadership role in a Level A or Level B study, Division Engineers are to be personally and directly involved in the study, and are to insure that the Army Representative to the Water Resources Council is kept apprised of significant activities and actions (see § 252.17).

(c) *District Engineers.* District Engineers are responsible for accomplishing assignments made by their Division Engineers, insuring that appropriate personnel are designated to represent the Corps in Level A and Level B studies. For the most part, work assignments given to the Corps by the study leader will be delegated to District Engineers based on capability, location, and available expertise in the particular areas of required effort.

§ 252.17 Reporting requirements.

There are no recurring report requirements for field operating agencies prescribed by this regulation. However, through their intensive management, Division Engineers are to keep the Chief of Engineers informed, in accordance with the following guidelines:

(a) Letters containing information warranting the personal attention of the Army Representative to the Water Resources Council or the Director of Civil Works are to be sent to HQDA (DAEN-CWZ-A) WASH DC 20314.

(b) Letters outlining problems or significant actions concerning policy matters should be sent to HQDA (DAEN-CWR-W) WASH DC 20314. In all cases where an OCE position is desired, the Division Engineer should present his recommended course of action.

(c) Letters outlining problems or significant actions concerning planning procedures and application of Federal planning criteria are to be addressed to HQDA (DAEN-CWP-P) WASH DC 20314.

§ 252.18 Review of Level A and B Study Reports.

The Chief of Engineers will review Level A and Level B study reports as requested by the Water Resources Council. The review will be conducted by various elements of OCE, including BERH, as deemed appropriate by DAEN-CWR-W. When Division Engineers review or prepare draft reports as input to a Level A or Level B study, informal OCE review may be requested on particular aspects as deemed appropriate, based on interfaces identified with Corps programs. Review of selected portions of draft reports should be requested through DAEN-CWR-W.

§ 252.19 Program funding.

At this time, funding procedures for Level A and Level B studies are being revised. Information pertaining to budgetary submissions to OCE is contained in ER 11-2-101 and annual Engineer Circulars. Further guidance on funding requests will be furnished when available.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

SECOND ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES ON LEVEL B (SECTION 209) PLANNING

United States Water Resources Council
Washington, D.C. 20037

Honorable GERALD R. FORD,
President of the Senate
Washington, D.C. 20510.

MAY 31, 1974.

DEAR MR. PRESIDENT: On behalf of the President, I am pleased to transmit the second annual report required by section 209 of the

Federal Water Pollution Control Act Amendments of 1972. Section 209 directs the President, acting through the Water Resources Council, to prepare a Level B plan for all basins in the United States and to report annually to the Congress on progress.

During the past year considerable effort was expended by the Council in developing a position on implementing section 209. Representatives of Member Departments and Agencies of the Council, the States, and the River Basin Commissions cooperated effectively with each other in evolving a new approach to Level B planning. The new approach is based largely on judgmental planning; strong compact central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States. As a result, Level B study time periods and costs will be substantially lower than those of river basin studies of prior years. We are presently testing this new approach. The results of these tests will greatly influence future activities under the section 209 program.

The enclosed report provides background information on Council activities in connection with Level B planning during the past year.

Sincerely,

JACK HORTON,
Acting Chairman.

Identical letter to Carl Albert, Speaker of the House.

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INTRODUCTION

The first annual report to the Congress in response to section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) was submitted to the Senate and to the House of Representatives by letter from the Chairman of the Water Resources Council (WRC), dated May 15, 1973.

In response to a letter inquiry from the Chairman, House Committee on Public Works, the Chairman, WRC, by letter of July 12, 1973, stated: "As you know, the Environmental Protection Agency and other Federal agencies are working closely to establish the coordination and program design for the implementation of Pub. L. 92-500. The results of this review will be reflected in next year's report."

Because of this commitment and in response to a directive of September 21, 1973, from the Chairman, WRC, the Director of WRC organized a Task Committee to develop a position on implementing section 209. Membership of that Committee consisted of the Director as Chairman and representatives of the Departments of Interior, Agriculture, and Army, the Environmental Protection Agency, and the River Basin Commissions (RBC's). Four Work Groups, which included State representatives, provided the basis for the Task Committee's proposed section 209 implementation program.

Section 209 provides for development of Level B plans for all river basins or regions in the United States by January 1, 1980. $200 million have been authorized in the Act for this purpose. This impetus, together with the proliferation of interrelated programs, dictates the necessity of utilizing Level B planning as an important and essential vehicle for integrating the many water and land programs.

The tremendous changes of the last ten years or so have engendered the current criticism that the results of the comprehensive planning program, based on concepts and methodology of the 1960's, are overly expensive and of limited value to decisionmakers. Changes are needed because of very fast-moving events affecting public desires and preferences. It was with this background that the Task Committee developed the new approach to Level B planning, which was adopted by the Council on October 17, 1973.

THE NEW APPROACH

Task Committee's report. The Task Committee's proposed program, as adopted by the Council, for the new Level B planning approach, has the following main characteristics:

Section 209 is recognized as an important and essential vehicle for integrating all related land and water planning programs. A Level B study, conducted under the mandates of the Water Resources Planning Act of 1965 (Pub. L. 89-80) and section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and organized and funded to guarantee the participation of key entities with natural resource responsibilities and capabilities, is the most effective device for achieving the integration of a wide range of natural resource planning programs.

Studies are to address major Federal and non-Federal issues requiring near and mid-term (15 to 25 years) solutions and are to identify major data gaps, unmet needs, and requirements for additional studies by others (both Federal and non-Federal) in implementation of Level B plans.

A strong participating and leadership role by the States is essential for effective Level B planning. It is the policy of both the President and the Congress to strengthen the role of the States in natural resource decisionmaking.

The need for minimal Federal funding to the States is acknowledged and provided for in the proposed program in order to insure timely State planning inputs.

Commitments by the States to address critical State issues and to delineate components of the study objectives that relate to State needs and opportunities are required.

It is recognized that water quality problems are inseparable from water quantity and land management problems and that local, State, and Federal commitments on water and land resources should not be made without jointly concurrent consideration.

An accelerated Level B program would contribute to integrated and balanced water quality programs (a) by emphasizing and defining, on a river basin or regional basis, abatement programs to be implemented by the States and appropriate Federal agencies; and (b) by supplementing and thereby increasing the effectiveness of pollution abatement measures outlined in Areawide Waste Treatment Management Plans prepared under section 208 and section 303(e) of Pub. L. 92-500.

A Level B planning program will support land use, coastal zone management, and rural area development planning efforts. It is believed to be the only program sufficiently developed at this time (or in the immediate future) to integrate existing programs.

A 2-year limitation is placed on each Level B study.

A typical section 209 study is estimated to cost approximately $750,000 to $1,000,000.

The program looks to RBC's for leadership in areas where RBC's are organized and to other WRC designated persons or entities for leadership in areas where RBC's do not exist. In all cases, however, the States concerned would be expected to be partners in Level B planning and would provide leadership in predetermined geographical and functional areas.

To hold costs and study time down, a Level B study is to be based largely on judgmental planning; strong central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States.

The comparatively vast amount of relevant information, plans, analyses, etc., now available, as a result of comprehensive basin and other planning, permits the exercise of a higher degree of judgment than was possible—say 10 years ago. Accordingly, despite continuing gaps in information and data, it should be possible at the start of a Level B study for a compact study team, under a study manager, to formulate an immediate or initial plan and/or alternatives based upon thorough review and use of available material. The objective is to progress quickly to the planning process as such, which—as explained in the first annual report—is an iterative process.

The States, in particular, must be major participants and leaders and must have a major role in the initiation, coordination, and conduct of Level B studies, because, if nothing else, this will facilitate the acceptance of the resulting, jointly-developed plans. Funding requirements for all participants in a Level B study must be recognized and provided for on a timely basis.

All needs of a Level B study area cannot be addressed because of the constraints on time and funds. Further, some needs can be met more effectively through Level C and other planning. These items will be specifically identified as recommended actions in the study report.

PTS-POS process. Experience of the last ten years, particularly in basin planning, has revealed that proposals to study (PTS) and plans of study (POS) need to be separately financed to achieve the most effective Level B planning at minimum costs. The PTS-POS process requires that funds be made available to the Council in advance for funding the preparation of those PTS in detail that are specifically authorized by the Council. Authorizations will be given only when it appears that the completed PTS will have an excelent chance of approval as a basis for actual conduct of a new study start in the proposed Level B study area.

The end product. Each Level B study will produce a total report that consists of four types of documents: (1) study report; (2) environmental impact statement (EIS); (3) technical (backup) papers; and (4) a brochure.

Current thinking is that the study report is to be limited to 100 pages, including tables, figures, illustrations, etc., in order to induce reading thereof by busy top-level decisionmakers in the Administration and in the Congress. It is to be written so that there will be little demand by reviewers for backup documents. The EIS is not included in the 100 pages of the study report. Planning in connection with environmental quality and the other objective, national economic development, of the recently adopted principles and standards should be very helpful in preparing the EIS.

Technical papers are to serve as backup in the detail files of individual study participants; no general distribution will be made but they will be available for review on loan. In order to conserve limited Level B funds for actual planning, there is to be no printing of expensive reports, such as the shelf-length appendices of past basin studies.

The executive summary in the form of a brochure is intended for easy understanding

by the public. Its form may be that of a folded highway map and will, among other things, show where additional information and backup data are available for examination on site or on loan.

The end product will have substantial intrinsic value for many users because the recommended Basin or Regional Plan should:

Show which programs and projects are to be recommended for detailed (Level C) planning and sequences.

Minimize duplication of future efforts and land use conflicts.

Maximize multipurpose opportunities.

Save money because of coordinated efforts.

Serve to crystallize public opinion as to desired alternative futures.

Application to ongoing Level B Studies. On the basis that ongoing studies should embody the concepts and methodology of the new approach to Level B (Section 209) planning as nearly as feasible, a meeting was held in December 1973, among the Study Managers of the nine ongoing studies, RBC Chairmen and personnel, State representatives, and WRC staff to discuss application of the new approach. Possible modifications in the various plans of study were suggested and are now being explored in the field. Obviously, the more advanced the study, the less the opportunity for modification. Some examples of possible changes are described below.

With reference to Table I, scheduled early-completion dates of the Connecticut, Long Island Sound, and Southeastern New England (SENE) studies make changes difficult at this stage. This is so because the nature of study results and the basin plans have been generally determined. However, the end products of these studies will conform with the new approach. In particular, the study report format will be changed accordingly and a brochure will be produced for each study with the aim of expediting review and decisionmaking. Level B funds will not be spent for printing many volumes of material whose use as a basis for reaching decisions is limited. Of course, this approach will apply to all Level B studies, including new starts.

While the Pacific Northwest is not typical—especially in geographic extent of the study area—this study has already been rescoped to reduce total study costs by about 50 percent. This was accomplished by focusing only on major problems and priority areas. In other words, all needs will not be addressed in what amounts to eleven Level B studies going on concurrently over most of a vast area of over 274,000 square miles.

Eighty percent of the estimated total cost for the Platte study has been budgeted through FY 1974. Reduction in costs seem unlikely, but the new approach may be feasible in some subdivisions of the Platte River Basin where plan formulation has not been initiated.

TABLE I.—*Ongoing level B studies*

Study	Drainage area	Start [1]	Complete	Estimated Federal cost (thousands)
Connecticut	11,250	July 1973	Fiscal year 1975	$854
Hawaii	6,450	Fiscal year 1973	Fiscal year 1976	1,200
Long Island Sound	2,000	Fiscal year 1972	Fiscal year 1975	3,613
Minneapolis-St. Paul	2,820	Fiscal year 1974	Fiscal year 1976	970
Maumee	6,590	do	do	1,562
Monongahela	7,380	do	do	[2] 208
Platte	40,800	Fiscal year 1972	do	2,675
Pacific Northwest	274,400	do	Fiscal year 1977	[3] 3,104
Southeastern New England	4,407	do	Fiscal year 1975	3,594

[1] The dates shown are those when organization for study was established and work actually began. In some cases e.g., the Connecticut study, funds were made available in advance of the dates shown.

[2] The estimated amount needed by the Ohio River Basin Commission for coordination of many ongoing studies by other Federal and non-Federal entitities, costing in the range of $3.5 to $4.0 million, in order to produce a study report of the level B scope.

[3] $6,030 originally.

The ongoing effort in the Monongahela is designed to coordinate the many planning activities now underway by various State and Federal agencies. The organization and methodology being employed in the Monongahela study are considered to be fully consistent with the new approach to Level B planning.

It would be possible to apply the new approach to other studies that were started in FY 1974 that is, to the Minneapolis-St. Paul, Maumee, and Hawaii studies. The current POS of the Minneapolis-St. Paul study largely conforms, but rescoping of recreation and fish and wildlife studies might be followed up in subsequent Level C or implementation studies.

Early formulation of an "Initial" or "Sketch" Plan in the Maumee study may permit substantial reductions in the large sum presently budgeted for Plan Formulation. The initial plan will then be progressively refined and narrowed down through the iterative process, as previously explained. However, it should be noted that the study costs increase with increasing number of iterations. Tentatively, it is expected that an Initial Plan for the Maumee will be put together by mid-summer of 1974.

The current POS for the Hawaii study generally conforms to the new approach but some streamlining in the organization for study may be effected by substantially reducing the number of functional Task Forces. It should be recognized that the State of Hawaii has appropriated $580,000 for the study as compared with the estimated Federal cost of $1.2 million.

THE 209 PROGRAM

The President's Fiscal Year 1975 budget request reflects the application of $500,000 in additional funds to improve and demonstrate the value of Level B planning (includes $100,000 of redirected FY 1974 funds). A major part of these total funds will be utilized to achieve improvements in some of the ongoing Level B studies through possible changes, previously discussed, and through reorientation of plans, programs, and recommendations that more nearly conform to the public priorities and preferences that have evolved over the last few years. The remaining funds will be utilized to evolve five to seven proposals to study (PTS) for national, high-priority areas in advance of actual authorizations for the conduct of studies in those areas. The idea is that it is worth spending a relatively small amount in advance to develop the best possible proposals (for purposes of comparative evaluations and establishing priorities on a national basis) before committing large sums for full-blown studies. By this approach, emphasis and focus will be placed on where it belongs—on major problems and priorities of a complex, multidisciplinary nature involving many Federal and non-Federal agencies and interests. To achieve this will require that the PTS be as complete as practicable. Among other things, a particular proposal will be required to quantify and explain in sufficient detail why a Level B scope rather than another type of study, such as a Level C, is necessary.

Designations by the Governors under section 208 (Pub. L. 92-500) as well as other sources of recommendations, particularly from the River Basin Commissions, will be considered in the selection of the initial five to seven study areas for which PTS will be developed under the new approach. In accordance with published EPA guidelines and AWTM planning under section 208, the Governors have until the middle of March 1974 to designate the high priority areas. However, many tentative designations of high priority areas are already on hand, as reported last year. The Governors have indicated considerable interest in the 209 program by their responses to recent letters notifying them that the Council is accepting proposals from them for Level B planning in connection with the formulation of the FY 1976 budget request.

It is anticipated that the five to seven study areas for which the initial set of PTS will be developed will be identified and approved by the Council shortly after April 1, 1974. After identification of the initial five to seven study areas, compact study teams in the field, composed of a limited number of Federal and non-Federal representatives, will evolve the PTS for those areas through firmly coordinated efforts, including consultations with many relevant interests, under the River Commissions and the Council. These teams will be required to do considerable "homework" on the studies by thorough review and best use of the large amount of relevant information and material now presumed to be available in each study area. Conflicts of interest and major problems will be highlighted for each area of study. In preparing the PTS, commitments will be sought—and made whenever practicable—from all proposed study participants, particularly from the proposed non-Federal partners on estimates of manpower and funding requirements. In comparative evaluations of the PTS that are evolved, lack of or weak commitments in a particular study area will weigh heavily against that area in preparing follow-up recommendations for the authorizations and actual conduct of Level B studies. The experience gained from the efforts of improving processes and results of the ongoing Level B studies and from evolving the initial set of five to seven PTS will be of great value and will be utilized in formulating the Level B (section 209) Planning Program for Fiscal Year 1976.

The firm, Wendell Associates, Consultants on Governmental Affairs, was employed in late 1973 to provide advice concerning the Council's responsibilities and activities under section 209 and the interrelationships with and among the several other current and pending statutes and programs that require or relate to water and land resources planning.

The consultants concluded that " * * * even if the land use planning programs contemplated by pending legislation can get

underway within the next year or two, the first usable results from them cannot be available until 1980 or thereafter * * * Accordingly, the Water Resources Council, both through its specific charge under section 209 of the FWPCA to produce basin plans by 1980, and more broadly through its statutory mandate under the Water Resources Planning Act, is the only agency equipped and directed to coordinate the planning required under the many far-reaching programs of the several agencies which involve or affect water resources. The accomplishment of this task will not detract from the performance of their separate missions by each Federal agency. Instead it should enhance the planning activities under each such program by providing a common basis pursuant to which the work of each agency will be effective. In the absence of the coordination which the Water Resources Council must give, the end product of specific planning programs could be made impossible of realization for lack of the resources which a particular plan presumes to be available, or because incompatible action has already been taken under a plan that was developed on other premises."

In their report the consultants made the following recommendations:

In order to perform its statutory responsibilities of coordination and to assist in avoiding the conflicts and waste which could otherwise result, the Water Resources Council should proceed as soon as possible to identify the interrelationships and points of contact among water and other resources planning processes and requirements and among water and other resources plans and programs. It should analyze these interrelationships. Then it should proceed to develop guidelines, principles and standards by which the several agencies can prosecute their planning activities in a coordinated fashion. In addition, the Water Resources Council itself will have need of these same guidelines, principles and standards in the basin planning authorized by section 209 of the Water Pollution Control Act.

In this connection, considerable work has been done or is underway. Additional use will be made during calendar 1974 of consultant services to delineate more clearly program responsibilities and interrelationships as a basis for improving section 209 program guidance and execution.

[FR Doc.75-17984 Filed 7-25-75;8:45 am]

MONDAY, JULY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 145

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

PAINT AND INK FORMULATING POINT SOURCE CATEGORIES

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 404-4]

PART 446—PAINT FORMULATING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

On February 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 8302), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the oil-base paint subcategory and the water-base paint subcategory of the paint formulating category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the oil-base solvent wash subcategory of the paint formulating category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 446. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the oil-base paint subcategory and the water-base paint subcategory. In addition, the regulation as proposed was supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint Formulating and the Ink Formulating Point Source Categories" (February, 1975) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Paint and Allied Products and Printing Ink Industries" (August, 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties was described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: National Paint and Coatings Association; E. I. DuPont de Nemours & Company; DeSoto Inc.; United States Gypsum Company; Crown Zellerbach; Celanese Coatings Company; Ford Motor Company; Dixie-O'Brien Corporation; County Sanitation Districts for Los Angeles County; Sherwin Williams Company and the Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of comments which are significant to the regulations as they appear in this document and the Agency's response to them. Additional significant comments will be responded to when the regulations for the other subcategories of the paint formulating industry are promulgated.

Several commenters stated that no discharge of process wastewater from paint formulating plants has not been demonstrated by existing practices of the industry. The commenters claim that discharge of liquid waste to landfill or municipal waste treatment systems is not a demonstration of no discharge. The commenters state that the recycle wash systems reduced the volume of process wastewater but do not eliminate it as the systems require an occasional blowdown. The commenters state that reuse of washwaters in the products cannot reduce process wastewater to no discharge since some process wastewaters cannot be recycled or reused because of product quality control.

The Agency on review of these comments has reevaluated existing data, has obtained new data, and is collecting additional data to determine the validity of the comments concerning no discharge of process wastewater pollutants to navigable waters. The Agency has reached the following conclusions. The Agency needs to collect and evaluate additional information on oil-base paint plants using a caustic wash system and water-base paint plants. The regulations on these segments of the industry will be promulgated at a later date. The regulations on oil-base paint plants using a solvent wash are being promulgated in this document. The Agency's data base shows that most of the oil-base solvent wash paint plants are currently meeting no discharge of process wastewater pollutants to navigable waters by use of the following technologies: solvent recovery, incineration, and contract solvent recovery or incineration.

(b) Revision of the proposed regulations prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The oil base paint subcategory has been further subdivided on the basis of the technique employed for equipment washing. The paint formulating industry presently uses both solvents and caustic for equipment washing. Because the method employed affects the waste treatment system used and the ability to meet a no discharge standard, a distinction between plants on this basis appears appropriate. Regulations for plants in the oil base caustic wash subcategory will be promulgated upon completion of the Agency's review of data on this segment of the industry which is now being assembled.

(2) The subcategory water-base paint subcategory (Subpart B) is being reevaluated and will be promulgated at a later date.

(c) Economic impact.

The economic impact of the promulgated regulation on oil-base-solvent wash paint formulating is minimal since all plants in the Agency's data base using this process are already achieving no discharge of wastewater pollutants to navigable waterways by use of technologies such as solvent recovery, incineration, or contract solvent recovery or incineration. New expenditures will not be required to meet the regulations for the promulgated subcategory. As a result of this, there are no expected closures as a result of promulgation of the oil base solvent wash paint subcategory.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be considerably less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices and estimates that there will be no ef-

fect on prices for the segments of the industry controlled herein.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the Paint Formulating point source category are discussed in Section VI of the report entitled "Development Document for proposed Effluent Limitations Guidelines for the Paint Formulating and Ink Formulating Point Source Categories" (February, 1975). It is not feasible to quantify in economic terms particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Paint and Allied Products and Printing Ink Industries" (August, 1974). Implementing the limitations will prevent the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the paint formulating industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Oil Base Solvent Wash Subcategories of the Paint Formulating and the Ink Formulating Point Source Categories," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

(f) Final rulemaking.

This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective upon publication in the FEDERAL REGISTER.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective August 27, 1975.

Dated: July 16, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A—Oil-Base Solvent Wash Paint Subcategory

Sec.
446.10 Applicability; description of the oil-base solvent wash paint subcategory.
446.11 Specialized definitions.
446.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
446.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
446.14 Reserved.
446.15 Standards of performance for new sources.
446.16 Pretreatment standard for new sources.

Subpart A—Oil-Base Solvent Wash Paint Subcategory

§ 446.10 Applicability; description of the oil-base solvent wash paint subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

§ 446.11 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 446.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluents levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dicated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.14 [Reserved]

§ 446.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.16 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the oil-base solvent wash paint subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were

to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart: There shall be no discharge of process water pollutants to a publicly owned treatment works.

[FR Doc.75-19406 Filed 7-25-75;8:45 am]

[FRL 404-6]

PART 447—INK FORMULATING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

On February 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 8309), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the oil-base ink subcategory and the water-base ink subcategory of the ink formulating category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the oil-base solvent wash subcategory of the ink formulating category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 447. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the oil-base ink subcategory and the water-base ink subcategory. In addition, the regulation as proposed was supported by two other documents: (1) the document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint Formulating and the Ink Formulating Point Source Categories" (February, 1975) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Paint and Allied Products and Printing Ink Industries" (August, 1974). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties was described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: National Paint and Coatings Association; E. I. Du Pont de Nemours & Company; DeSoto Inc.; United States Gypsum Company; Crown Zellerbach; Celanese Coatings Company; Ford Motor Company; Dixie-O'Brien Corporation; County Sanitation Districts for Los Angeles County; Sherwin Williams Company and the Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of comments which are significant to the regulations as they appear in this document and the Agency's response to them. Additional significant comments will be responded to when the regulations for the other subcategories of the ink formulating industry are promulgated.

Several commenters stated that no discharge of process wastewater from ink formulating plants has not been demonstrated by existing practices of the industry. The commenters claim that discharge of liquid waste to landfill or municipal waste treatment systems is not a demonstration of no discharge. The commenters state that the recycle wash systems reduced the volume of process wastewater but do not eliminate it as the systems require an occasional blowdown. The commenters state that reuse of washwaters in the products cannot reduce process wastewater to no discharge since some process wastewaters cannot be recycled or reused because of product quality control.

The Agency on review of these comments has reevaluated existing data, has obtained new data, and is collecting additional data to determine the validity of the comments concerning no discharge of process wastewater pollutants to navigable waters. The Agency has reached the following conclusions. The Agency needs to collect and evaluate additional information on oil-base ink plants using a caustic wash system and water-base ink plants. The regulations on these segments of the industry will be promulgated at a later date. The regulations on oil-base ink plans using a solvent wash are being promulagted in this document. The Agency's data base shows that most of the oil-base solvent wash ink plants are currently meeting no discharge of process wastewater pollutants to navigable waters by use of the following technologies: solvent recovery, incineration, and contract solvent recovery or incineration.

(b) Revision of the proposed regulations prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The oil base ink subcategory has been further subdivided on the basis of the technique employed for equipment washing. The ink formulating industry presently uses both solvents and caustic for equipment washing. Because the method employed affects the waste treatment system used and the ability to meet a no discharge standard, a distinction between plants on this basis appears appropriate. Regulations for plants in the oil base caustic wash subcategory will be promulgated upon completion of the Agency's review of data on this segment of the industry which is not being assembled.

(2) The subcategory water-base ink subcategory (Subpart B) is being reevaluated and will be promulgated at a later date.

(c) Economic impact.

The economic impact of the promulgated regulation on oil-base-solvent wash ink formulating is minimal since all plants in the Agency's data base using this process are already achieving no discharge of wastewater pollutants to navigable waterways by use of technologies such as solvent recovery, incineration, or contract solvent recovery or incineration. New expenditures will not be required to meet the regulations for the promulgated subcategory. As a result of this there are no expected closures as a result of promulgation of the oil base solvent wash ink subcategory.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or an-

nualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be considerably less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices and estimates that there will be no effect on prices for the segments of the industry controlled herein.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the Ink Formulating point source category are discussed in Section VI of the report entitled "Development Document for proposed Effluent Limitations Guidelines for the Paint Formulating and Ink Formulating Point Source Categories" (February, 1975). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Paint and Allied Products and Printing Ink Industries" (August, 1974). Implementing the limitations will prevent the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the ink formulating industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Oil Base Solvent Wash Subcategories of the Paint Formulating and the Ink Formulating Point Source Categories," will be published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

(f) Final rulemaking.

This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in Natural Resources Defense Council, Inc. v. Train (Cv. No. 1609-73). That order requires that effluent limitations requiring the application of best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective upon publication in the FEDERAL REGISTER.

The final regulation promulgated below establishing the best available technology economically achievable, the standards of performance for new sources and the new source pretreatment standards shall become effective August 27, 1975.

Dated: July 16, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A—Oil-Base Solvent Wash Ink Subcategory

Sec.
447.10 Applicability; description of the oil-base solvent wash ink subcategory.
447.11 Specialized definitions.
447.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
447.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
447.14 Reserved.
447.15 Standards of performance for new sources.
447.16 Pretreatment standard for new sources.

Subpart A—Oil-Base Solvent Wash Ink Subcategory

§ 447.10 Applicability; description of the oil-base solvent wash ink subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of oil-base ink where the tank washing system uses solvents. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

§ 447.11 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 447.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.14 [Reserved]

§ 447.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.16 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the oil-base solvent wash ink subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart: There shall be no discharge of process water pollutants to a publicly owned treatment works.

[FR Doc.75-19410 Filed 7-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Protection of the Environment

[40 CFR Part 446]

[FRL 404-5]

PAINT FORMULATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

Notice is hereby given that pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA or Agency). On the date of this notice EPA promulgated a regulation adding Part 446 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the Paint Formulating manufacturing point source category. The regulation proposed below will amend 40 CFR paint formulating point source category by adding section 446.14 to the oil-base solvent wash paint subcategory (Subpart A), pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 1251, 1317(b), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating final regulations which establish the above listed subparts.

(a) Legal authority.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Section 446.14, proposed below establishes pretreatment standards for existing sources within the oil-base solvent wash paint subcategory (Subpart A), paint formulating point source category.

(b) Summary and basis of proposed pretreatment standard for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the final regulation for the oil-base solvent wash paint subcategory (Subpart A) etc. which is promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Section 446.14, proposed below is intended to implement the concepts of 40 CFR 128.133, by stating specific limitations for pollutants which may be discharged to publicly owned treatment plants based upon best practicable control technology currently available. This is accomplished by setting § 128.133 aside and substituting the specific limitation.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works, published pursuant to § 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint Formulating and Ink Formulating Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses are included in the preamble of the final regulation for Subpart A being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before August 27, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: July 16, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart A is amended by adding § 446.14 as follows:

§ 446.14 Pretreatment Standard for Existing Sources.

The pretreatment standard under section 307(b) of the Act for a source

within the oil-base solvent wash paint subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart. There shall be no discharge of process water pollutants to a publicly owned treatment works.

[FR Doc.75-19409 Filed 7-25-75;8:45 am]

[40 CFR Part 447]

[FRL 404-7]

INK FORMULATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

Notice is hereby given that pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA or Agency). On the date of this notice EPA promulgated a regulation adding Part 446 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the Ink Formulating manufacturing point source category. The regulation proposed below will amend 40 CFR ink formulating point source category by adding section 447.14 to the oil-base solvent wash ink subcategory (Subpart A), pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 1251, 1317(b), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating final regulations which establish the above listed subparts.

(a) Legal authority.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Section 447.14, proposed below establishes pretreatment standards for existing sources within the oil-base solvent wash ink subcategory (Subpart A), ink formulating point source category.

(b) Summary and basis of proposed pretreatment standard for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the final regulation for the oil-base solvent wash ink subcategory (Subpart A) etc. which is promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Section 447.14, proposed below is intended to implement the concepts of 40 CFR 128.133, by stating specific limitations for pollutants which may be discharged to publicly owned treatment plants based upon best practicable control technology currently available. This is accomplished by setting 128.133 aside and substituting the specific limitation.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works, published pursuant to § 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint Formulating and Ink Formulating Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses are included in the preamble of the final regulation for Subpart A being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials sup-

porting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before August 27, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: July 16, 1975.

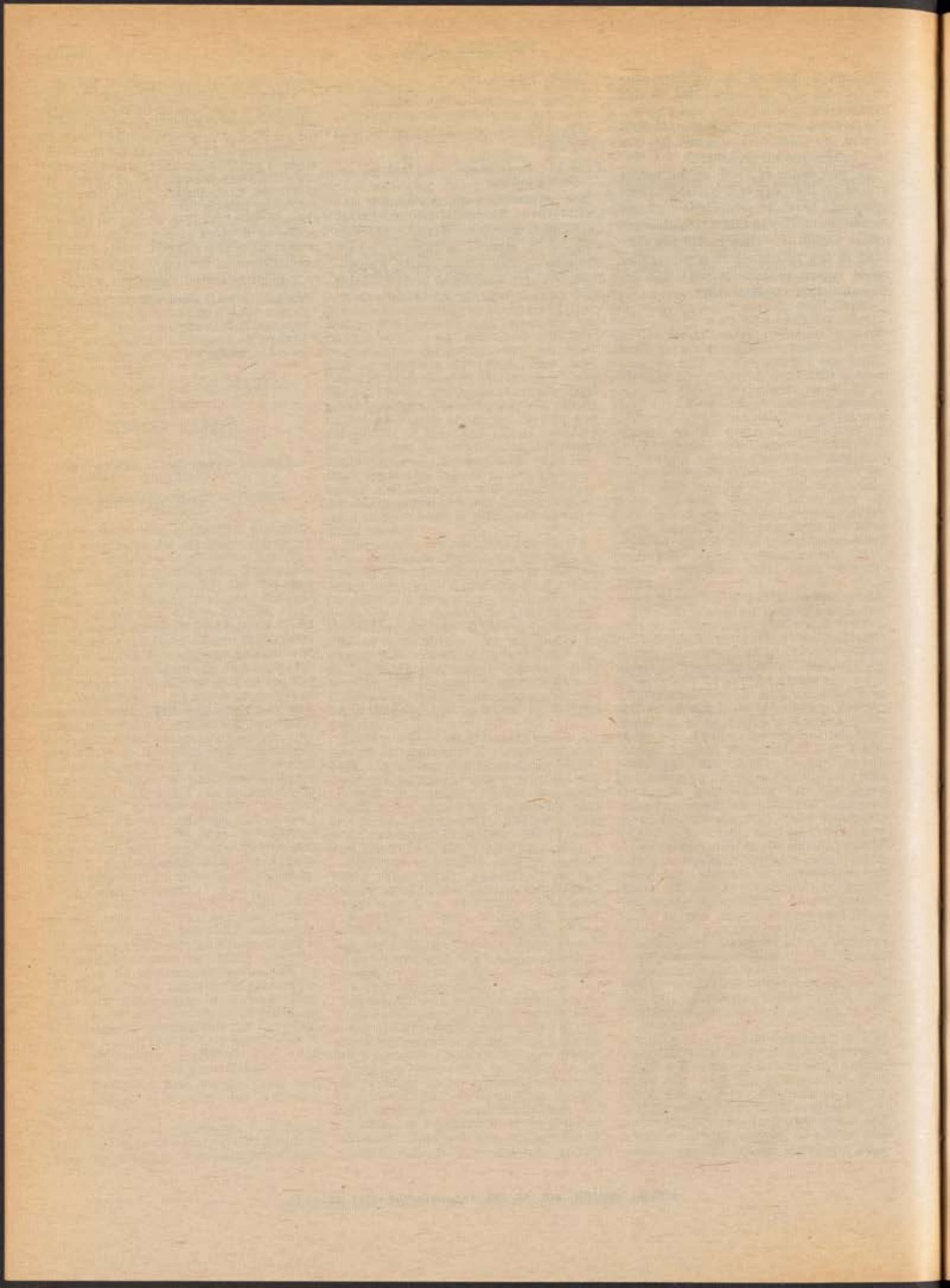
JOHN QUARLES,
Acting Administrator.

Subpart A is amended by adding 447.14 as follows:

§ 447.14 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the oil-base solvent wash ink subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart. There shall be no discharge of process water pollutants to a publicly owned treatment works.

[FR Doc.75-19411 Filed 7-25-75;8:45 am]



MONDAY, JULY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 145

PART IV

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND THREATENED WILDLIFE

Grizzly Bear

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE

Amendment Listing the Grizzly Bear of the 48 Conterminous States as a Threatened Species

Background:

On February 14, 1974, the Fund for Animals, Inc., petitioned the Department of the Interior to list the grizzly bear (*Ursus arctos horribilis*) of the conterminous 48 States of the United States as an endangered species. This petition, and accompanying supportive data, were examined by Fish and Wildlife Service biologists who determined that the Fund for Animals, Inc., had presented substantial evidence to warrant a review of the status of the grizzly bear in the conterminous 48 States. Notice to that effect was placed in the FEDERAL REGISTER on March 29, 1974 (39 FR 11611). Simultaneously, the Governors of the States of Colorado, Idaho, Montana, Washington, and Wyoming were notified of the review, and were requested to supply data on the status of the species in their States.

As a result of this review, the Director found that there were indeed sufficient data to warrant a proposed rulemaking that the grizzly bear of the 48 conterminous States be listed as a threatened species. This proposed rulemaking was published in the FEDERAL REGISTER on January 2, 1975 (40 FR 5–7). Interested persons were invited to submit written comments on the proposal to the Director (FWS/LE), United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036, no later than March 3, 1975.

Summary of Comments:

The 545 comments received may be summarized as follows, with some persons advocating more than one position:

(1) Eight persons opposed any listing at all on the grounds of insufficient data.

(2) Three persons opposed any listing of the Bob Marshall grizzly bears, but favored listing all other grizzly bears as either threatened or endangered.

(3) Fifteen persons completely supported the proposed rulemaking.

(4) Four hundred twenty-one persons opposed any sport hunting of a threatened species.

(5) Three hundred ten persons opposed allowing depredating grizzlies to be taken on Federal lands.

(6) Four hundred twenty-one persons favored listing the "Lower 48" grizzly bear as an endangered species rather than as a threatened species.

(7) It was also suggested that the proposed rules be clarified so as to eliminate any implication that Montana-regulated sport hunting would be allowed in Glacier National Park.

(8) It was suggested, because grizzly bears from the Bob Marshall Ecosystem frequently roam outside the ecosystem, that bears taken in adjacent areas be included in the 25-bear annual quota for the Bob Marshall Ecosystem.

(9) Finally, it was suggested that the period for reporting human defense, human safety, or depredation-control, takings of grizzly bears be shortened from 30 days to 5 days in order to discourage concealment of the facts of such takings.

The Director has considered the above comments as well as the evidence accompanying such comments. The Director has also considered other information obtained by the Service both before and after the proposed rulemaking. Taken together, the evidence as a whole indicates that the grizzly bear of the 48 conterminous States should indeed be listed as a threatened species, for the reasons discussed hereafter.

Discussion:

The Endangered Species Act of 1973, (16 U.S.C. 1533(a)(1)), establishes the following criteria for determining whether a species should be listed as a threatened species:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

Specifically, with regard to the grizzly bear of the conterminous 48 States, present evidence suggests that conditions (1), (2), (4), and (5) are pertinent. One or more of these conditions are affecting each of the remaining grizzly bear populations in each of the named ecosystems as well as in the remainder of the conterminous 48 States. Major factors include, but are not limited to, the following:

(1) *Present or threatened destruction, modification, or curtailment of habitat or range.*

(a) The range of the grizzly bear, which at one time was much of the western United States, is now confined to isolated regions in Montana, Idaho and Wyoming.

(b) Timbering practices and trail construction in areas where these bears still occur have resulted in the building of numerous access roads and trails into areas which were formerly inaccessible. This has resulted in making the bears more accessible to legal hunters, illegal poachers, human-bear conflicts, and livestock-bear conflicts.

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Many persons consider these bears as dangerous vermin, and this attitude results in a continual loss of animals through indiscriminate illegal killing. Other bears are taken regularly in control operations, because they are considered a threat to human safety, and still others are lost because of livestock depredations on public and private lands.

(3) *Disease or predation.* This factor is not applicable to the grizzly bears of the conterminous 48 States.

(4) *The inadequacy of existing regulatory mechanisms.*

There appear to be certain gaps in the scientific information relating to grizzly bears. Specifically lacking are better data on habitat condition and carrying capacity, total numbers, annual reproduction and mortality, and most importantly, annual turnover and population trends. This lack of information greatly hinders the present management program for grizzly bears and makes such program an inadequate regulatory mechanism for protecting the bears.

(5) *Other natural and manmade factors affecting its continued survival.*

(a) In two of the three areas where grizzly bears still occur, the bears are isolated from other populations so that they cannot be reinforced, either genetically or by movement of individual bears.

(b) Increasing human use of Yellowstone and Glacier National Parks, as well as livestock use of surrounding national forests, will exert increasing detrimental pressures on grizzly bears unless management measures favoring the species are enacted.

However, despite the above problems facing the grizzly bear in the conterminous 48 States, this species is better regarded as threatened rather than endangered. The Endangered Species Act of 1973 defines an "endangered species" as a species which is in danger of extinction throughout all or a significant portion of its range. The grizzly bear in the conterminous 48 States at one time occupied suitable habitat in much of the western United States, but is now confined to a relatively small area in Montana, Wyoming, and Idaho. Nevertheless, reduction in range occurred mostly in the 19th Century during the westward advance of civilization. There has been no significant reduction in the range of the grizzly bear in the past half century, and the population in the conterminous 48 States is not in danger of extinction in its present range.

The Act defines a "threatened species" as one which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Fish and Wildlife Service is convinced that the problems outlined above facing the grizzly bears of the 48 conterminous States could render this species endangered within the foreseeable future throughout its range, and therefore, the species presently qualifies for threatened status.

With respect to location, the grizzly bear of the 48 conterminous States occurs almost entirely in three "ecosystems." These are: the Selway-Bitterroot Ecosystem (Clearwater National Forest, the Selway-Bitterroot Wilderness Area, and the Salmon River Breaks Primitive Area); the Bob Marshall Ecosystem (Flathead National Forest, Bob Marshall Wilderness Area, Mission Mountains Primitive Area, and Glacier National Park); and the Yellowstone Ecosystem (Yellowstone National Park, Grand Teton National Park, Teton National Forest, that part of Shoshone Na-

tional Forest north of Wind River, that part of Targhee National Forest east of U.S. Highway 20, that part of Gallatin National Forest south of Interstate Highway 90, and the Beartooth Primitive Area). The regulations of this rulemaking are designed to insure the species' conservation in all three of these ecosystems, and to protect any members of the species occurring elsewhere in the 48 conterminous States.

With limited exceptions for public zoological parks and Federal or State employees engaged in scientific activities, the regulations prohibit nearly all importation, exportation, transportation, or sale of the lower 48 grizzly bear. They also place significant restrictions on the taking of such species.

In general, grizzly bears of the 48 conterminous States may not be taken except in defense of human life, or to remove demonstrable but non-immediate threats to human safety, or to prevent significant depredations on livestock lawfully on the premises. All such takings must be reported in writing to the Service's Division of Law Enforcement, and to appropriate State officials, within 5 days after they occur. (The 30-day reporting period of the proposed rulemaking has been reduced to 5 days in light of public comments that a 30-day period could lead to concealment of such takings.) In addition, takings to remove demonstrable but non-immediate threats to human safety, or to prevent significant depredations on livestock lawfully on the premises, can be performed only by Federal or State employees, and only after reasonable efforts to live-capture and release unharmed in a remote area the bear involved have failed.

Federal or State employees may also take bears for scientific or research purposes, but such taking is limited to pursuing, capturing, or collecting grizzly bears.

Finally, grizzly bears in the Bob Marshall Ecosystem (excluding Glacier National Park) may, under certain circumstances, be hunted in accordance with Montana law. However, the present regulations make clear that there will be no sport hunting in the Glacier National Park portion of such ecosystem. In response to public comments, an ambiguity of the proposed rules has been eliminated by expressly providing that the regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

With respect to sport hunting elsewhere in the Bob Marshall Ecosystem, such taking is in accord with § 3(2) of the Endangered Species Act of 1973 (16 U.S.C. 1532(2)), which provides for regulated taking "in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved."

The Bob Marshall Ecosystem is just such an ecosystem. First of all, its grizzly bear population is large enough that bears are now wandering into settled areas where they threaten human safety and commit significant depredations on legally present livestock. Thus, grizzly bear population pressures definitely exist in the Bob Marshall Ecosystem.

Moreover, grizzly bears are large, aggressive, and sometimes dangerous animals. They are also quite mobile and difficult to capture. Therefore, live-trapping and transplanting is simply too dangerous and too expensive to be used with sufficient frequency to relieve the above population pressures. A limited amount of regulated taking is necessary.

This regulated taking can be two types, (1) the isolated taking of specific nuisance bears, and (2) seasonal sport hunting. The isolated taking of nuisance bears, while necessary in given instances, is not sufficient to prevent numerous depredations and threats to human safety. This is because the occasional taking of one bear does not create a fear of man among the grizzly bear population in general.

By contrast, a regulated sport hunt, will create an adequate fear of man. In a seasonal sport hunt, bears are exposed to relatively large numbers of humans for a limited period of time, and consequently learn to avoid all areas where humans are encountered. It is this avoidance of man which will reduce numerous depredations and threats to human safety.

Thus, in the Bob Marshall Ecosystem, population pressures require a limited amount of regulated taking, and the best system of such taking is to combine limited taking of specific nuisance bears with a closely regulated sport hunt.

It is, of course, important to insure that the total number of bears killed from sport hunting and other causes is strictly controlled. As evidenced by the following letter, the Montana Department of Fish and Game has agreed that all sport hunting in the Bob Marshall Ecosystem will be stopped in any year where the total number of bears killed for whatever reason—defense of human life, nuisance control, other taking, and sport hunting—reaches 25 bears for that year.

STATE OF MONTANA,
DEPARTMENT OF FISH AND GAME,
Helena, Mont.

Mr. LYNN A. GREENWALT,
Director, Fish and Wildlife Service,
Washington, D.C.

NOVEMBER 25, 1974.

DEAR LYNN: In the interest of maintaining an effective and harmonious program of grizzly bear management and in order for the U.S. Department of Interior to find inadvisable and unnecessary the placing of any restrictive federal regulations on grizzly bear in the Bob Marshall ecosystem, the Montana Fish and Game Commission has developed the following program:

(1) That the maximum number of grizzly bear to be removed annually from the Bob Marshall ecosystem will not exceed 25. Our records show that the average annual take from this population since 1967 has been 29 and at this time it is felt that a conservative take from this population would be advisable. In order to control the removal of bears from the population there will be an annual quota not to exceed the established number of 25. This number will include bears lost from any other cause and the annual legal harvest will be so adjusted. Hunters holding bear permits will be required to report a kill to the Department of Fish and Game within 48 hours and within a ten-day period shall be required to submit the hide and skull to the department for scientific analysis and purchase a trophy permit. The hunting season will be closed upon 48 hours notice when the removal figure begins to approach 25.

(2) Removal of nuisance bears will be held to a minimum through live-trapping and transplanting into inaccessible areas and by other means available to the department. The bear in question will be killed only when all else fails. All bears taken will be, if possible, transported to the department's wildlife laboratory in Bozeman where complete scientific data will be recorded and analyzed. All such records will, of course, be available to all cooperating agencies and the public.

(3) No change in the above policies will be made without giving 90 days notice in writing to the Director of the Fish and Wildlife Service.

Sincerely,

WESLEY R. WOODGERD,
State Fish and Game Director.

However, public comments to the proposed rulemaking pointed out that Bob Marshall grizzly bears often roam outside the ecosystem. Consequently, in the regulations which follow, it was decided to halt sport hunting whenever 25 bears have already been killed during the year in the entire northwest quarter of Montana.

The proposed rulemaking also included a new Subpart E entitled "Similarity of Appearance". Public comments on this subpart manifested confusion and unclarity as to its operation and effect. Clear and effective regulations on similarity of appearance are crucial to protection of both endangered and threatened species. Therefore, the Service deems it advisable to give further study to similarity of appearance, and rather than publish the proposed subpart, the Service will instead shortly propose new rules on the subject.

If in the future, grizzly bear populations in the Yellowstone ecosystem recover to the point where population pressures require removal of a part of the population, consideration will be given to a controlled reduction by sport hunting conducted by concerned State wildlife agencies and these regulations will be modified accordingly. It is not anticipated that this situation will occur in the Selway-Bitterroot ecosystem within the forseeable future.

For the reasons stated above, it is hereby determined that the grizzly bear (*Ursus arctos horribilis*) of the 48 conterminous States of the United States is a threatened species within the meaning of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and that the following regulations are deemed necessary and advisable for the conservation of such species.

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below.

These amendments will be effective August 1, 1975.

Dated: July 23, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, § 17.32 is amended to read:

§ 17.32 Threatened wildlife list.

Common name	Scientific name	Range	Portion of range where threatened
(a) Mammals:			
(1) * * *			
(2) * * *			
(3) * * *;			
(i) * * *			
(4) Grizzly bear	*Ursus arctos horribilis*	48 conterminous States of the United States.	Entire.

(i) *Definitions*. (A) *Grizzly bear*. As used in this section, the term "grizzly bear" means any member of the species, *Ursus arctos horribilis* of the 48 conterminous states of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

(ii) *Prohibitions and exceptions*. The prohibitions and exceptions below apply to grizzly bears.

(A) *Taking*. (I) *Prohibition*. Except as provided in paragraph (a) (4) (ii) (A) (II) of this section, no person shall take any grizzly bear in the 48 conterminous states of the United States.

(II) *Exceptions*. (a) *Self-defense and defense of others*. Grizzly bears may be taken in self-defense, or in defense of others, but any such taking shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(b) *Removal of nuisance bears*. A grizzly bear constituting a demonstrable but non-immediate threat to human safety, or committing significant depredations to lawfully present livestock, may be taken, but only if:

(*1*) it has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(*2*) the taking is done in a humane manner by authorized Federal or State employees; and

(*3*) the taking is reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(c) *Federal or State scientific or research activities*. Federal or State employees may pursue, capture, or collect grizzly bears for scientific or research purposes.

(d) *Northwestern Montana*. If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Flat head National Forest, the Bob Marshall Wilderness Area, and the Mission Mountains Primitive Area of Montana: *Provided*, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area, which is bounded on the north by the United States-Canadian Border, on the east by U.S. Highway 91, on the south by U.S. Highway 12, and on the west by Montana-Idaho State line, the Director shall post and publish a notice prohibiting such hunting, and any such hunting for the remainder of that year shall be unlawful: *Provided further*, That any taking of a grizzly bear, for whatever reason, in the above-described portion of Montana shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to the Montana Department of Fish and Game, within 5 days after the taking occurs; and except that any taking on an Indian reservation within the above-described area shall be so reported only to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(e) *National Parks*. The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(B) *Unlawfully taken grizzly bears*. (I) *Prohibition*. Except as provided in paragraph (a) (4) (ii) (B) (II) of this section, no person shall possess, deliver carry, transport, ship, export, or sell any grizzly bear taken unlawfully.

(II) *Exception*. Federal or State employees may for scientific or research purposes possess, deliver, carry, transport, ship, or export unlawfully taken grizzly bears.

(C) *Commercial transportation*. (I) *Prohibition*. Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(D) *Commercial exportation*. (I) *Prohibition*. Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, export any grizzly bear from the United States.

(E) *Importation*. (I) *Prohibition*. Except as provided in paragraph (a) (4) (ii) (E) (II) of this section, no person shall import any grizzly bear into the United States.

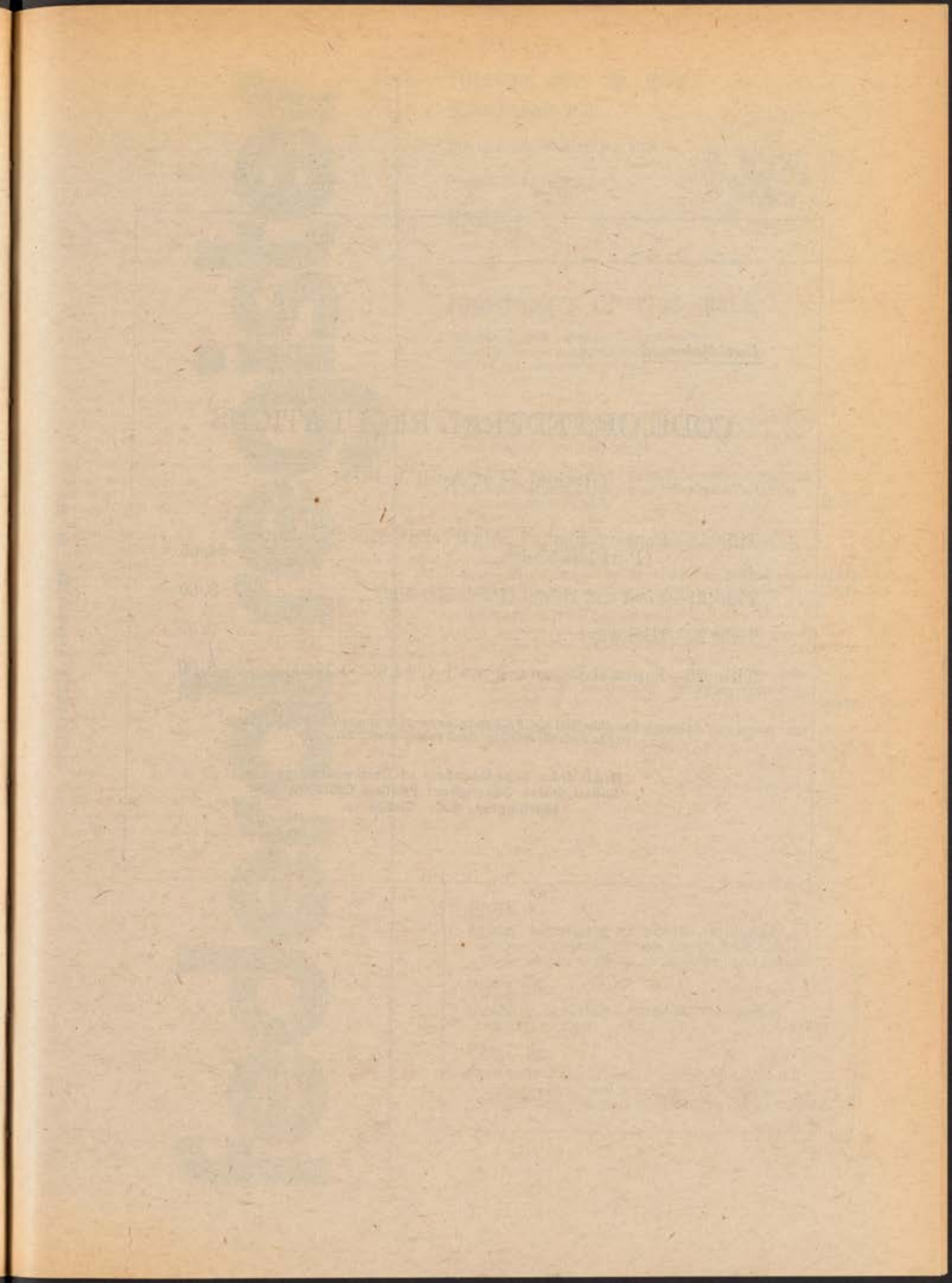
(II) *Exceptions*. (a) *Federal or State scientific or research activities*. Federal or State employees may import grizzly bears into the United States for scientific or research purposes.

(b) *Public zoological institutions*. Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(F) *Selling or offering for sale*. (I) *Prohibition*. Except for public zoological institutions (see 50 CFR 10.12) dealing with other public zoological institutions, no person shall sell or offer for sale in interstate or foreign commerce any grizzly bear.

(G) *Other violations*. (I) *Prohibitions*. No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (a) (4) (ii) of this section.

[FR Doc.75-19448 Filed 7-25-75;8:45 am]



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