

federal register

February 24, 1975—Pages 7893-8060

MONDAY, FEBRUARY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 37

Pages 7893-8060



PART I

The issue Number of the Federal Register for Friday, February 21, 1975, which read 35, should have been 36.

HIGHLIGHTS OF THIS ISSUE

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

OCCUPATIONAL HEALTH AND SAFETY—HEW/CDC recommends exposure standards for toxic substances; pertinent data by 5-27-75.....	7960
INJURIOUS WILDLIFE—Interior/FWS proposes revision of importation requirements; comments by 4-10-75....	7935
FREEDOM OF INFORMATION—The following agencies issue guidelines on availability of information:	
Air Force.....	7901
General Services Administration.....	7924, 7927
Internal Revenue Service.....	7934
Nuclear Regulatory Commission.....	7893
Office of Economic Opportunity.....	7929
Small Business Administration.....	7898
Transportation Department.....	7915
"GOING PRIVATE" TRANSACTIONS—SEC proposes public investigatory procedures; comments by 3-15-75.....	7947

PART II:

FOREIGN CURRENCY TRANSACTIONS—	
Treasury/Monetary Offices issue final requirements for non-banking firm reports.....	8020
Treasury/Monetary Offices adopt form implementing reporting requirements for non-banking institutions.....	8021

PART III:

EFFLUENT LIMITATIONS—	
EPA issues interim standards for ferroalloy manufacturing point source category; comments by 3-26-75.....	8030
EPA proposes guidelines for pretreatment and performance standards for ferroalloy manufacturing category; comments by 3-26-75....	8038

PART IV:

NATIONAL UTILITY RESIDUAL FUEL ALLOCATION—FEA establishes supplier percentage for March 1975.....	8043
--	------

(Continued Inside)

reminders

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

Rules Going into Effect Today

- DOT/NHTSA—New pneumatic tires, tire selection and rims for passenger cars. 3597; 1-23-75
GSA—Procurement by formal advertising. 2810; 1-16-75
HEW/FDA—New drug applications; public information; correction. 4300; 1-29-75
INT/BLM—Advisory boards; operation procedures..... 3294; 1-21-75

List of Public Laws

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

- S. 58..... Pub. Law 94-2
Office of the Attorney General, compensation and other emoluments attached to (Feb. 18, 1975; 89 Stat. 4)
H.R. 2634..... Pub. Law 94-3
To increase the temporary debt limitation and extend it to June 30, 1975 (Feb. 19, 1975; 89 Stat. 5)
H.R. 1589..... Pub. Law 94-4
Food stamps, increased costs, suspension (Upon the expiration of the 10-day period prescribed by the U.S. Constitution, H.R. 1589 became law on Feb. 20, 1975, without the President's approval; 89 Stat. 6)

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

federal register

Phone 523-5240

Area Code 202



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

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

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

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

FEDERAL REGISTER, VOL. 40, NO. 37—MONDAY, FEBRUARY 24, 1975

HIGHLIGHTS—Continued

MEETINGS—

HEW/OE: Advisory Committee on Accreditation and Institutional Eligibility, 3-12 thru 3-14-75.....	7960
Interior: Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council, 3-10-75.....	7954
Justice/LEAA: Defensible Space Committee of the Private Security Advisory Council, 3-14-75.....	7953
NASA: Panel on General Aviation Technology, 3-12 thru 3-14-75	7963

NSF: Interagency Task Force on Inadvertent Modification of the Stratosphere, 2-27-75.....	7969
National Endowment for the Humanities: Public Programs Panel, 3-20 and 3-21-75.....	7969
USDA/AMS: Shippers Advisory Committee, 3-11-75....	7955

CLOSED MEETINGS—

DOD/Army: Board of Visitors, United States Military Academy, 4-29-75 and 5-1-75	7953
Treasury/IRS: Art Advisory Panel, 3-11 and 3-12-75..	7953

contents

AGRICULTURAL MARKETING SERVICE

Rules	
Expenses and rates of assessment: Potato research and promotion plan	7893
Proposed Rules	
Milk marketing orders: Central Arizona area	7943
Notices	
Meetings: Shippers Advisory Committee..	7955

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation; Soil Conservation Service.

Notices	
Committees; establishment, renewals, etc.:	
Cooperative Forestry Research Advisory Committee.....	7956
National Rice Advisory Committee	7956

AIR FORCE DEPARTMENT

Rules	
Conscientious objectors; disposition of.....	7912
Records disclosure; procedures....	7901
Resources; protection.....	7908

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Rules	
Horse shows; use of devices and substances; prohibitions; correction	7944

ARMY DEPARTMENT

Notices	
Meetings: Military Academy Visitors Board	7953

CENTER FOR DISEASE CONTROL

Notices	
Occupational safety and health; information request for certain chemical agents.....	7960

CIVIL AERONAUTICS BOARD

Notices	
Hearings, etc.: IU International Corp. et al....	7963

CIVIL RIGHTS COMMISSION

Notices	
State advisory committees; renewal	7963

COMMERCE DEPARTMENT

See Domestic and International Business Administration.

COMPTROLLER OF THE CURRENCY

Rules	
National banks, statements of business interests of directors and principal officers; delay of effective date.....	7897

DEFENSE DEPARTMENT

See Air Force Department; Army Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices	
Scientific articles; duty-free entry:	
Cornell University.....	7956
Lafayette College.....	7957
Lamont-Doherty Geological University	7958
Massachusetts Institute of Technology	7958
University of Hawaii at Hilo....	7958
University of Miami.....	7959
University of Washington.....	7959

EDUCATION OFFICE

Notices	
Guaranteed student loan program; default claims.....	7961
Meetings:	
Accreditation and Institutional Eligibility Advisory Committee	7960
Title I audit appeal; approval of applications:	
California	7960
Texas	7961

ENVIRONMENTAL PROTECTION AGENCY

Rules	
Water pollution, effluent guidelines for certain point source categories:	
Ferroalloys manufacturing....	8030
Proposed Rules	
Water pollution, effluent guidelines for certain point source categories:	
Ferroalloy manufacturing....	8038

Notices

Pesticide registrations; applications	7964
---	------

FARMERS HOME ADMINISTRATION

Notices	
Disaster areas: Kansas	7955

FEDERAL AVIATION ADMINISTRATION

Rules	
Airworthiness directives:	
Boeing	7899
Goodyear	7900
Transition areas (3 documents) ..	7900, 7901
Proposed Rules	
Transition areas (2 documents) ..	7944

FEDERAL COMMUNICATIONS COMMISSION

Rules	
Organization and procedure:	
Authority delegation.....	7914
Plans and Policy Office.....	7914
Proposed Rules	
FM broadcast stations, table of assignments:	
California	7946
Idaho	7946
Stations in certain states.....	7945
Notices	

Common carrier services information; domestic public radio services applications accepted for filing	7965
--	------

FEDERAL CROP INSURANCE CORPORATION

Rules	
Cotton crop; discontinuance of insurance county; Alabama.....	7893
Soybean crop; discontinuance of insurance county; Alabama....	7893

FEDERAL DISASTER INSURANCE ADMINISTRATION

Notices	
Disaster areas: Texas	7963

FEDERAL ENERGY ADMINISTRATION

Notices	
National utility residual fuel oil allocation; supplier percentage notice for March, 1975.....	8043

CONTENTS

FEDERAL INSURANCE ADMINISTRATION	INTERSTATE COMMERCE COMMISSION	NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules	Rules	Notices
National flood insurance program: Areas eligible for sale of insurance (4 documents) ----- 7922-7924	Car service orders:	Motor vehicle safety standards: Marmon Motor Co.; petition for exemption ----- 7963
FEDERAL POWER COMMISSION	Freight car movement ----- 7921	
Notices	Privately owned freight car movement ----- 7922	
Rate changes; hearing and suspension ----- 7966	Notices	
Supply and requirements report; conference ----- 7967	Applications, etc.:	NATIONAL PARK SERVICE
FEDERAL RESERVE SYSTEM	McNabb-Wadsworth Trucking Corp ----- 7984	Notices
Rules	Hearing assignments ----- 7973	Authority delegations:
Freedom of information; Federal Open Market Committee ----- 7897	McCormack's Highway Transportation, Inc.; direct authority extension ----- 7983	Administrative Officer, Vicksburg National Military Park, Miss ----- 7954
Notices	Motor carriers:	Chief Historian, Chickamaugua and Chattanooga National Military Park, et al ----- 7954
Applications, etc.:	Irregular route property carriers; gateway elimination ----- 7973	
American Bancorporation Inc. ----- 7967	Transfer proceedings ----- 7986	
First National Bancorporation Inc ----- 7968	Yellow Cab Inc.; extension of rolling mill rolls permit ----- 7986	NATIONAL SCIENCE FOUNDATION
FISH AND WILDLIFE SERVICE	JUSTICE DEPARTMENT	Notices
Proposed Rules	See also Law Enforcement Assistance Administration.	Meetings:
Injurious wildlife; importation requirements ----- 7935	Notices	Stratosphere, inadvertent modification, Interagency Task Force ----- 7969
GENERAL SERVICES ADMINISTRATION	Price Brothers Co.; discharge of pollutants; correction ----- 7953	
Rules	LABOR DEPARTMENT	NUCLEAR REGULATORY COMMISSION
Freedom of Information (2 documents) ----- 7924, 7927	See Occupational Safety and Health Administration.	Rules
HEALTH, EDUCATION, AND WELFARE DEPARTMENT	Notices	Freedom of information ----- 7893
See Center for Disease Control; Education Office.	LABOR DEPARTMENT	Notices
HOUSING AND URBAN DEVELOPMENT DEPARTMENT	See Occupational Safety and Health Administration.	Applications, etc.:
See also Federal Disaster Assistance Administration; Federal Insurance Administration.	LAND MANAGEMENT BUREAU	Consolidated Edison Co. of New York, Inc ----- 7969
Notices	Notices	
Authority delegations:	Pipeline right-of-way applications:	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Regional Administrators, et al. ----- 7962	Wyoming (2 documents) ----- 7953	Notices
INTERIOR DEPARTMENT	LAW ENFORCEMENT ASSISTANCE ADMINISTRATION	Meetings:
See also Fish and Wildlife Service; Land Management Bureau; National Park Service.	Notices	Coke Oven Emissions Standards Advisory Committee; change in starting time ----- 7973
Notices	Meetings:	
Environmental statements:	Private Security Advisory Council	OFFICE OF ECONOMIC OPPORTUNITY
Injurious wildlife; importation requirements ----- 7954	Defensible Space Committee ----- 7953	Rules
Meetings:	MANAGEMENT AND BUDGET OFFICE	Freedom of Information; interim regulations ----- 7929
National Petroleum Council Emergency Preparedness Committee ----- 7954	Notices	
INTERNAL REVENUE SERVICE	Clearance of reports; list of requests ----- 7970	SECURITIES AND EXCHANGE COMMISSION
Proposed Rules	MONETARY OFFICES	Proposed Rules
National Railroad Passenger Corp.; deduction for certain payments ----- 7933	Rules	Consolidated financial statements; extension of time ----- 7947
Public inspection, rulings and determination letters; hearing ----- 7934	Foreign exchange transactions; report forms ----- 8020	"Going private" transactions ----- 7947
Notices	Notices	Notices
Meetings:	Foreign exchange transactions; report forms ----- 8021	Hearings, etc.:
Art Advisory Panel ----- 7953	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	American Electric Power Co. Inc ----- 7970
Private schools; proposed revenue procedure; correction ----- 7953	Notices	Beckland Resources Corp ----- 7970
	Meetings:	Equity Funding Corp. of America ----- 7970
	NASA Research and Technology Advisory Council ----- 7968	Gulf & Western International N.V ----- 7971
	NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	Industries International Inc ----- 7971
	Notices	Southern Co. and Southern Services Inc ----- 7971
	Meetings:	Southern Electric Generating Co ----- 7972
	Public Programs Panel ----- 7969	Speed Equipment Worlds of America Inc ----- 7972
		Westgate California Corp ----- 7972
		Zenith Development Corp ----- 7973

CONTENTS

SMALL BUSINESS ADMINISTRATION

Rules
Freedom of information; fee schedules 7898

SOIL CONSERVATION SERVICE

Notices
Environmental statements on watershed projects, etc.:
Lower Plum Creek, Tex..... 7955
Pine Run, Pa..... 7955
Shuqualak Creek, Miss..... 7955
Spring Canyon, Wyo..... 7956

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; National Highway Traffic Safety Administration.

Rules
Freedom of information..... 7915

TREASURY DEPARTMENT

See also Comptroller of the Currency; Internal Revenue Service; Monetary Offices.

Proposed Rules
Fiscal assistance to State and local governments; discrimination; correction 7935

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

<p>7 CFR 401 (2 documents) 7893 1207 7893 PROPOSED RULES: 1131 7943</p> <p>9 CFR PROPOSED RULES: 11 7944</p> <p>10 CFR 2 7893 9 7893</p> <p>12 CFR 23 7897 271 7897</p> <p>13 CFR 102 7898</p> <p>14 CFR 39 (2 documents) 7899, 7900 71 (3 documents) 7900, 7901 PROPOSED RULES: 71 (2 documents) 7944</p>	<p>17 CFR PROPOSED RULES: 210 7947 240 7947</p> <p>24 CFR 1914 (4 documents) 7922-7924</p> <p>26 CFR PROPOSED RULES: 1 7933 601 7934</p> <p>31 CFR 128 8019 PROPOSED RULES: 51 7935</p> <p>32 CFR 806 7901 851 7908 888e 7912</p>	<p>40 CFR 424 8030 PROPOSED RULES: 424 8338</p> <p>41 CFR 105-61 (2 documents) 7924, 7927</p> <p>45 CFR 1005 7929</p> <p>47 CFR 0 (2 documents) 7914 PROPOSED RULES: 73 (3 documents) 7945, 7946</p> <p>49 CFR 7 7915 1033 (2 documents) 7921, 7922</p> <p>50 CFR PROPOSED RULES: 16 7935</p>
---	---	--

FEDERAL REGISTER

7 CFR—Continued

PROPOSED RULES—Continued

1125	5373
1126	5373, 5784
1127	5373, 5784
1128	5373, 5784
1129	5373, 5784
1130	5373, 5784
1131	5373, 7943
1132	5373
1133	5373
1134	5373
1136	5373
1137	5373
1138	5373
1139	5373
1207	7099
1823	7454
1844	4919
1867	5538
1871	5539

8 CFR

100	4904
103	7236, 7238
204	6765
235	5347

9 CFR

73	6766
78	6639
92	7081
94	4904
97	7620
113	6476
151	6766
309	6323

PROPOSED RULES:

11	6978, 7944
50	5784
51	5787

10 CFR

2	7893
9	7893
140	7081
205	6767
211	5139, 6197, 6767
212	6200, 6323
709	7320
Ruling 1975-1	6768

PROPOSED RULES:

202	6684
205	6371, 6372
211	6371, 6372
215	6787
303	5452
305	5452
307	5452

12 CFR

4	7337
23	6200, 7897
201	4904, 6769
261	7620
271	7897
404	7238
522	5532
602	7339
811	5532

PROPOSED RULES:

225	5794
541	6870, 7681
545	6870, 7681
611	6980
613	6980
614	6980
615	6980
616	6980

13 CFR

102	-----
104	5139
114	6640
120	7622
122	7622
303	6640
309	6476
314	6769
402	6201

PROPOSED RULE:

402	6212
-----	------

14 CFR

36	6346
39	5347, 5348, 5754-5756, 6202, 6347, 6640, 6641, 6770, 6771, 7626, 7899, 7900
71	4905, 5140, 5348, 5493, 5494, 5756, 6202, 6203, 6347, 6641, 6772, 7082, 7435, 7436, 7627, 7900, 7901

73	6203, 7082
97	5494, 6641, 7627
103	5140
121	7436
250	6347
288	5141, 5756, 5758, 6642
310	7241
385	7241
389	7242
399	4906, 6772
401	7250
1206	7244

PROPOSED RULES:

25	6506
39	6509, 6675, 7677
45	5542
71	4937, 5167, 5373, 5542, 5543, 5793, 6369, 6509, 6510, 7464, 7677, 7678, 7944
73	6979
103	5168
135	6370
207	5371
208	5371
212	5371
214	5371
372	6512
373	6512
378	6512

15 CFR

50	6324
376	4907
804	5003
924	5349

PROPOSED RULES

9	7099
---	------

16 CFR

4	7251, 7628
13	6325, 6476, 6477, 6480-6482, 6773, 6774, 6777, 7082, 7085-7088, 7090, 7393, 7630-7637
16	7630-7635, 7637
304	5495
1500	6210

PROPOSED RULES:

437	6375, 6688
-----	------------

17 CFR

211	6483
230	6484
231	6483

17 CFR—Continued

239	6484
240	6644, 7394
241	6483
251	6483

PROPOSED RULES:

200	4944
210	7947
240	5169, 7947
250	5372
257	5372

18 CFR

1	7251
2	6204
3	7251
32	5142
154	6204
301	7325
701	7253

PROPOSED RULES:

35	7681
301	7685

19 CFR

10	5146, 6646
22	6952
141	6647
153	6647
171	5146
172	5146

PROPOSED RULES:

5	6988
---	------

20 CFR

01	6876
02	6876
03	6876
1	6876
2	6876
3	6876
10	6877
25	6891
200	7255
404	5497
405	5760, 7637
416	7639
618	5498
619	5502

PROPOSED RULES:

404	5163, 5540, 5739
405	6369
609	6984

21 CFR

2	6488, 7403
27	5762, 5772
121	5350, 6325, 6326, 6489, 7404
135	5147, 6952
135e	6326, 6490
146b	6490
151c	6490
310	5351
442	5355, 6778
630	6778
1240	5620
1250	5620
1304	6779
1308	6779

PROPOSED RULES:

1	7455
640	7456

FEDERAL REGISTER

22 CFR

6	7256
212	7327
701	7319
702	7319
703	7319
704	7319
705	7319
706	7319
730	7319

23 CFR

1	7647
630	6491
646	7647
820	6347

24 CFR

15	7259
20	6491
42	7602
200	6953
201	5356
203	6954
205	6647, 6954
207	6648, 6954
213	6648, 6954
220	6648, 6955
221	6648, 6955
232	4908, 5775, 6648, 6955
234	6955
235	6648, 6955
236	6648, 6955
241	6955
242	6648, 6955
244	6648, 6956
300	6956
570	5356, 5952
1914	4908, 4909, 5148, 6781-6785, 7922-7924
1915	5149, 5151, 6957, 6964, 7647, 7648
2205	5507

PROPOSED RULES:

82	7072
115	7676, 7677
221	6360

26 CFR

1	7437
---	------

PROPOSED RULES:

1	5537, 7453, 7661, 7933
54	7671
178	7098
601	

27 CFR

PROPOSED RULES:

4	6349, 6988
5	6354, 6988

28 CFR

0	6494, 7261
2	5357
15	4910
16	6494, 7261, 7265

29 CFR

40	6327
70	7266
102	6204, 7290
511	7091
516	7404
519	6328
529	5775
541	7091
552	7404

29 CFR—Continued

1208	7281
1904	7094
1952	6335, 4910
2100	6649
2300	5779
2601	5507

PROPOSED RULES:

5	7685
522	7100
1601	6676
1910	4930, 4932, 5792, 6515, 6986, 7686
1952	6987, 7686
2520	7464
2521	7464
2522	7464
2523	7464
2603	6989

30 CFR

506	7291
-----	------

31 CFR

1	7439
128	8020
223	6498
235	6785
500	7648

PROPOSED RULES:

51	5370, 7935
----	------------

32 CFR

286	4911
286a	7242, 7300
290	7301
292	7292
295	6336
296	4911
297	7242
298	7289
299	7300
806	7901
812	7407
851	7908
880	6499
881	5362
888e	7912
1206	7244
1285	7282
160C	7298
1811	6204
1900	7294
2100	7316
2200	7303

PROPOSED RULES:

1480	7682
------	------

32A CFR

VI	6500, 6501
----	------------

33 CFR

62	6338, 6971
110	6339
117	5147, 7095
127	5147, 5508, 6205, 7095
160	6653
204	6502

PROPOSED RULES:

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

34 CFR

234	6780
-----	------

PROPOSED RULES:

258	6304
-----	------

36 CFR

299	5347
404	7303
405	7304
602	6205

PROPOSED RULES:

214	6211
603	4938

37 CFR

1	5158, 6339
2	6361

PROPOSED RULES:

1	6361
2	6361
4	6361

38 CFR

3	6971
---	------

PROPOSED RULES:

3	6688
---	------

39 CFR

111	6206
112	6206
123	6206
124	6206
134	6207
144	6207
154	6207
156	6207
159	6207
161	6207
163	6207
165	6207
171	6207
261	7331
262	7331
265	7330
3001	6972

40 CFR

35	5363
50	7042
51	7042
52	5508, 5523
53	7044
85	5524
180	6340, 6502, 6972
240	5159
241	5159
405	6434
406	6435
407	6436
408	6437
409	6439
411	6440
412	6440
414	6441
415	5523
417	6441
423	7095
424	8030
426	6444
427	6444
430	6445
431	6446
432	6446
1510	6282

PROPOSED RULES:

50	7064
51	7064

FEDERAL REGISTER

40 CFR—Continued

PROPOSED RULES—Continued

53	7064
85	5169
415	7106
417	7580
424	8038
428	7109

41 CFR

Ch. 3	4913
4-1	6973
4-5	6976
4-16	6977
5A-1	5781
5A-5	6655
9-7	5781
9-16	5781
Ch. 9	5364
14-3	5782
Ch. 109	5364
101-26	7619
101-32	7096
101-39	6502
105-61	7924, 7927
114-30	5525
114-38	5526
114-39	5525, 5526
114-40	5526
114-42	5526
114-45	5526
114-46	5527
114-47	5527
114-52	5527
114-60	5527

PROPOSED RULES:

50-250	6982
114-50	6667

42 CFR

72	5620
PROPOSED RULES:	
32	7460
110	6602

43 CFR

2	7304, 7449
4	5527

PUBLIC LAND ORDERS:

1744 (Removed by PLO 5468)	5753
5463	5365
5464	5753
5465	6208
5466	5753
5467	5753
5468 (Revoked PLO 1744 of October 6, 1958)	5753
5470 (Amends E.O. of July 22, 1915; E.O. of May 26, 1931, and E.O. 5843)	5754
5843 of April 28, 1932)	5754
5471	5754
5472	6208
5473	6207
5474	6340
5475	6341

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

5476	6208
5477	6207
5478	6341
5479	6341
5480	6342
5481	6342
5482	6342
5483	6342
5488	6503
5484	6342
5485	6343
5486	6343
5487	6503
5489	7450
5490	7450

PROPOSED RULES:

2	5783
3300	7673
4110	7453
4120	7453
4130	7453

45 CFR

121	7411
121b	7413
121c	7414
121d	7416
121e	7419
121f	7419
121g	7422
121h	7422
121i	7424
121j	7428
142	6343
177	7586
1005	7929
1701	7652

PROPOSED RULES:

144	7100
175	7100
176	7100
205	5541
220	6505
249	6368

46 CFR

34	6208
76	6209
95	6209
181	6209
193	6209
281	7430
308	7097
310	6655
503	7311
531	5528

47 CFR

0	6473, 6656, 7311, 7315, 7451, 7914
1	5365
2	6209, 6474, 6977
3	6474
5	6474
13	5366

47 CFR—Continued

21	4914
73	4915, 4916, 6209, 6449, 6474, 6977
76	6209
81	5366
83	5366, 6209
87	5366
89	5159, 5367
91	5159, 5367
93	5159, 5367
95	5367
97	5367

PROPOSED RULES:

2	7679
42	6676
73	4939-4942, 5794, 6513, 7945, 7946
76	5371
81	4942, 7680
87	7678
89	7678
91	7678
93	7678
95	7680

49 CFR

1	5159, 6656
7	7915
192	6345
225	5368
570	5159
582	4918
1033	4918, 5161, 5369, 7452, 7921, 7922
1064	7097
1241	6660
1250	6660
1250	6660
1251	6661
1300	6504, 7654
1303	6504, 7655
1304	6504, 7655
1306	6504, 7656
1307	6504, 7657
1308	6504, 7658
1309	6504, 7659

PROPOSED RULES:

391	6510
571	4938, 5529
581	4938
1057	6981
1100	4942
1102	5374
1104	5374

50 CFR

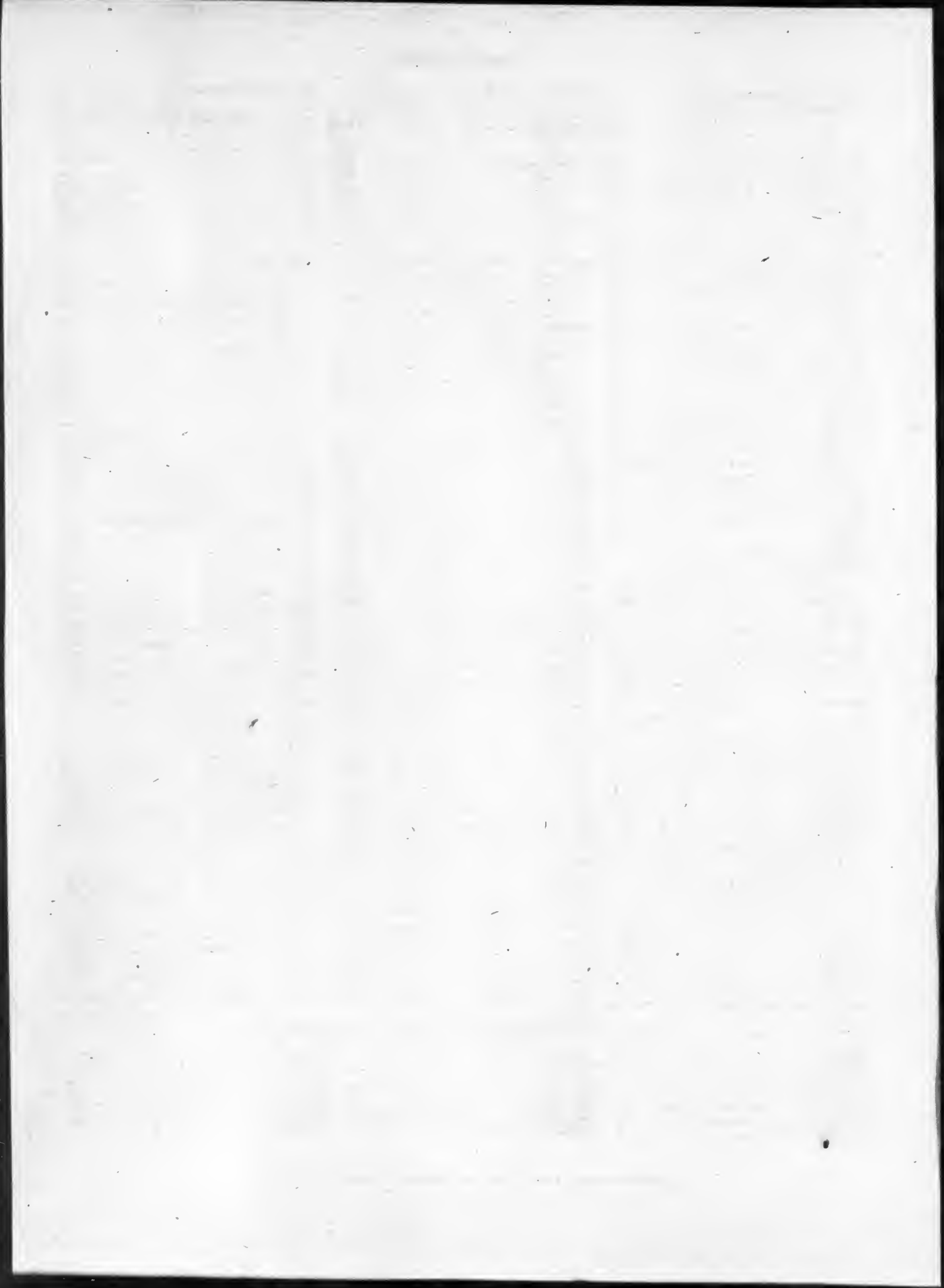
18	6661
28	4917, 5530
33	5530, 5531, 6663, 7660

PROPOSED RULES:

16	7935
18	6664
219	4930
401	6786

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date	Pages	Date	Pages	Date
4891-5125	Feb. 3	6197-6312	10	6951-7080	18
5127-5345	4	6313-6447	11	7081-7390	19
5347-5492	5	6449-6637	12	7391-7615	20
5493-5737	6	6639-6759	13	7617-7891	21
5739-6196	7	6761-6949	14	7893-8060	24



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1975 CROP

The county listed below is hereby deleted from the above-titled appendix to 7 CFR Part 401, which was published in the FEDERAL REGISTER on December 2, 1974 (39 FR 41723-41724), which were designated for soybean crop insurance for the 1975 crop year pursuant to the authority contained in 7 CFR 401.101.

ALABAMA

Talladega

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

M. R. PETERSON,
Manager.

[FR Doc.75-4865 Filed 2-21-75; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

The county listed below is hereby deleted from the above-titled appendix to 7 CFR Part 401, which was published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19446), which were designated for cotton crop insurance for the 1975 crop year pursuant to the authority contained in 7 CFR 401.101.

ALABAMA

Talladega

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

M. R. PETERSON,
Manager.

[FR Doc.75-4866 Filed 2-21-75; 8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 4]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Payments of Assessments

This amendment clarifies the designated handler's responsibility to pay assessments by deleting the proviso that

a producer may pay assessments on his potatoes on behalf of the designated handler.

Notice was published in the January 15, 1975, FEDERAL REGISTER (49 FR 2697) regarding the proposal to amend § 1207.512 *Designated handler*, which was recommended by the National Potato Promotion Board on December 3, 1974. The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207). The plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The notice afforded interested persons an opportunity to file written comments not later than January 31, 1975. None was filed.

The existing section provides the producer may elect to pay the assessment on his potatoes on behalf of the designated handler. This was an accommodation to the handler but in no way relieved him of the responsibility under any circumstances.

Although the rules and regulations specify the designated handler is responsible for payment, a number of handlers have chosen to interpret this producer option as relieving the handler of this responsibility. To remove any possible doubt, this amendment deletes the applicable proviso which permitted this option.

After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that potatoes are (1) now being handled which should be covered by the amended rule; (2) such a change was recommended by the National Potato Promotion Board on December 3, 1974; (3) information regarding this rule change was published in the FEDERAL REGISTER on January 15, 1975; and (4) compliance with this amendment will not require any special preparation on the part of handlers subject thereto which cannot be completed on or before the effective date hereof.

The amendment is as follows:

In paragraphs (b) and (c) of § 1207.512 *Designated handler*, the following provisos are deleted:

In § 1207.512(b), the following proviso is deleted: "Provided, That such producer-handler may elect to pay the assessments on his potatoes on behalf of the designated handler."

In § 1207.512(c), the following proviso is deleted: "Provided, That the producer may elect to pay the assessment on his potatoes on behalf of the designated handler."

(7 U.S.C. 2611-2627; 84 Stat. 2041)

Dated: February 19, 1975, to become effective February 28, 1975.

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

[FR Doc.75-4917 Filed 2-21-75; 8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

PART 9—PUBLIC RECORDS

Implementation of the Freedom of Information Act

Notice is hereby given of the adoption on February 19, 1975 of amendments to the Nuclear Regulatory Commission's regulations in Title 10, Chapter I, Code of Federal Regulations, Parts 2, "Rules of Practice", and 9, "Public Records". The amendments reflect certain provisions contained in the 1974 amendments to the Freedom of Information Act, Pub. L. 93-502, enacted November 21, 1974, and effective February 19, 1975. On January 15, 1975 the Atomic Energy Commission published proposed amendments to Part 9 to revise its schedule of fees for producing copies of records (40 FR 2714). Subsequently, in accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and related regulatory functions of the former Atomic Energy Commission. No comments were received on the proposed rule published on January 15, 1975.

The amendments set forth below establish procedures to be followed by persons seeking records from the NRC and the actions to be taken by the NRC with respect to such requests. The amendments provide that copies of records may be requested in person at the NRC Public Document Room and that written requests for copies of records shall be addressed to the Director, Office of Administration. If the Director, Office of Administration, determines that a request for records should be denied in whole or in part, that determination may be appealed to the Executive Director for Operations, who will make a decision whether or not

RULES AND REGULATIONS

to uphold the initial determination. For advisory committees, boards, panels, and offices reporting to the Commission, and the Office of the Executive Legal Director, the initial determination on a request for records shall be made by the head of such board, panel, or office, or the Advisory Committee Management Officer, as appropriate, rather than the Director, Office of Administration. An appeal of an adverse determination shall be made to the Commission instead of the Executive Director for Operations.

In conformity with the recent Freedom of Information Act amendments, the amendments set forth below provide for specified time limits within which Commission action, both initially and on appeal, must be accomplished. The Commission's regulations also are amended to correspond to the Freedom of Information Act amendments with respect to those records which are exempt from disclosure.

The amendments provide a schedule of fees to be charged for the production of records which reflect only the direct cost of the services provided. The charges for searching for requested records are lower than those which were published by the Atomic Energy Commission for comment on January 15, 1975 (40 FR 2714). The charge for record searches by clerical and administrative employees has been reduced from \$5.70 per hour to \$5.00 per hour, and the charge for searches by professional or supervisory employees has been reduced from \$16.00 per hour to \$12.00 per hour.

The amendments also make certain minor conforming changes in Part 9 required by the Energy Reorganization Act to reflect the establishment of the Nuclear Regulatory Commission on January 19, 1975.

Because the amendments relate to agency organization, practice, and procedure, or conform to the requirements of the Freedom of Information Act amendments of November 21, 1974, or the Energy Reorganization Act of 1974, the Commission has found that notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists for making the amendments effective without the customary 30 day notice.

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, as amended by Pub. L. 93-502, November 21, 1974, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2 and 9 are published as a document subject to codification.

1. The term "AEC" is changed to "NRC" in § 2.790 and paragraphs (a) (1) and (a) (8) are revised to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) . . .

(1) Records (i) which are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (ii) which are in fact properly

classified pursuant to such Executive order;

(8) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; or

2. Paragraph (d) of § 2.790 is amended by substituting "§ 9.12" for "§ 9.10".

3. The term "AEC" is changed to "NRC" wherever it appears in 10 CFR Part 9.

§ 9.1 [Amended]

4. In § 9.1 and Appendix A, the term "Atomic Energy Commission" is changed to "Nuclear Regulatory Commission".

5. In § 9.2(a), the words "the agency established by the Atomic Energy Act of 1954, as amended", are changed to "the Nuclear Regulatory Commission, established by the Energy Reorganization Act of 1974".

6. In § 9.2(c), the words "section 21 of the Atomic Energy Act of 1954, as amended", are changed to "section 201 of the Energy Reorganization Act of 1974".

7. In § 9.2, paragraph (d) is revised, paragraph (e) is redesignated paragraph (f) and new paragraphs (e) and (g) are added to read as follows:

§ 9.2 Definitions.

As used in this part:

(d) "Government agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(e) "Office", unless otherwise indicated, means all offices and divisions of the NRC reporting to or through the Executive Director for Operations, except for the Office of the Executive Legal Director.

(g) "Working days" mean Monday through Friday, except legal holidays.

§ 9.3 [Removed]

8. Section 9.3 is deleted.

9. Paragraphs (b) and (c) of § 9.5 are redesignated as paragraphs (c) and (d) respectively, a new paragraph (b) is

added, and paragraphs (a) (1) and (7) are revised to read as follows:

§ 9.5 Exemptions.

(a) The following types of records are exempt from public disclosure under § 9.4:

(1) Records (i) which are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (ii) which are in fact properly classified pursuant to such Executive order.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

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

10. Section 9.7 is revised to read as follows:

§ 9.7 Publicly available records.

(a) The NRC Public Document Room is located at 1717 H Street, NW., Washington, D.C., and is open between 8:30 a.m. and 5:00 p.m. on Monday through Friday, except legal holidays. The following records or documents are available at the NRC Public Document Room for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC made in the adjudication of cases;

(2) Statements of policy and interpretations which have been adopted by the NRC and have not been published in the FEDERAL REGISTER;

(3) A record of the final votes of each member of the Commission in every proceeding;

(4) Nuclear Regulatory Commission rules and regulations;

(5) Nuclear Regulatory Commission Manual and instructions to NRC personnel that affect any member of the public;

(6) Current indexes of the foregoing records issued, adopted or promulgated after July 4, 1967.

(b) The NRC will publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of the indexes

or supplements thereto, specified in paragraph (a) (6) of this section, unless it determines by order published in the FEDERAL REGISTER that publication would be unnecessary and impracticable, in which case the NRC will provide copies of such indexes on request at a cost not to exceed the direct cost of reproduction as provided in § 9.14.

11. Sections 9.8, 9.9, and 9.10 are revoked and new §§ 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, and 9.16 are added to read as follows:

§ 9.8 Requests for records.

(a) Copies of records may be requested in person at the NRC Public Document Room, 1717 F Street, NW., Washington, D.C. Written requests for copies of records shall be addressed to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The request shall clearly state on the envelope and in the letter that it is a "Freedom of Information Act Request". A request that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Director, Office of Administration.

(b) All requests for copies of records must reasonably describe the record sought in sufficient detail to permit the identification of the requested record. Where possible, specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the records should be supplied by the requester. If a request does not reasonably describe the record sought in sufficient detail to permit its identification, the requester will be so informed by the Director, Office of Administration, or his designee, within 10 working days after receipt of the request and requested to submit additional information regarding the request or to meet with appropriate NRC personnel in order to clarify the request.

(c) If the record for which a request is made has been reasonably described pursuant to paragraph (b) of this section and is available in the NRC Public Document Room, the requester will be informed within 10 working days after receipt of the request by the Director, Office of Administration, or his designee, of the time and place where the record will be made available, and the estimated cost for furnishing copies of the record. In order to obtain copies of records in the most expeditious manner, a person may request copies of records in person at the NRC Public Document Room, or may open an account at the Public Document Room with the private firm contractually responsible for reproducing copies of NRC records.

(d) Requested records which have been reasonably described pursuant to paragraph (b) of this section but which are located at places other than the NRC Public Document Room or NRC headquarters may, at the discretion of the NRC, be made available for inspection and copying at such other locations within 10 working days after receipt of the request. For example, contracting officers may authorize an NRC contractor

to disclose records in its possession at the contractor's facility or, if the record is in the possession of a subcontractor, at a subcontractor's facility. To the extent applicable, the charges specified in § 9.14 for locating and reproducing copies of records shall be applied to records made available pursuant to this paragraph.

(e) A request for a record which is not available in the NRC Public Document Room shall be promptly forwarded by the Director, Office of Administration, or his designee, to the head of the office primarily concerned with the records requested. The Director, Office of Administration, or his designee will maintain, and the Executive Legal Director or his designee will be furnished, a copy of each request referred to another office, together with the following information: (1) the date the request was received; (2) the office to which it was referred; and (3) the date on which it was referred.

§ 9.9 Initial determination.

(a) If, after consultation with the Executive Legal Director or his designee, the head of the office to which a request has been referred finds that the record sought is exempt from production or disclosure, but that its production or disclosure is not contrary to the public interest and will not adversely affect the rights of any person, the head of the responsible office will authorize the production or disclosure of the record, and will notify the requester within 10 working days after receipt of the request that the records will be promptly made available.

(b) Except as provided in § 9.15, if the head of the office to which a request has been referred finds that a request should be denied in whole or in part, he will submit such finding to the Director, Office of Administration, in sufficient time to comply with the time limits set forth in this paragraph for a response by the Director. The Director, Office of Administration, will, after consultation with the Executive Legal Director or his designee, make an independent determination whether to comply with or deny the request. If the Director, Office of Administration, determines that the record sought is exempt from production or disclosure pursuant to § 9.5(a), and its production or disclosure is contrary to the public interest or will adversely affect the rights of any person, the Director, Office of Administration, will notify the requester in the manner provided in § 9.10 within 10 working days after receipt of the request.

(c) The 10 working day period for response to a request for records provided in paragraphs (a) and (b) of this section may be extended for unusual circumstances as provided in § 9.13.

(d) In exceptional circumstances where it does not appear possible to complete action on the request within the maximum 20 working day limit as provided in § 9.13, the Director, Office of Administration may seek an agreement with the requester for a specific extension of time in which to act upon the request.

Any such agreement shall be confirmed in writing.

(e) If the head of the office to which a request has been referred or the Director, Office of Administration, does not respond to a request within the 10 working day period, or within such extended period as provided in this Part, the requester may treat such delay as a denial of the request and immediately appeal to the Executive Director for Operations as provided in § 9.11(a) or to a district court as provided in § 9.11(c).

§ 9.10 Form and content of responses.

(a) When a requested record has been identified and is available, the head of the office to which a request has been referred or the Director, Office of Administration, will promptly furnish the record or notify the requester as to where and when the record will be available for inspection and copying. The notification will also advise the requester of any applicable fees under § 9.14.

(b) A reply denying a request for a record will be in writing signed by the Director, Office of Administration, and will include:

(1) The reason for the denial;

(2) A reference to the specific exemption under the Freedom of Information Act and the Commission's regulations authorizing the withholding of the record;

(3) The name and title or position of each person responsible for the denial of the request, including the head of the office recommending denial of the request; and

(4) A statement that the denial may be appealed within 30 days from the receipt thereof to the Executive Director for Operations.

(c) A copy of each letter granting or denying requested records will be maintained by or furnished to the Director, Office of Administration, or his designee.

§ 9.11 Appeal from initial determination.

(a) Except as provided in § 9.15, a requester may within 30 days of receipt of a notice of denial of the request for records pursuant to this Part appeal such denial to the Executive Director for Operations. The appeal shall be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall clearly state on the envelope and in the letter that it is an "Appeal from Initial FOIA Decision".

(b) Except as provided in § 9.13, the Executive Director for Operations will make a determination with respect to any appeal pursuant to this section within 20 working days after the receipt of such appeal.

(c) If on appeal the denial of the request for records is upheld in whole or in part, the Executive Director for Operations will notify the person making such request of the denial, including the exemption relied upon, a brief explanation of how the exemption applies to the records withheld, and the reasons for asserting the exemption. The requester shall be informed that the denial is a

final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(d) Copies of all appeals and written determinations on appeal will be furnished by the Executive Director for Operations, or his designee, to the Director, Office of Administration, or his designee.

§ 9.12 Production or disclosure of exempt records.

(a) Records of the kind specified in § 9.5(a) shall not be produced or disclosed by NRC personnel, or NRC contractors who have possession of such records, except in accordance with this Part or §§ 2.744 and 2.790 of this chapter.

(b) NRC personnel and NRC contractors from whom a record exempt from disclosure is sought shall follow the procedure specified below:

(1) If an exempt record is sought from NRC personnel, the request or subpoena shall promptly be forwarded to the Director, Office of Administration, who shall process the request as provided in this Part or take such other action as may be appropriate.

(2) If an exempt record is sought from an NRC contractor, the request or subpoena shall promptly be forwarded to the NRC contracting officer administering the contract who will then follow the procedure specified in paragraph (b) (1) of this section.

(3) NRC personnel or NRC contractors who are required by a subpoena to produce or disclose a record of the types included in § 9.5(a) shall appear in response thereto and shall respectfully decline to produce or disclose the record described, basing refusal on this paragraph, unless production or disclosure has been authorized pursuant to this Part.

§ 9.13 Extension of time for response.

(a) In unusual circumstances specified in paragraph (b) of this section, the time limits prescribed in § 9.9 or § 9.11 may be extended by not more than 10 working days by written notice to the person making such request, setting forth the reasons for such extension and the date on which a determination is expected to be dispatched.

(b) For purposes of this section, "unusual circumstances" means:

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

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

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

(c) Any extension of time limits prescribed in §§ 9.9 and 9.11 may not exceed a combined total of 10 working days per request.

§ 9.14 Charges for production of records.

(a) Requests for the reproduction of records at the NRC Public Document Room located in Washington, D.C. will be honored upon payment of the following charges:

(1) Sizes up to 8½ x 14 inches made on office copying machines—\$0.08 per page copy. Larger sizes—\$0.08 for each 8½ x 14 inch unit or fraction thereof per page copy. Microfiche—8½ x 11 inches—\$0.15 per page copy.

(2) The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(3) The charges for requests made through the mails will be the same as paragraph (a) (1) and (2) of this section except that shipping or mailing costs shall be added. If the amount of any mailed-in order is less than \$2.00, excluding the shipping or mailing costs, the customer shall be charged a minimum of \$2.00 plus costs of shipping or mailing.

(b) Requests for copies of records to be reproduced and furnished by the NRC at locations other than the NRC Public Document Room located in Washington, D.C., will be honored at the following charges:

(1) Sizes up to 8½ x 14 inches made on office copying machines—\$0.10 per page copy. Larger sizes—\$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.

The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(3) If a request is for records not located in the NRC Public Document Room, a charge of \$5.00 per hour will be made for searching for the requested records by clerical or administrative employees and a charge of \$12.00 per hour for searching by professional or supervisory employees. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure, are found. Fractional parts of an hour will be charged on a pro rata basis for search functions, except that no charge will be made for manual searching if it takes one hour or less to complete.

(4) When a computer search is necessary in order to fulfill a request, the computer search charge will be the actual direct cost of the computer search.

(5) Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit, a request that is expected to involve assessed fees in excess of \$25.00 shall be accompanied by a deposit equal to the estimated costs of responding to the request. For requests involving anticipated costs of reproduction and search which are in excess of \$25.00, the NRC will so advise the requester, and the request will not be deemed to have been

received until a deposit equal to the estimated costs is received or the requester has agreed to bear the anticipated costs. Fees may be required to be paid in full prior to the issuance of the requested records.

(6) Refunds of unused deposits or additional billings will be made to adjust the anticipated cost to the actual cost.

(c) In compliance with the Federal Advisory Committee Act, transcripts of testimony in NRC proceedings, which are transcribed by a reporting firm under contract with the NRC, may be purchased directly from the reporting firm at the cost of reproduction as provided for in the contract with the reporting firm, or may be purchased from the NRC at the cost of reproduction as provided in paragraphs (a) and (b) of this section.

(d) Material which has been copyrighted will not be reproduced in violation of the copyright laws.

(e) The Director, Office of Administration, or his designee, or the Executive Director for Operations on appeal, will waive or reduce any fee required by this section upon a determination that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 9.15 Committees, boards, panels, and offices reporting to the Commission.

(a) For boards, panels, and offices reporting directly to the Commission, and the Office of the Executive Legal Director, the initial determination on a request for records required by § 9.9 shall be made by the head of such board, panel, or office, or his designee, instead of the Director, Office of Administration, and an appeal of an adverse determination shall be made to the Commission instead of the Executive Director for Operations. Any denial of a request shall be signed by the head of the board, panel, or office making the initial determination and shall contain the information specified in § 9.10 except that the response will note that any appeal shall be to the Commission.

(b) The Advisory Committee Management Officer shall make the initial determination required by § 9.9 on requests for records of advisory committees established pursuant to Part 7 of this chapter, including the Advisory Committee on Reactor Safeguards, and an appeal of an adverse determination shall be to the Commission. Any denial of a request will be signed by the Advisory Committee Management Officer and will contain the information specified in § 9.10 except that the response will note that any appeal shall be to the Commission.

(c) The head of boards, panels, and offices reporting directly to the Commission, and the Advisory Committee Management Officers for advisory committees established pursuant to Part 7 of this chapter, will make the initial determination required by paragraphs (a) and (b) of this section only after consultation with the Office of the General Counsel.

§ 9.16 Annual Report to Congress.

(a) On or before March 1 of each calendar year, the Director, Office of Administration, will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report will include—

(1) the number of determinations made by the NRC not to comply with requests for records made to the NRC under this Part and the reasons for each such determination;

(2) the number of appeals made by persons under § 9.11, the results of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4) (F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by the NRC regarding this Part;

(6) a copy of the fee schedule and the total amount of fees collected by the NRC for making records available under this Part; and

(7) such other information as indicates efforts to administer fully the provisions of 5 U.S.C. 552.

(b) A copy of each report to the Congress made pursuant to paragraph (a) of this section will be made available for public inspection and copying in the NRC Public Document Room.

12. In Appendix A the words "Director, Division of Classification", are amended to read "Director, Office of Administration", and the words "General Manager or Director of Regulation, as appropriate", are amended to read "Executive Director for Operations" wherever they appear.

13. In paragraph 1.c. of Appendix A, the words "§ 9.9 of the AEC regulations (10 CFR 9.9)" are amended to read "§ 9.14 of the NRC regulations (10 CFR 9.14)".

14. Paragraph 2.d. of Appendix A is amended to read as follows:

(d) In the event the Director, Office of Administration, or the Classification Review Committee in the case of submission to it under a or b above, determines that the information is unclassified but the information appears to be of the type exempt from public disclosure as set forth in § 9.5 of the NRC regulations (10 CFR 9.5), the requester shall be so notified in writing as provided in § 9.10 (b) of this chapter.

15. In paragraph 3 of Appendix A, the phrase "which remain in effect in accordance with the Energy Reorganization Act of 1974", is added after the phrase "Atomic Energy Act".

16. In paragraph 6 of Appendix A, the word "longstanding" is deleted, and the phrase "atomic energy field" is changed to "nuclear energy field".

Effective Date: These amendments become effective on February 24, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); Pub. L. 93-502, 88 Stat. 1561 (5 U.S.C. 552))

Dated at Washington, D.C. this 19th day of February 1975.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc. 75-4957 Filed 2-21-75; 8:45 a.m.]

Title 12—Banks and Banking

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

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

Delay in Effective Date

The Comptroller of the Currency is amending the regulation governing statements of business interests of directors and principal officers of national banks 12 CFR Part 23, 39 FR 41735, December 2, 1974; 40 FR 6200, February 10, 1975). The amendment extends the effective date of the regulation to May 1, 1975, and is issued for the purpose of affording additional time for reconsideration of certain provisions.

Since this amendment merely delays the effective date, it is hereby determined that further proposed rulemaking and public participation procedures are not in the public interest. Accordingly, Part 23 of 12 CFR is amended as follows:

1. In § 23.3, the second sentence is revised to read as follows:

§ 23.3 Filing of statement.

* * * The director or principal officer shall complete and file Forms CC-9030-29 with the designated bank within 30 days after becoming a director or principal officer or by May 1, 1975, whichever is later. * * *

2. In § 23.1, paragraph (a) is revised to read as follows:

§ 23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481, 1818, and 1820 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest, Form CC-9030-29, by directors and principal officers of national banks. An initial statement must be filed by May 1, 1975, or within 30 days after attaining the position of director or principal officer of a national bank, whichever is later.

3. The effective date is revised to read as follows:

Effective date. This part becomes effective on May 1, 1975.

Effective date. This amendment becomes effective on February 24, 1975.

Dated: February 18, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc. 75-4964 Filed 2-21-75; 8:45 am]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of 1974 Amendments to the Freedom of Information Act

The purpose of these revisions is to implement the 1974 Amendments to the Freedom of Information Act (5 U.S.C. 552). The amended regulations will (1) provide specific time limits for making a determination as to the availability of requested information (2) clearly identify the official(s) responsible for any initial or final denial of a request for information and (3) revise the Committee's Rules with regard to exemption (1) of the Freedom of Information Act.

Additionally, on January 27, 1975 there was published in the FEDERAL REGISTER (40 FR 4022) a notice of proposed rulemaking with regard to a proposed fee schedule applicable to all constituent units of the Committee. The Committee has considered all aspects of the proposed fee schedule and the proposed fee schedule is hereby adopted with the following change: addition of a provision for the waiver of search and duplication charges of less than \$2. The new fee schedule is incorporated herein as § 271.4(f) of the revised Rules Regarding Availability of Information.

In order to accomplish these revisions and to otherwise update the Rules Regarding Availability of Information, §§ 271.4 and 271.6 are amended, effective February 19, 1975, in the following respects:

(1) Section 271.4 is amended by the modification of paragraph (c) and the addition of new paragraphs (d), (e) and (f) to read as follows:

§ 271.4 Records available to the public on request.

(c) *Obtaining access to records.* Any person requesting access to records of the Committee shall submit such request in writing to the Secretary of the Committee. In any case in which the records requested, or copies thereof, are available at a Federal Reserve Bank, the Secretary of the Committee may so advise the person requesting access to the records. Every request for access to records of the Committee shall state the full name and address of the person requesting them and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty. The Secretary of the Committee shall determine within ten working days after receipt of a request for access to records of the Committee whether to comply with such request; and he shall immedi-

ately notify the requesting party of his decision, of the reasons therefor, and of the right of the requesting party to appeal to the Committee any refusal to make available the requested records of the Committee.

(d) *Appeal of denial of access to records of the Committee.* Any person who is denied access to the records of the Committee, properly requested in accordance with paragraph (c) of this section, may file, with the Secretary of the Committee, within ten days of notification of such denial, a written request for review of such denial. The Committee, or such member or members of the Committee may designate (pursuant to § 272.4(c) of its Rules of Procedure) shall make a determination with respect to any such appeal within 20 working days of its receipt, and shall immediately notify the appealing party of the decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Secretary of the Committee to make available the requested records.

(e) *Extension of time requirements in unusual circumstances.* In unusual circumstances as provided in 5 U.S.C. 552 (a) (6) (b), the time limitation imposed upon the Secretary of the Committee or the Committee or its designated representative(s) in paragraphs (c) and (d) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(f) *Fee schedule.* A person requesting access to or copies of particular records shall pay the costs of searching and copying such records at the rate of \$10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Committee. Documents may be furnished without charge or at a reduced charge where the Secretary of the Committee or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public, or where total charges are less than \$2.

(2) Section 271.6 is amended by the deletion of the concluding sentence in that section and the revision of paragraph (a) to read as follows:

§ 271.6 Information not disclosed.

(a) is exempted from disclosure by statute or is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and is in fact properly classified pursuant to such executive order.

(3) The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments (except for § 271.4(f)) because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 19, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 75-4887 Filed 2-21-75; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS
ADMINISTRATION

[Rev. 2, Amdt. 1]

PART 102—DISCLOSURE OF
INFORMATION

Document Search Fee Schedules

On January 17, 1975, there was published in the FEDERAL REGISTER (40 FR 3014) a notice of proposed rulemaking to amend the Small Business Administration Regulation which, among other things, implements the Freedom of Information Act, 5 U.S.C. 552, in order to give effect to certain provisions contained in the 1974 Freedom of Information Act Amendments, Pub. L. 93-502, enacted November 21, 1974, and effective February 19, 1975.

The amendment establishes the schedule of fees for document search and duplication, and other information services. It reflects the Agency determination that the periodic publication and distribution of the public index required by the Act is unnecessary and impracticable. It also adds the District of Columbia to the provision setting forth the jurisdictions available for judicial review of agency refusals to disclose; adds a provision establishing administrative deadlines for determining requests for information and records, and appeals of agency denials of such requests, as well as requiring the identification of persons responsible for such denials; and adds a provision requiring the disclosure of portions of records segregable from nondisclosable portions.

Agency regulations already cover other requirements of the 1974 Amendments, e.g., the extent to which requests must describe agency records and the circumstances under which fees will be waived in the public interest.

Interested persons were given 30 days in which to submit written comments or suggestions regarding the proposed amendment. Since more has been received, the proposed amendment is adopted without change, except for minor technical corrections, as set forth below, and is effective February 19, 1975, to conform to the effective date of Pub. L. 93-502.

Dated: February 19, 1975.

THOMAS S. KLEPPE,
Administrator.

Chapter I, Part 102, Title 13 of the Code of Federal Regulations is hereby amended as follows:

1. By adding new paragraphs (k) and (l) to § 102.3 as follows:

§ 102.3 Information and records available to the public and exempt from disclosure.

(k) *Disclosure of segregable portions of records.* If a record contains both disclosable and nondisclosable information, any reasonably segregable portion of such record shall be provided to the requester after deletion of the nondisclosable portions.

(l) *Public Index of SBA materials.* The Public Index providing identifying information for the public as to matters issued, adopted, and promulgated by the Agency is available for inspection and copying. The Agency has determined that periodic publication and distribution is unnecessary and impracticable as permitted by the Freedom of Information Act.

2. By adding a new paragraph (f) to § 102.4 as follows:

§ 102.4 Public access to information and records.

(f) *Written requests under the Freedom of Information Act.*

(1) *Time limitations.* If a request for information and records is made in writing, it shall be considered a request under the Act and a determination whether, or the extent to which, the Agency will comply with the request shall be made within 10 working days after receipt of the request by the Agency. In unusual circumstances the Act permits an extension of up to 10 days if the Agency gives written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be sent. As defined in the Act, "unusual circumstances" means:

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

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

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

(2) *Notice of denial of request.* A denial of a request or any part thereof under this paragraph must be in writing, and must advise the requester of a right to appeal to the Assistant Administrator for Congressional and Public Affairs, Small Business Administration, Washington, D.C. 20416, by letter or other written communication containing a description of the information requested, the name and place of employment of the SBA official or employee who denied

the request, the reason, if any, given for the denial, and such other pertinent facts as the requester deems appropriate. The notice of denial must also contain the names and titles or positions of each person responsible for the denial of the request.

3. By amending paragraphs (a) and (e) of § 102.5 to read as follows:

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied may submit a written appeal to the Agency. A failure by the Agency to act on a request within the time limit imposed by § 102.4(f) of this part shall be deemed a denial for purposes of appeal.

(e) *Agency decision.* (1) *Who decides.* Final Agency decisions on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Congressional and Public Affairs, who shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notice of the decision.

(2) *Notice of decision.* If the decision upholds the refusal to disclose, the notice shall set forth the exemptions from disclosure under the Freedom of Information Act which form the basis of the decision. The notice shall also advise that judicial review is available on complaint to the district court of the United States in the district in which the appellant resides, or has his principal place of business, or in which the Agency records are located, or in the District of Columbia.

(3) *Time limitations.* The decision on the appeal to determine whether, or the extent to which, the Agency will comply with the request for information or records shall be made within 20 working days after receipt of such appeal. In unusual circumstances as defined in § 102.4(f) (1) of this part, an extension of up to 10 days, less any time used under the extension permitted by § 102.4(f) (1), is authorized, if the Agency sends written notice to the requester setting forth the reasons for the extension and the date on which the decision is expected to be sent.

4. By amending § 102.6 to read as follows:

§ 102.6 Fees.

(a) *Basis.* Fees for document search and duplication relating to records and information requested under the Freedom of Information Act are set to recover direct costs involved. Fees for compilations or complying with requests for information not currently in identifiable form or existence, are based on the Federal User Charge Statute, 31 U.S.C. 483a and may include direct and indirect costs. No fee shall be charged for time spent in resolving legal or policy issues, or where the request for information or records is denied, or where the requested information or records are not found. A document search includes time spent

searching within documents and files of documents to determine which parts thereof are subject to or exempt from public disclosure.

(b) *Method of payment.* Fees may be paid in cash, by personal check, or by other form of remittance suitable to SBA. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved and the fee will, in the opinion of the Agency, probably exceed \$100.00, the person requesting the service shall pay whatever is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) The charge for duplication will be ten (10) cents per page.

(2) The charge for search of SBA records and duplication by clerical personnel will be at the rate of \$5.00 per hour.

(3) The charge for search of SBA records by professional and managerial personnel will be at the rate of \$9.00 per hour.

(4) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use based upon the types of computer and other equipment and the time they are utilized, the cost of supplies and materials necessary to produce the requested records, and overhead expense. It is not practicable to establish fixed-prices for such services. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(5) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

(d) *Waiver of Fees.* Fees will be waived when less than \$5.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Agency the request will not impose an undue burden or expense upon it and the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; and (5) from a low-income person and the fee would impose a financial hardship.

[FR Doc.75-4945 Filed 2-21-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-6-AD; Amdt. 39-2096]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/727/737 Series Airplanes

Cracks have been discovered in certain control cable pulleys on Boeing Model 707, 727, and 737 series airplanes that could result in degradation of the affected control systems. 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 inspection and replacement of Arvan Inc. control cable pulleys MS 20220-3 and -4 (color black only) which are installed on Boeing Model 707, 727, and 737 series 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 FR 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Boeing Model 707, 727, and 737 series airplanes, as listed in Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073, or later FAA approved revisions, with Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) (Boeing Part Number BACP30F8 and BACP30F9), certificated in all categories. Compliance required as indicated.

A. To detect cracks in Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) accomplish the following:

1. Within the next 25 hours time in service from the effective date of this AD, unless already accomplished, inspect the control cable pulleys which are located in the critical areas of the airplane in accordance with Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The critical areas are defined in the above Boeing Alert Service Bulletins.

2. If crack(s) are found, replace the pulleys in accordance with the above Boeing Alert Service Bulletins, before further flight.

B. Replace all Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) as follows:

1. Within 100 hours time in service from the effective date of this AD, unless already accomplished, replace those pulleys located in the critical areas defined in Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073 or later FAA approved revisions.

2. Replace all other affected pulleys within 600 hours from the effective date of this AD, unless already accomplished.

NOTE.—The affected parts were not available from the manufacturer prior to August 1974.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 24, 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 Seattle, Washington on February 7, 1975.

C. B. WALK, JR.,
Director,
Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-4948 Filed 2-24-75; 8:45 am]

[Docket No. 75-GL-2; Amdt 39-2101]

PART 39—AIRWORTHINESS DIRECTIVES

Goodyear Main Wheel Assembly

Some operators have reported in-service failures of DC-10-30 and DC-10-40 main landing gear wheel bolts. There has been an incident of a fatigue-type failure, on a single wheel, of three (3) MS 21250-10060 bolts used to attach the wheel halves of the Goodyear main wheel assembly P/N's 500757-1 and -2. These wheels are typically used on, but their use is not limited to, McDonnell-Douglas Aircraft Company DC-10-30 and DC-10-40 series aircraft. Failure of these bolts could result in a wheel failure, thereby causing an unsafe condition during take-off or landing of the aircraft. This Airworthiness Directive is being issued to require inspection of the wheel half attaching bolts of the Goodyear wheel assembly P/N's 500757-1 and -2.

The compliance time for the initial inspection herein prescribed as the next tire change or wheel re-assembly, has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the Airworthiness Directive with a minimum burden. To prescribe the initial inspection required by this Airworthiness Directive under the usual notice and public procedures followed by the agency with the time period the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this Airworthiness Directive. This could provide certain operators insufficient time to schedule airplanes for compliance with the Airworthiness Directive. Therefore, accomplishment of the initial inspection required by this Airworthiness Directive, within the time the agency has determined is necessary, renders strict compli-

ance with the notice and public procedure provisions of the Administrative Procedure Act impracticable. Accordingly, this amendment becomes effective thirty (30) days after publication in the FEDERAL REGISTER; however, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this Airworthiness Directive. Communications should identify the Docket Number and be submitted in duplicate to the Director, Great Lakes Region, Attention: Regional Counsel, Airworthiness Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received before the effective date will be considered by the Administrator, and the Airworthiness Directive may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the Airworthiness Directive before it becomes effective, in the event amendment is determined to be appropriate.

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

GOODYEAR AEROSPACE CORPORATION. Applies to main wheel assemblies P/N's 500757-1 and -2 typically used on, but their use is not limited to, McDonnell-Douglas Aircraft Company DC-10-30 and DC-10-40 series aircraft.

Compliance is required at the next tire change or wheel re-assembly after the effective date of this Airworthiness Directive, unless already accomplished, and thereafter at each tire change or wheel re-assembly or during replacement of any wheel half attaching bolts in a tire/wheel assembly. New wheels or spare wheel assemblies with previously magnetic-particle inspected bolts are exempt only from the initial inspection.

To prevent failures of the MS 21250-10060 bolts attaching the wheel halves, accomplish the following:

(a) Perform magnetic-particle inspection for cracks of all wheel-half attaching bolts, paying particular attention to the radius under the bolt head and to the threads. Replace cracked bolts and those having stripped, crossed or damaged threads. No reworking of wheel bolts is permitted. Defective bolts shall be scrapped.

This amendment becomes effective February 28, 1975.

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

Issued in Des Plaines, Illinois, on February 14, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-4844 Filed 2-21-75; 8:45 am]

[Airspace Docket No. 74-GL-50]

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

Designation of Transition Area

On Page 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Deckerville, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

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

Issued in Des Plaines, Illinois, on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

DECKERVILLE, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Lamont Airport (Latitude 43°34'35" N., Longitude 82°39'10" W.); within 3 miles each side of the 076° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles east of the airport; within 3 miles each side of the 285° bearing from the airport, extending from the 5.5 mile radius area to 8.5 miles west of the airport.

[FR Doc.75-4846 Filed 2-21-75; 8:45 am]

[Airspace Docket No. 74-GL-49]

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

Alteration of Transition Area

On Pages 1059 and 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jacksonville, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

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

Issued in Des Plaines, Illinois, on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

JACKSONVILLE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Jacksonville Municipal Airport (Latitude 39°46'30" N., Longitude 90°14'15" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 5 mile radius area to 8 miles northwest of the airport; and within 3 miles each side of the 136° bearing from the airport, extending from the 5 mile radius area to 6 miles southeast of the airport.

[FR Doc.75-4845 Filed 2-21-75; 8:45 am]

[Airspace Docket No. 74-GL-43]

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

Alteration of Transition Area

On Page 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at New Castle, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 24, 1975.

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

Issued in Des Plaines, Illinois on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

NEW CASTLE, INDIANA

That airspace extending upward from 700 feet above the surface within 5 mile radius of the New Castle-Henry County Municipal, Sky Castle Airport (Latitude 39°52'35" N., Longitude 85°19'35" W.); within 3 miles each side of the 110° bearing from the airport, extending from the airport to 8 miles east.

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

[FR Doc.75-4847 Filed 2-23-75; 8:45 am]

**Title 32—National Defense
CHAPTER VII—DEPARTMENT OF THE AIR FORCE**

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

This revision establishes procedures to permit more rapid access to releasable information, outlines new policy on determining what is releasable under the Freedom of Information Act, as amended, and completely changes the previous version of this part.

Part 806, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

- Sec. 806.1 Purpose.
- 806.3 Types of requests covered by this part.
- 806.5 Special release procedures for certain types of records.
- 806.6 Definitions.
- 806.7 Responsibilities.
- 806.9 Requirements for annual report.
- 806.11 Actions after the effective date of this part.
- 806.13 Documentation.
- 806.15 Programs of instruction.

Subpart B—Policies Governing Disclosure of Records

- 806.17 Basic policies on disclosure.
- 806.19 Specific policies on disclosure.
- 806.21 Schedule of fees for searching and duplication under the Freedom of Information Act.
- 806.23 Records that may be withheld from disclosure.
- 806.25 Partial denial.

Subpart C—Disclosure and Denial Authorities

- 806.27 Disclosure authorities.
- 806.29 Disclosure authority for specialized requests.
- 806.31 Denial authorities.
- 806.33 Responsibilities of disclosure and denial authorities.

Subpart D—Processing Requests for Records

- 806.35 Use of functional address indicator.
- 806.37 Responsibilities of the Freedom of Information Manager.
- 806.39 Responsibilities of the DAD.
- 806.41 Processing procedures.
- 806.43 Notice of administrative extension.
- 806.45 Expedited handling required.

Subpart E—How the Public Submits Requests for Records

- 806.47 Identifying material requested.
- 806.49 Addressing requests.
- 806.51 Where to send requests.
- 806.53 Where to address requests for records of military personnel.
- 806.55 Where to address requests for Air Force technical, supply, and engineering publications and data.

Subpart F—Appeals From Denials to Make Records Available

- 806.57 Filing an appeal.
- AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A—General Information

§ 806.1 Purpose.
This part outlines policy and procedure on the disclosure of records, establishes mandatory time limits, and explains how members of the public may inspect or ob-

tain copies of Air Force records, under the Freedom of Information Act (5 U.S.C. 552, as amended by Pub. L. 93-502). It implements Part 286 of this title. It applies to all Air Force activities. In case of a conflict, this part takes precedence over any existing Air Force directive dealing in whole or in part with the disclosure of records.

§ 806.3 Types of requests covered by this part.

(a) This part governs the disclosure of records to the general public, including military and civilian personnel who are acting as private citizens.

(b) In addition to the general procedures outlined in this part, some records are subject to specialized or limited disclosure procedures, such as those listed in § 806.5.

§ 806.5 Special release procedures for certain types of records.

Type of specialized request:	Governing directive
Accident/incident investigation and reports.	AFR 127-4.
Background, criminal and counterintelligence reports of investigation.	Pt. 952 of this chapter.
Civilian personnel records.	Federal personnel manual, ch. 294, and AF supplement.
Classified records----	DOD ISRP 5900-1E/AFR 205-1.
Collateral investigations of aircraft and missile accidents.	AFR 110-14.
Computer system descriptions, programs and related documentation.	AFM 171-9.
Inspector General investigation.	AFR 120-3.
Drug/alcohol abuse programs documentation.	AFR 30-2.
Inspection reports---	AFR 123-1.
Litigation -----	Pt. 940 of this chapter.
Medical records-----	AFR 168-4.
Military personnel records.	Pt. 806a of this chapter.
News media-----	AFR 190-12.
Procurement information reports.	Pts. 1-39 of this title.
Release of test results on commercial equipment.	AFR 80-24.
Unclassified records of trial after court-martial.	AFM 111-1.

§ 806.6 Definitions.

(a) *Denial authority.* Anyone having the authority to deny the disclosure of records requested by the public.

(b) *Determination.* The decision either to grant or deny a request from the public for records.

(c) *Disclosure.* The act of making a record available for inspection or providing a copy of the record to the public when requested.

(d) *Disclosure authority.* Anyone having the authority to disclose records requested by the public.

(e) *Freedom of Information Manager.* The person responsible for managing the Freedom of Information Program at each level.

(f) *Functional address indicator DADF.* DADF is the indicator to identify all forms of communications pertaining to requests under the Freedom of Information Act (see AFM 10-6, Air Force Standard Functional Address Symbol System).

(g) *Partial denial.* A determination that any portion of a requested record be withheld.

(h) *Records.* For the purpose of this part, "records" are defined as all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data in them (44 U.S.C. 3301). This definition should be used as a guide.

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, and so forth, whatever their historical value as "evidence."

(2) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(3) Formulae, designs, drawings, research data, computer programs, technical data packages, etc. are not considered "records" within the Congressional intent of 5 U.S.C. 552. Because of development costs, utilization, or value, these items are considered property, not preserved for information value or as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public.

(i) Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property.

(ii) Requests to inspect such material to determine its content for informational purposes shall normally be granted, however, unless inspection is inconsistent with the obligation to protect the property value of the material as, for example, may be true for certain formulae.

§ 806.7 Responsibilities.

In carrying out the objectives and requirements of the Freedom of Information Act, as amended, the responsibilities in paragraphs (a) through (g) of this section are assigned:

(a) *Administrative Assistant to the Secretary of the Air Force (SAF/AA).* Overall responsibility within the Air Force for implementation of and compliance with the Act. Responsible for final decisions of appeals (see § 806.75).

(b) *Director of Administration (HQ USAF/DA).* Responsible for administering and supervising the policies and pro-

cedures prescribed within this part; for submitting the annual report; and for developing an Air Force program of instruction on the Freedom of Information Act.

(c) *Commanders of major commands and separate operating agencies of the Air Force.* Responsible for implementing this part within their commands and agencies.

(d) *FOI Managers (DAD) at all levels of the Air Force.* Overall responsibility for controlling and processing all requests for records; for obtaining recommended determinations from the office of primary responsibility (OPR) for the records requested; for collecting fees; and for submitting required reports.

(e) *Disclosure and denial authority.* Their responsibilities are set forth in § 806.33 of this part.

(f) *Office of primary responsibility for the requested record.* Responsible for providing the requested record and for assisting the disclosure authority in making a determination within prescribed 10-day time limit.

(g) *The office designated by the FOI Manager to process requests.* Responsible for control and suspense of requests and promptly making records available within the prescribed 10-day time limit.

§ 806.9 Requirements for annual report.

The DAD at each major command and separate operating agency of the Air Force and HQ USAF/DADP must furnish an annual report on Freedom of Information Act activities during the calendar year. The report control symbol is DD-PA(A)1365. The report must be submitted to HQ USAF/DAD on or before January 15 of each year. The report must include:

(a) The number of requests processed under this part.

(b) The number of determinations made not to comply with requests for records made under this part and the reasons for each such determination.

(c) The names and titles or positions of each person responsible for the denial of records requested under this part, and the number of instances of participation for each.

(d) The total amount of fees collected for making records available under this part.

(e) A copy of each command supplement or other instructions issued to implement this part.

(f) All information that indicates efforts to instruct and educate personnel and to administer fully the Freedom of Information Act.

(g) Such data on the costs of processing requests under this part as can reasonably be ascertained or estimated.

(h) Any problems incurred in implementing this part and any solutions for those problems.

§ 806.11 Actions after the effective date of this part.

Any requests for records or administrative appeals still pending in the Air Force on February 19, 1975 (the effective date), will become subject to this part.

§ 806.13 Documentation.

Dispose of documentation prescribed by this part in accordance with AFM 12-50, Disposition of Air Force Documentation.

§ 806.15 Programs of instruction.

HQ USAF/DAD will establish programs of instruction on the provisions and requirements of this part for all officials and employees who contribute to the implementation of the Freedom of Information Act.

Subpart B—Policies Governing Disclosure of Records

§ 806.17 Basic policies on disclosure.

(a) It is the policy of the Department of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exemptions recognized in 5 U.S.C. 552(b); that is, certain records may need to be withheld from public disclosure, as explained in § 806.23. However, even when such nondisclosure is so authorized, the request for disclosure may be granted at the sole discretion of the Air Force, if no significant and legitimate Governmental purpose is served by withholding them.

(c) Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency or might otherwise embarrass the Air Force or an official of the Air Force.

(d) A request for a record is considered satisfied when one copy is provided, which may be reproduced by the requester.

§ 806.19 Specific policies on disclosure.

(a) Any reasonably described material in the possession of the Air Force that qualifies as a "record" (as defined in § 806.6(h)) and is not exempt from disclosure under § 806.23, should be made available upon written request from any person.

(b) To be considered reasonably described, the record must already exist at the time of the request; that is, there is no obligation to create a record to satisfy a request for information. However, if the information exists in the form of several records at so many different locations that gathering the information would involve excessive administrative costs, the requester should be referred to the sources at those locations.

(c) A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit the requester to browse through entire files or large series of records to find a record he may then identify. The Air Force must make a reasonable effort to locate any records requested.

(1) A request for a specific record should not be denied solely because the record is maintained by computer.

(2) The request may be denied only by an official designated in § 806.29 as explained in Subpart C of this part. (Other

Air Force directives may also contain specific procedures for release or denial of records (§ 806.5 of this part.)

(d) Under 5 U.S.C. 552(a) (4(A)) and 31 U.S.C. 483a, requesters are charged the reasonable standard costs to the Air Force for searching and duplication.

(1) Charges are determined as explained in § 806.21.

(2) No charge is made to the public for the use of an established reading room or reference library.

(3) The fee shall not include the cost of determining whether the record is exempt from disclosure under § 806.23 or whether it would serve a significant and legitimate Governmental purpose to withhold the record.

(e) Official requests for records received directly from foreign governments, their representatives, or international commands may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200-9, Disclosure of Classified Military Information to Foreign Government and International Organizations. Other Air Force recipients must send such correspondence to the foreign disclosure policy office within their major command or to HQ USAF/CVAFL.

§ 806.21 Schedule of fees for searching and duplication under the Freedom of Information Act.

(a) Publications, forms and reports:

(1) *Shelf stock of printed or microfiche medium.* Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.

Minimum fee, per request.....	\$2.00
Plus:	
Forms, per copy.....	.05
Publications, per printed page.....	.01
Microfiche, per fiche.....	.06
Reports, per printed page.....	.05

(Examples: Cost of 20 forms, \$3.00 (\$2.00 plus five cents per page); cost of a printed publication with 100 pages, \$3.00 (\$2.00 plus one cent per page); cost of a microfiche publication consisting of 10 fiche, \$2.60 (\$2.00 plus six cents per fiche)

(2) *Office copy reproduction (when shelf stock is not available).*

Minimum charge up to six reproduced pages.....	\$2.00
Minimum charge, first fiche.....	5.00
Each additional page.....	.05
Each additional fiche.....	.10

(3) Duplication of other issuances.

Minimum charge up to six pages.....	\$2.00
Each additional page.....	.05

(b) Search fees.

Clerical search, per hour.....	\$6.50
Minimum charge.....	3.50
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request), per hour.....	13.00
Minimum charge.....	10.00

NOTE.—Computer service charges are to be based on the actual computer configuration used and based only on direct costs for the use of the central processing unit, plus input/output devices, plus memory capacity.

(c) *Exceptions.* No fee should ordinarily be charged if the requester is an indigent; if the fee amounts to less than \$3.00; if the record is not located; or if the record is determined to be exempt from disclosure.

(1) In general, charges may be waived in the public interest when:

(i) The recipient of the benefits is engaged in nonprofit activity designed for public safety, health or welfare;

(ii) Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

(iii) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(2) A refusal to waive charges by the official responsible for the initial decision on the request may be appealed to the Secretary of the Air Force or his designee for final approval.

(d) *Collections.* (1) Fees will ordinarily be collected in advance of rendering the service. In some instances, it may be more practical to collect the fees at the time the service or property is conveyed to the recipient, but only when the request specifically states that whatever cost involved will be acceptable, or acceptable up to a specified limit that will cover the anticipated cost.

(2) Collection of scheduled fees will normally be deposited to Miscellaneous Receipts of the Treasury.

(3) Search fees are assessable even when no records responsive to the request (or no records not exempt from disclosure) are found, provided the requester is advised of this requirement, at the time the estimated charges are presented to the requester for approval and he agrees to incur the cost of search.

§ 806.23 Records that may be withheld from disclosure.

Records or portions of records which fall in one or more of the exemptions listed in § 806.23(a) through § 806.23(d) are exempt from disclosure to the public. Nevertheless, any request for such a record will not be denied unless it is also determined that a significant and legitimate Government purpose would be served by exercising the exemption. If only a portion of the record is determined to be exempt, the rest of the record must be disclosed (see § 806.25).

(a) Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Air Force, if their release to the public would substantially hinder the effective performance of a significant function of the Air Force.

(1) Operating rules, guidelines and manuals for Air Force investigators, inspectors, auditors, or examiners, and certain schedules or methods of operation which would reveal:

(i) Negotiating and bargaining techniques.

(ii) Bargaining limitations and positions.

(iii) Inspection schedules and methods.

(iv) Audit schedules and methods.

(2) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of qualifications of candidates for employment, entrance to duty, advancement, or promotions.

(c) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive Orders or regulations authorized by, or in implementation of, a statute.

(1) Trade, technical, and financial information provided in confidence by businesses.

(2) National Security Agency information.

(3) Any records containing information relating to inventions which are the subject of patent applications on which the Patent Secrecy Orders have been issued.

(4) The Privacy Act of 1974 (5 U.S.C. 552a).

(5) Restricted data, and formerly restricted data.

(d) Those containing trade secrets or commercial or financial information which the Air Force receives from a person with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records. Such records are those the disclosure of which would cause substantial harm to the competitive position of the person providing the information; impair the Government's ability to obtain necessary information in the future; or impair some other legitimate Government interest. Examples include records which contain:

(1) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence, or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures if offered and received in confidence from a contractor or potential contractor.

(3) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(4) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged or because they are essential to an effective inspection, investigation, or audit.

(5) Data provided in confidence by private employers in connection with locality wage surveys which are used to fix and adjust pay schedules applicable to prevailing rate employees within the Air Force.

(e) Except as provided in §§ 806.23(e) (2) through 806.23(e) (5), internal communications within and among agencies and components.

(1) Examples include:

(i) Staff papers containing staff advice, opinions, or suggestions.

(ii) Information received or generated by the Air Force preliminary to a decision or action, including draft versions of documents, where premature disclosures would interfere with the orderly conduct of Government. (Preliminary or draft documents received from other Governmental organizations are not Air Force records and may not be released by the Air Force without the agreement of the organization).

(iii) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by the Air Force to obtain advice and recommendations, or by individual consultants.

(iv) Those portions of Air Force evaluations of contractors and their products which contain recommendations or advice by Government employees about the contractor or product.

(v) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vi) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(vii) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Air Force.

(2) If any such intra- or inter-agency record, or reasonably segregable portion of such record would routinely be made available through the discovery process in the course of litigation with the Air Force, that is, the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the Air Force in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(3) Intra- or inter-agency memorandums or letters which are factual, or those reasonably segregable portions

which are factual, are routinely made available through discovery and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release.

(4) A direction or order from a superior to a subordinate, though contained in internal communication, is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) An internal communication concerning a decision which subsequently has been made a matter of public record should normally be made available to a requester when it furnishes the best support, explanation, or rationale for the decision.

(f) Information in personnel and medical files, as well as information in similar files that if disclosed to a member of the public would result in a clearly unwarranted invasion of personal privacy.

(1) Examples of files similar to personnel and medical files include:

(i) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial, for security clearances or for access to particularly sensitive classified information.

(ii) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of personal privacy, consideration should be given to the stated or assumed purpose of the request. When determining whether a release is clearly unwarranted, the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened.

(3) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, the information should not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others appearing in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record.

(4) An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative only to the extent consistent with the Privacy Act of 1974 (5 U.S.C. 552a), after its effective date of September 27, 1975.

(g) Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive Orders, or regulations validly adopted pursuant to law.

(1) But only to the extent that their release would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of the right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source;

(v) Disclose confidential information furnished only from a confidential source obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(vi) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to insure their effectiveness;

(vii) Endanger the life or physical safety of law enforcement personnel.

(2) Examples include:

(i) Statements of witnesses, and other material developed during the course of the investigation, and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(ii) The identity of firms or individuals suspended from contracting with the Air Force or being investigated for alleged irregularities when no indictment has been obtained nor any civil action filed against them by the United States.

(iii) Information obtained in confidence (expressed or implied) in the course of a criminal investigation by a criminal law enforcement agency or office within the Air Force or a lawful national security intelligence investigation conducted by an authorized agency or office within the Air Force for the purpose of obtaining affirmative or counter intelligence information or background investigation or eligibility for access to classified information.

(3) The right of individual litigants to investigative records currently available by law is not diminished.

(4) When the subject of an investigative record is the requester of that record, it may be withheld after September 27, 1975, only in accordance with regulations implementing the Privacy Act of 1974 (5 U.S.C. 552a). After September 27, 1975, the effective date of the Privacy Act of 1974, the identity of the source of information obtained in confidence may be withheld in accordance with an implied or express promise of confidentiality given prior to that date and in accordance with an express promise of confidentiality after that date. Information from which the confidential source can be deduced may also be withheld.

(h) Those contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for

the regulation or supervision of financial institutions.

(1) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 806.25 Partial denial.

Exempt portions of a requested record should be deleted and the remaining reasonable segregable portions should be disclosed to the requester. If the meaning of the nonexempt portions is distorted by the deletions, or if the non-exempt portions indirectly reveal the exempt portions of the record, those nonexempt portions which result in the distortion or revelation do not need to be disclosed.

(a) Here, reasonable segregation means segregating the record by the portions that were separately evaluated under a system for designating exempt portions at the time the record was originated. (To illustrate, see how certain paragraphs in DOD ISPR 5200.1R have been designated as classified information.)

(b) Each deletion shall be fully justified in writing. If any part of a requested record is withheld it is considered a partial denial, and § 806.31 (b) and (c) apply.

<i>Specialized type of record</i>	<i>Who is the disclosure authority</i>
For use in litigation.....	The Judge Advocate General, or other authority listed in Part 840 of this title.
Records of trial after courts-martial.....	The Judge Advocate General, or other authority listed in AFR 111-2.
Medical records.....	The director, base medical service, or a designated medical officer, subject to the requirements of AFM 168-4.
Inspector General report of investigation.....	As outlined in AFR 120-3.
Inspection reports.....	As outlined in AFR 123-1.
Primary accident/incident investigations (excludes ground/explosive accidents).	As outlined in AFR 127-4.
Collateral accident investigation reports of investigations.	As outlined in AFR 110-14.
AF Office of Special Investigation reports of investigations.	As outlined in Part 952 of this title.
Classified records.....	The original classifier or the office currently responsible for the classification of the subject matter pursuant to DOD ISPR 5200.1R

§ 806.31 Denial authorities.

The authority to deny the disclosure of records to the public will not be delegated to a lower level than specified in paragraph (a) of this section unless approved by SAF/AA. Such request will be forwarded to HQ USAF/DA.

(a) Only the following officials or their designee have the authority to deny the release of records:

(1) Deputy chief of staff and chiefs of comparable offices or higher level at HQ USAF.

(2) Commanders of major commands or of separate operating agencies of the Air Force.

(b) These denial authorities will, however, consult with the Staff Judge Advocate before making a determination to deny, or partially deny, a request for disclosure of records.

Subpart C—Disclosure and Denial Authorities

§ 806.27 Disclosure authorities.

The authority to disclose records of a routine nature, such as standard publications, photographs and local reports, may be delegated to a lower level than indicated in § 806.27 (a) and (b) of this part. This level, however, must be high enough to insure that releases are made by a responsible authority and according to the policy outlined in this part.

(a) Except for the types of records listed in § 806.29, or as specifically authorized by other Air Force directives, the following officials in § 806.27(a) (1) and (2) have authority to disclose records:

(1) Chiefs of offices at directorate or higher level at HQ USAF.

(2) Commanders at major commands or separate operating agency of the Air Force. This authority may be delegated to directorate or comparable level at major command headquarters and to the level of installation, wing or comparable commanders.

(b) The officers and officials listed in § 806.29 have authority to disclose or deny the specific types of records cited, if appropriate under this part.

§ 806.29 Disclosure authority for specialized requests.

(3) The official who denies a request must send a copy of the denial to HQ USAF/JACL, Washington, D.C. 20314, together with a copy of the incoming request. The notice of denial must state the name and title or position of the official who denied the release.

(4) In unusual circumstances, as outlined in § 806.43, notify the requester that the processing will require an administrative extension of up to 10 work-days (except Saturdays, Sundays, and legal holidays).

(5) Make a timely determination on whether to approve or deny a request. If the determination cannot be met within the time limits, notify the next highest command in writing, signed by proper authority, and explain the reason for non-complying within the time limit. Send an information copy of this notification to HQ USAF/JACL and DAD, Washington, D.C. 20330, together with a copy of the request.

Subpart D—Processing Requests for Records

§ 806.35 Use of functional address indicator.

The functional address indicator DADF will be used throughout the Air Force to designate the office responsible for processing all Freedom of Information requests for records from the public.

§ 806.37 Responsibilities of the Freedom of Information Manager.

Documentation management officers and documentation managers at all levels of the Air Force are designated as Freedom of Information Managers. The Freedom of Information Manager has the overall responsibility for the processing of all requests for records.

§ 806.39 Responsibilities of the DAD.

Within each activity, the DAD is the office of responsibility for processing requests for records. As such, it will:

- (a) Be the focal point for:
 - (1) Receiving and processing requests for records, as explained in § 806.41.
 - (2) Providing facilities and services for inspecting, copying, and furnishing extra copies of records.

(3) Collecting fees and charges, if appropriate. Charge for publications and forms and for searching and duplicating records according to § 806.21. If a request is received for a publication that AFR O-serie indicates is on sale at the Government Printing Office, inform the requester that:

- (i) A copy will be provided for him at the prevailing rate, if he desires; but
- (ii) He may be able to purchase the document at a lower price from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) Make available to the general public, the reference use of master publication libraries established under AFR 5-31, Publications Libraries and Individual Publications Sets. Do not charge for the use of normal library research services.

§ 806.33 Responsibilities of disclosure and denial authorities.

(a) The officials who have been designated as disclosure and denial authorities (see §§ 806.27 and 806.31) will:

(1) Consider that a request is received by the Air Force when it is received by the DAD responsible for processing such requests; also within 10 days after its receipt (except Saturdays, Sundays, and legal public holidays), determine whether or not to comply with the request. Failure to make a determination within the time limits permits the requester to seek immediate judicial action.

(2) Immediately notify the person making the request of this determination. If this determination is adverse, notify the requester of the reason and of the right to appeal. (See § 806.57 for the appeal procedure.)

RULES AND REGULATIONS

(1) If the document requested is a departmental publication that has been marked "FOR OFFICIAL USE ONLY" in accordance with AFR 12-31, Use and Protection of "For Official Use only" Information, transfer the request to HQ USAF/DADF for a response under the policies outlined in this part (especially § 806.43(c) for guidance).

(2) If the document requested is a departmental publication that has not been marked "FOR OFFICIAL USE ONLY," make it available promptly, without review.

(3) If the publication contains copyrighted material, it may be made available for public inspection, but because the sale or copying of such publications may be restricted, refer the request to OPR for processing under AFR 110-8, Inventions, Patents, Copyright, and Trademarks.

(c) Establish coordination and local working agreements between administrative reference libraries and other functional areas that maintain technical, professional, and specialized types of documentation.

(d) Notify the requester that the request cannot be satisfied if the record is not reasonably described. Request that, if possible, the requester send further identification. This kind of notification is not considered a denial under § 806.23.

(e) Send requests promptly and directly to other Government agencies if the requested record is in their possession. Notify the requester of the referral. If the request is for copies of material primarily concerning a member of the Congress or a Congressional committee, refer the requester to the member of the committee involved.

§ 806.41 Processing procedures.

When a request is received for disclosure of records under the Freedom of Information Act, DAD will:

(a) Record the date and time the request was received and assign a suspense date to the request.

(b) Acknowledge receipt of request if 10 or more workdays have elapsed between the postmark date of the request and the date received, or where unusual problems are readily apparent. Acknowledgment of routine requests is not necessary.

(c) Refer the request to the office that has possession of the record and any other office that should be consulted (for example, the Staff Judge Advocate) in determining whether to disclose the record to deny the request.

(d) Notify the information officer, if the request asks for records that contain potentially newsworthy material or if the request is received from a representative of the news media.

(e) If the records have been retired to a record center (or other repository), take the action outlined in AFM 12-50, chapter 9, and in the attachments to that directive, Disposition of Air Force Documentation.

(f) Consult with higher headquarters or other activities that have an interest

in the requested material (or ask the office of primary responsibility to do this). For example, if the document is one that the Air Force received, it may be proper to consult the originator; conversely, if the Air Force originated the document, it may be proper to consult the recipient in determining whether it should be released.

(g) If the disclosure authority determines that the Air Force may make the material available, take one of the actions in § 806.41(g) (1) and (2).

(1) If the requester asked to inspect the record, tell him where and when it may be inspected. Inform him of the amount of the fee, if one is to be charged under § 806.21.

(2) If the requester asked for a copy of the record, inform him of the fee required under § 806.21 and explain that DAD will furnish the copy upon payment. If the request is urgent, he may be given the copy before payment.

(h) If the disclosure authority is not authorized by § 806.27 to deny the request, DAD should send the proposed denial directly to the proper denial authority for decision; it will include the case file and a statement of reasons for not disclosing the requested material. This referral must be given the highest priority action, because the denial authority must make this determination within the prescribed time limits.

(i) The denial authority makes the determination to disclose or deny the request for records within the prescribed time limitations.

§ 806.43 Notice of administrative extension.

In unusual circumstances, the FOI Manager has the authority to authorize an administrative extension of the time limit for processing a request by giving written notice to the requester, explaining the reason for the extension, and the date on which a notice of determination is expected to be dispatched. The notice will not specify a date that would be an extension of more than 10 workdays (except Saturdays, Sundays, and legal public holidays). Copies of this written notice must be sent to the next highest command with information copies to HQ USAF/JACL, Washington, D.C. 20314, and USAF/DAD, Washington, D.C. 20330. Unusual circumstances means:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the installation processing the request.

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

(c) The need for consultation, which must be conducted with all practicable speed.

(1) With another agency having a substantial interest in the determination of the request, or

(2) Among two or more geographically separated installations of the Air Force

having substantial subject matter interest therein.

§ 806.45 Expedited handling required.

The Air Force will give highest priority at each echelon to the handling of any request from a member of the public to inspect or copy records. Each Air Force office should make every effort to avoid creating procedural obstacles and compensate for internal Air Force organizational problems, for example, when a reorganization (or transfer of function) contributes to an improperly directed request. Specifically:

(a) If an office received an improperly directed request for records, it must notify the proper DADF office immediately and ask for instructions on how to refer the request.

(b) All Air Force personnel must make every reasonable effort to assist requesters in directing requests for records to the proper authorities (see AFR 11-25, Communications with and Service to the Public).

Subpart E—How the Public Submits Requests for Records

§ 806.47 Identifying material requested.

Requests to inspect or obtain copies of records will be made in writing. The request should contain at least the information in paragraphs (a) through (d) of this section.

(a) An identification as complete as possible of the desired material, including (if known) its title, description, its number, date, and the issuing authority.

(b) If the request concerns a matter of official record about civilian or military personnel, the request must identify the person as follows: first name, middle name or initial, and surname; date and place of birth; and social security account number (or Air Force service number), if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

(d) If the request is for information which is part of a military service record, the request may be submitted on a Standard Form 180, Request Pertaining to Military Records. Any agency may furnish copies of the SF 180 to the public to facilitate an unofficial inquiry, or may direct a nongovernmental organization to the Superintendent of Documents to purchase quantities of the form.

§ 806.49 Addressing requests.

To expedite processing, requesters should address their requests as shown in § 806.51 of this part. In addressing correspondence concerning their request for records to any Air Force activity, requesters should use the functional address indicator DADF (DADF is the standard Air Force-wide symbol to identify a request for records under the Freedom of Information Act). The mandatory time limit does not begin until the request is received by the proper DADF responsible for processing the request.

§ 806.51 Where to send requests.

Nature of request

Address the request to

<p>For the matters of official record, for use in litigation.</p> <p>For matters of record concerning civilian employees currently employed by the Air Force.</p> <p>For matters of record concerning civilian employees no longer employed by the Federal service.</p> <p>For matters of record concerning members and former members of the Air Force, Air Force Reserve or Air National Guard.</p> <p>For standard publications (that is, regulations, etc., as defined in AFM 5-1, Air Force Publications Management Program).</p> <p>For Air Force technical, supply and engineering publications and data.</p> <p>For major command standard (that is, administrative) publications.</p> <p>For reports of investigation compiled by the Air Force Office of Special Investigations.</p> <p>For audiovisual materials (still photographs, motion pictures, and audio recordings) held at USAF depositories.</p> <p>For other records, where the location of the record is known.</p> <p>For other records, where the location is not known.</p>	<p>HQ USAF/JACL (thru HQ USAF/DADF) Washington, D.C. 20330; or thru DADF at the activity where the record is located.</p> <p>The civilian personnel officer (thru DADF) of base or activity where the civilian is employed.</p> <p>National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118. See § 806.53 of this part on where to address these inquiries.</p> <p>The DADF at nearest Air Force installation, except: for the District of Columbia, to HQ USAF/DADF, Washington, D.C. 20330; and for remainder of the Metropolitan Washington, D.C. area, to HQ OOMD/DADF, Bolling AFB, Washington, D.C. 20332.</p> <p>See § 806.53 of this part.</p> <p>The DADF at the major command headquarters.</p> <p>HQ AFOSI/DADF, Forrestal Building, Washington, D.C. 20314.</p> <p>HQ USAF (SAF/OIPL) thru AF/DADF, Washington, D.C. 20330.</p> <p>The DADF where the record is located.</p> <p>HQ USAF/DADF, Washington, D.C. 20330.</p>
---	---

§ 806.53 Where to address requests for records of military personnel.

Note: Records of members and former members of the Air Force are maintained in different locations, depending on the member's current status. Address requests for such records to the address indicated in this section.

Present military status	Present/past military rank	Proper address
On extended active duty	A commissioned officer, or warrant officer.	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRO (DADF), Randolph Air Force Base, Tex. 78148.
Do	An airman	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRA (DADF), Randolph Air Force Base, Tex. 78148.
A member of the Air Force Reserve, not on extended active duty.	A commissioned officer or warrant officer or airman.	ARPC/DADF, 3800 York St., Denver, Colo. 80205.
A member of the Air National Guard, not on extended active duty.	A commissioned officer, or warrant officer.	Do.
Do	An airman	Adjutant General of the State (or District of Columbia or Commonwealth of Puerto Rico).
Retired for temporary disability.	A commissioned officer or warrant officer.	AFMPC/DPMDRO (DADF), Randolph Air Force Base, Tex. 78148.
Do	An airman	AFMPC/DPMDRA (DADF), Randolph Air Force Base, Tex. 78148.
Retired with pay.	A general officer	AFMPC/DPMDRO (DADF), Randolph Air Force Base, Tex. 78148.
Do	Other than a general officer	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd., St. Louis, Mo. 63132.
Former member, no longer has an Air Force affiliation.	A commissioned officer, warrant officer, or airman.	Do.
Unknown	Unknown	AFMPC/DPMDRM (DADF), Randolph Air Force Base, Tex. 78148.

§ 806.55 Where to address requests for Air Force technical, supply, and engineering publications and data.

<i>Type of publication</i>	<i>Proper address</i>
Air Force Technical Orders (TO's). If the specific TO number is unknown, describe the desired TO, including the name of the equipment, manufacturer, model, serial, part number, and any other identifying information on the particular equipment.	Oklahoma City ALC (DADF), Tinker Air Force Base, Oklahoma 73145; or the prime ALC for the specific TO, if known.
Air Force Technical Reports (TR's), when specific source is unknown.	NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 (Exception: for DDC users, to: DDC, Cameron Station, Alexandria, Virginia 22314.)
USAF and DOD Federal Supply Catalogs and related catalog publications indexed in USAF S-2A-1.	AFLC/DADF, Wright-Patterson Air Force Base, Ohio 45433.

RULES AND REGULATIONS

Type of publication

Cataloging Handbooks (H2-1, H2-2, H2-3, etc.) and Federal manuals for supply cataloging (M1-1, M1-2, M1-3, etc.), and Master Cross Reference Indexes, CRL-1 and CRL-2.

Engineering drawing and associated lists----

Armed Services Procurement Regulations (ASPR's) and Air Force supplements to ASPR's.

AF publications pertaining to automated data systems. Specifications, standards, military handbooks, etc. Indexed in the DOD Index of Specifications and Standards (DOD-ISS).

The index to DOD-ISS above (including part 1, alphabetical listing, and part 2, numerical listing).

Proper address

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

AFLC (DADF), Wright-Patterson Air Force Base, Ohio 45433.

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

AF/DSDC (DADF), Gunter AFS, Alabama, 36114. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120.

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Subpart C—Resource Protection: Entry and Internal Controls

Sec.

851.21 Base entry policy.

851.23 Installation patrols.

851.25 Inspection of motor vehicles entering or leaving an Air Force installation.

851.27 Pilferage control.

851.29 Prevention of pilferage and vandalism.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

Subpart A—Background and Terminology

§ 851.1 Purpose.

This part outlines the basic objectives, concepts, and components of the USAF Resource Protection Program. It provides for a base resource protection plan and establishes a general policy for resource protection. It applies to USAF units at all levels of command.

§ 851.3 Definitions.

(a) *Aerospace operational resources.* USAF weapons systems, combat support systems, and nuclear weapons required for general and limited war operations (see attachment 1, AFM 207-1, Doctrine and Requirements for Security of Air Force Weapons System, for complete explanation).

(b) *Armed.* Bearing a firearm.

(c) *Central depository.* An on-base facility where armed personnel are on duty at all times, top provide close and continuing supervision of containers used to temporarily store funds.

(d) *Classes of munitions.* See AFM 127-100, Explosive Safety Manual.

(e) *Controlled area.* Any specifically designated building, area or structure, containing USAF resources which are lucrative targets for theft, compromise or destruction and to which entry must be limited in order to provide more than routine protection.

(f) *Deviation.* A temporary condition where existing facilities, equipment, manpower, or procedures do not meet the standards prescribed by this part.

(g) *Duress alarm system.* A mechanical or electronic device which enables personnel on duty to alert an agency, usually security police, for the purpose of obtaining immediate assistance without arousing suspicion.

(h) *Exception.* A permanent condition where existing facilities, equipment, manpower, or procedures do not meet the standards prescribed by this part.

(i) *Firearm.* A firearm is any weapon including starter guns, which will or may, readily be converted to expel a projectile through a barrel by the action of an explosive; the frame, or receiver of any such weapon; and any firearm muffler or silencing device. This definition includes individual crew-served, and aircraft armament weapons, as well as pyrotechnic flare guns.

(j) *Firearms storage facility.* A structure approved by the installation commander for the storage of more than ten firearms.

(k) *Fund activity.* Any activity or function approved by the installation commander to handle Government funds. Branches, or subactivities of main

Subpart F—Appeals From Denials To Make Records Available

§ 806.57 Filing an appeal.

(a) When a request to copy or inspect a record has been denied, the requester may appeal the denial, separately in writing, to the Office of the Secretary of the Air Force, within 45 days of denial.

(1) A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a secretarial decision made on that appeal. That decision is the final Air Force action on the request (see exception in paragraph (a) (2) of this section).

(2) The requester will also be deemed to have exhausted his administrative remedies within the Air Force, if the Air Force fails to comply with the time limits prescribed in this part.

(b) The requester should address the appeal to the Office of the Secretary of the Air Force and send it through the denial authority who denied the request. (For example, if HQ AFLC denied the request, the requester should send the appeal to the Office of the Secretary of the Air Force through Commander, AFLC, Wright-Patterson Air Force Base, Ohio 45433.) The appeal should outline the requester's arguments and reasons for submitting the appeal. The appeal may not be made in person, except at the discretion of the Secretary of the Air Force.

(c) The denial authority will send the appeal to HQ USAF/JACL promptly for processing, together with a copy of the requested record. (If the requested record is too bulky to send, describe it sufficiently to permit a proper determination on the request.) If the initial time limit was extended, give the number of additional days used in making the determination. HQ USAF/JACL will either release the requested record or forward the appeal to the Office of the Secretary, SAF/AA, for final determination.

(d) Within 20 workdays (except Saturdays, Sundays, and legal holidays) after the appeal is received by the Office of the Secretary of the Air Force, a determination will be made on that appeal.

(1) If the denial is upheld, in whole or in part, the Secretary's office will notify the requester of that determination, explain the reasons for the denial, and in-

form the requester of his right to a judicial review of that determination, upon complaint to the District Court of the United States in one of the following places: in the district where the requester resides; in the district where the requester's principal business is located; in the district where the Air Force records are situated; or in the District of Columbia.

(2) If the appeal is granted, OASF will advise the requester in writing.

(3) If the final denial is based in whole or part on a security classification, the requester will be advised of his optional right to seek declassification of the record by the Interagency Classification Review Committee in lieu of immediate judicial review.

By order of the Secretary of the Air Force.

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

[FR Doc.75-4860 Filed 2-21-75; 8:45 am]

SUBCHAPTER E—SECURITY

PART 851—PROTECTION OF USAF RESOURCES

This revision designates command authority; establishes authority concerning vehicle inspections; provides pilferage control guidance; designates standard warning signs; and provides additional information to update and to clarify the part.

Part 851, Subchapter E of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Background and Terminology

Sec.

851.1 Purpose.

851.3 Definitions.

851.5 Program applicability.

851.7 Command authority and responsibility.

851.9 Legal requirements.

Subpart B—Resource Protection: Aids and Equipment

851.11 Concept of protection.

851.13 Controlled areas.

851.15 Entrances to controlled areas.

851.17 Requirements for display of warning signs.

851.19 Specifications of warning signs.

functions (such as BX branches, club annexes, and bowling lanes), are considered separate fund activities.

(l) *Fund container.* Any receptacle which contains Government funds; this includes vaults, safes, cash boxes, or security containers.

(m) *Fund custodian.* The person designated to accept and discharge the responsibility of managing and supervising the fund activity.

(n) *Government funds.* Funds under the control of Air Force personnel that include, without being limited to, revenues and funds of the United States or any of its officers, agents, or employees.

(1) All appropriated, nonappropriated and other Government funds or negotiable instruments, under the control of Air Force personnel are considered under the purview of this part.

(2) Funds are primarily considered monies (that is, coins and currency), U.S. Postal Service stamp stocks, blank money orders, Government pay checks, and negotiable instruments (checks) marked payable to the United States Treasury or stamped "For Deposit Only," need not be counted when total amounts of funds are tallied for storage or escort purposes.

(o) *Inspection.* An analysis conducted for the purpose of establishing, planning, programming and insuring continuing compliance with protection standards.

(p) *Installation/base commander.* The designated military member responsible for the protection of USAF resources located within his area of jurisdiction.

(q) *Intrusion detection equipment (IDE).* A combination of compatible mechanical or electronic components, primarily designed and assembled to detect and announce an unauthorized entry or attempted entry into a protected area.

(r) *J-SIIDS.* Joint Service Interior Intrusion Detection Systems.

(s) *Major command.* Here, the term major command (or MAJCOM) also refers to a separate operating agency.

(t) *Night depository.* Fund storage container constructed as an adjunct to the base banking facility. This term includes night depositories constructed as a part of accounting and finance offices.

(u) *Nonnuclear munitions.* A general term applying to the nonnuclear explosives. It also refers to the filler of an explosive item. Incendiary materials, which are contained in some rocket motors and which will burn but will not explode are excluded from the criteria established by this part.

(v) *Nonnuclear munitions storage area.* A designated area set aside for the storage of nonnuclear munitions. Where nonnuclear munitions are stored within nuclear storage areas, the provisions of AFMs 207-1 and 207-10, System Security Standard—Nuclear Weapons in Storage, Surface Movement and Logistics Transport Status, will apply.

(w) *Nonnuclear munitions storage facility.* Any structure or location, except a designated storage area where

nonnuclear munitions are regularly stored or stockpiled. Procedures for the establishment of munitions storage facilities and restrictions on explosive classes and quantities to be located therein are contained in AFM 127-100.

(x) *Personal firearm.* Privately owned firearm.

(y) *Protection.* The physical actions, aids and facilities required to safeguard USAF resources from loss, unauthorized penetration, damage or destruction.

(z) *Security police forces.* Air Force military security police personnel (AFSC 81XX/811XX/812XX) and all Department of the Air Force (DAF) civilians, contract civilians, Air Force military augmenters and foreign nationals civilian personnel who have been designated by proper authority to perform guard or police duties, within the meaning of Article 7b, Uniform Code of Military Justice, and paragraph 19a, Manual of Courts Martial 1969, revised.

(aa) *USAF physical resources.* All property, equipment, facilities and materials, classified or unclassified, within the jurisdiction, administration or custody of the United States Air Force and its units, exclusive of those aerospace operational resources described in AFR/AFM 207-1.

§ 851.5 Program applicability.

(a) *Application of program.* In the broadest sense, this program is designed to protect Air Force resources. However, it applies to non-Air Force activities tenant on Air Force installations, except where otherwise specified in inter-service support agreements or other written agreements.

(b) *Air National Guard or Air Reserve Forces.* (1) This program applies to Air National Guard (ANG) and Air Reserve Forces (ARF) bases or installations or facilities located on lands owned, leased, or otherwise under U.S. Air Force jurisdiction.

(2) Air National Guard or Air Reserve units located on lands under the jurisdiction of other services, will be guided by other services' directives on circulation procedures and posting of boundaries, which implement Department of Defense Directive 5200.8.

(3) Any Air National Guard or Air Reserve Force unit which is not located on land owned or leased by (or otherwise under the jurisdiction of) the USAF or another service, should refer to state statutes for authority to establish regulations and procedures for the protection of their resources. These directives will follow the policy and intent of this part as closely as possible. Requirements for fencing and posting may be modified by Headquarters Air National Guard and Air Reserve Forces.

(c) *Air Force units tenant to other services.* When negotiating an agreement, each Air Force tenant unit (including ANG and ARF units) on another service's installation will include as much of this part as possible. However, Air Force tenant units will comply with the terms of host-nation or service agreements.

§ 851.7 Command authority and responsibility.

The command responsibility for protection of physical resources carries with it the authority to promulgate directives necessary to accomplish this responsibility.

(a) Under Section 21 of the Internal Security Act of 1950, 64 Stat. 1005 (50 U.S.C. 797), any directive promulgated by the commander of a military installation or facility (including a directive which authorizes entry to or exit from a military installation) is legally enforceable against all persons, whether or not those persons are subject to the UCMJ.

(b) DOD Directive 5200.8 which implements 50 U.S.C. 797, delegates the authority to promulgate such directives to the commander of any major command, numbered air force, air division, wing, group or installation. Any directive promulgated by a properly designated Air Force commander is enforceable against persons subject to the UCMJ who are under that commander's jurisdiction.

(c) Although 18 U.S.C. 1382 does not specifically pertain to the protection of USAF physical resources, this law makes it a criminal act for any person to re-enter an installation after being removed from it (or ordered not to reenter it) by the installation commander, or by his designee, acting on his specific instructions (Part 809a of this chapter).

§ 851.9 Legal requirements.

To have legal effect, any directive or regulation pertaining to the protection of USAF physical resources must meet the requirements in paragraphs (a) through (d) of this section.

(a) Any regulation that implements 50 U.S.C. 797 and DOD Directive 5200.8, must:

(1) Be promulgated by commanders designated by the Secretary of Defense in paragraph III.C, DOD Directive 5200.8;

(2) State specifically that the directive is issued pursuant to the Internal Security Act of 1950 (50 U.S.C. 797) and pertains to one of the subjects listed in that act;

(3) Clearly describe, locate and identify the controlled area(s) or property, and state that entrance into that area or property without the installation commander's consent is prohibited.

(4) Be posted in a conspicuous, appropriate place (for example, at the gates of the installation or at the entrance to the controlled area).

(5) Outside the United States and its possessions, a commander's authority is derived from bilateral agreements between the United States and countries concerned.

(b) Any regulation that applies only to persons who are subject to the UCMJ:

(1) Should be promulgated by an Air Force commander, as defined in paragraph III.C, DOD Directive 5200.8 (preferably, by the installation commander who is responsible for the security of the entire installation, although it is enforceable when issued by any commander who is responsible for the USAF physical resources in the area).

(2) Must clearly describe, locate, and identify the controlled area or property, and state clearly that entrance into, or use of, the controlled area is prohibited, without the consent of the commander who issued the order.

(3) Must require each controlled area to be clearly posted and the regulation be publicized to insure that all military personnel know of its existence.

(c) The installation commander (or his designee) must issue the order in writing to remove persons from the installation and direct them not to reenter (Part 809a of this chapter).

(d) Any regulation that is intended to apply to persons in an overseas area who are not subject to the UCMJ must be consistent with any formal U.S. agreement with the host nation. When a criminal offense is a violation in which the U.S. has extra-territorial jurisdiction, U.S. Federal authorities may prosecute a non-U.S. citizen offender.

Subpart B—Resource Protection: Aids and Equipment

§ 851.11 Concept of protection.

The physical protection of USAF resources encompasses measures designed to develop habits and attitudes in Air Force personnel that will enhance resource protection, by providing a reasonably secure environment, and by eliminating potential weaknesses in our protective posture.

(a) The installation commander must use a systems approach in the analysis of physical protection requirements to insure that all elements of the resource protection program are integrated and complement each other. For example, protective lighting is a greater deterrent when the lighted area is also under surveillance or observation; likewise, an alarm system is effective only when there is a force available to respond to it. Similarly, barriers are more effective when they are patrolled and observed.

(b) The installation commander must also consider the cost of physical protection safeguards and weigh those costs against other factors, such as sensitivity, criticality, vulnerability, location, and mission of the installation, facility or resource.

(c) The type of lock to be used in protecting resources must also be planned carefully. High security padlocks and hasps must be used to protect certain sensitive resources (such as firearms, munitions, etc.).

(1) Padlocks that meet military specification MIL-P-17802 are available as medium security locks for use to secure pilferable items of significant value.

(2) Locks listed under FSN 5340-664-1323 are low security locks. Since they afford only a small degree of protection, they should never be used to secure pilferable items or articles of significant value.

§ 851.13 Controlled areas.

The establishment of controlled areas in an installation improves the total base security posture by providing security in depth and developing the security con-

sciousness of personnel. Although an increase in security measures may cause some slowdown in operations and some inconvenience to other personnel, the use of controlled areas assists in matching protection requirements with local needs.

(a) The installation commander is authorized to establish a controlled area in order to regulate entrance to that area; he is also authorized to apply appropriate methods and degrees of control to protect Air Force physical resources from loss, theft, damage, destruction, compromise, or other hazard.

(1) A controlled area may be established in an area designated under AFR or AFM 207-1 as a restricted area, and vice-versa.

(2) When an area is to be controlled for a temporary period, the commander will specify the precise period (in days, weeks, or months). If the directive refers to an area to be permanently controlled, it will clearly specify the limits and boundaries, and the boundaries must be posted and clearly defined.

(b) Visitor control and surveillance of personnel in a controlled area requires security consciousness on the part of the personnel working in the area. In especially sensitive areas, security police personnel may be provided for entry control.

(c) The designation controlled area carriers as much of a legal and moral restriction as any physical barrier. Unless physical barriers are specifically required, the actual control may depend entirely on the security consciousness of the personnel in the designated area.

(d) Parking areas for privately owned vehicles will be established outside of controlled areas to the greatest extent consistent with operational necessity.

§ 851.15 Entrances to controlled areas.

(a) Entrances should be kept to a minimum necessary for safety, efficiency and operational control. Where required, adequate physical safeguards (such as fences, gates, and window bars) must be installed to deny entry of unauthorized persons into a controlled area.

(b) Except when a sign would tend to advertise a concealed area, controlled area signs must be posted in conspicuous and appropriate places, such as ordinary entrances, or approaches to these areas, and on perimeter fences or boundaries to the area. (These procedures will be discussed in more detail; see §§ 851.17 and 851.19)

§ 851.17 Requirements for display of warning signs.

Warning signs will be displayed at each entrance to the installation, around the perimeter of the installation, at each entrance to a controlled area, around the perimeter of each controlled area, and displayed in such a manner that they can be easily read by persons approaching on foot or in a vehicle. The rules in paragraphs (a) and (b) of this section apply.

(a) *Controlled areas.* Maximum spacing between signs will not normally exceed 100 yards. Deviation may be necessary when the sign would obstruct the path of most likely approach.

(b) *Base perimeters.* The commander will be guided by local statutes which govern the posting of lands. However, strategic locations such as roads that dead-end on a perimeter fence, etc., will always be posted. When the perimeter is adjacent to a populated area, the signs will not be placed more than 100 yards apart.

§ 851.19 Specifications of warning signs.

(a) The most commonly used signs are designated as AF Forms, to facilitate their posting in areas or on installations. The forms will be mounted on aluminum, sheet metal, or wood backing.

(1) The following figure depicts the design and wording for installation warning signs:

WARNING

U.S. AIR FORCE INSTALLATION
IT IS UNLAWFUL TO ENTER THIS AREA
WITHOUT PERMISSION OF THE
INSTALLATION COMMANDER
(SEC. 21 INTERNAL SECURITY ACT OF
1950; 50 U.S.C. 797)

WHILE ON THIS INSTALLATION ALL
PERSONNEL AND THE PROPERTY
UNDER THEIR CONTROL ARE
SUBJECT TO SEARCH

For controlled area signs, the phrase "CONTROLLED AREA," is substituted for "U.S. AIR FORCE INSTALLATION." The background of the signs is white with the word "WARNING" in bright red. All other letters are in Air Force blue.

(2) When a sensitive program or classified material is involved, and there is a restriction on photography, a separate sign will be locally fabricated and posted in conjunction with the basic warning sign. These signs will include the wording "PHOTOGRAPHY IS PROHIBITED." The letters will be in Air Force blue on a white background. Proportionate lettering of the size used in the basic warning sign will be used.

(b) If military working dog teams are used inside or around the posted area, AF Forms 2529, Military Working Dog Notice, will be affixed directly below the basic warning sign.

(c) In a foreign country, or in CONUS, wherever the ethnic origin of the local populace indicates it would be advisable, signs will be bilingual. The signs will conform to the laws and regulations of the foreign country.

(1) Variation in wording is authorized with approval of overseas major commands, based on nation-to-nation agreements, status of forces agreements, local laws, etc.

(2) In an area where there is a high degree of illiteracy, a commonly accepted danger or warning symbol will be posted on the signs.

(3) These signs will be locally fabricated or procured and should, to the extent possible, conform with color and design of the basic sign facings.

(d) Size and use for the AF Forms are:

(1) AF Form 2523, Installation Warning Sign, (2 ft x 1 ft); used to post area boundaries.

(2) AF Form 2524, Installation Warning Sign, (4 ft x 2 ft); used to post personnel and vehicle entry points.

(3) AF Form 2525, Controlled Area Sign (2 ft x 1 ft); used to post area boundaries and buildings.

(4) AF Form 2526, Controlled Area Sign (4 ft x 2 ft); used to post personnel and vehicle entry points.

(e) Any sign that is already in use on December 21, 1973, which differs in size or color, but which conforms basically to the required language, will continue to be used until it becomes unserviceable.

Subpart C—Resource Protection: Entry and Internal Controls

§ 851.21 Base entry policy.

(a) The installation commander will determine the degree of control required over personnel entering or leaving the installation (that is, checking identification credentials, registering visitors, etc.).

(1) As a basic policy, he should avoid placing any unnecessary restrictions against personnel visiting the installation, since a system of complex time-consuming entry controls at perimeter gates serves few useful purposes. However, under certain conditions and circumstances, a complete lack of entry controls can have a detrimental effect on security of the installation.

(2) In determining the stringency of the controls to be used, the commander will consider the local environment; the security priority assigned operational resources and the threat thereto (see AFM and AFR 207-1); pilferage problems and base features that might present significant hazards to public safety.

(3) These policies are not intended to infringe upon normal domestic or social activities of families residing on the base, or hamper or preclude private visits, or hinder public visits during officially sanctioned events. Nevertheless, more stringent controls are required during emergency operations.

(b) The minimum controls in paragraphs (b) (1) through (b) (6) of this section should be applied at every Air Force installation.

(1) The installation must be fenced around the perimeter (See AFM 86-2, Standard Facility Requirements).

(2) The installation must be posted with warning signs at all perimeter gates and along the perimeter fence line.

(3) The installation must be patrolled internally by security police forces (see § 851.23).

(4) If the installation meets at least one of the characteristics in paragraphs (b) (4) (i) through (b) (4) (iv) of this section, security police personnel must man the base perimeter entry points (gates) when the gates are open for public use.

(i) Routinely possesses or supports on-base aerospace operational resources of security priority A or B as explained in AFR/AFM 207-1.

(ii) Has excessive or serious pilferage problems.

(iii) Is confronted by a highly significant and unique security threat.

(iv) Has features or activities that are significant public safety hazards, when adequate protection cannot be afforded by controlled areas.

(5) If the installation requires security police manning of perimeter entry points, it will operate only the minimum number of perimeter entry gates required for operational needs. Each special purpose gate will be opened, manned, and secured (locked) by trained contractor or owner-user personnel. All non-essential gates will be closed during periods of low volume traffic.

(6) If the installation does not meet the characteristics of paragraph (b) (4) of this section, the main gate must be manned by information-security police on a 24-hour basis. All non-essential gates will be closed during low volume traffic.

§ 851.23 Installation patrol.

The base protection program includes installation patrols as well as patrols authorized in weapons system security (207 series) directives, to respond to incidents immediately as they occur, and to provide some deterrence to criminal activity.

(a) The number of patrols required depends on local circumstances and on the size of the installation, but generally, each installation will have at least one 24-hour per day patrol.

(b) More may be needed, depending on the off-base housing area traffic control requirements, or the need to protect high value or essential resources that are pilferable. The major command will determine the necessity for base patrols at small detachments or sites.

§ 851.25 Inspection of motor vehicles entering or leaving an Air Force installation.

A commander may direct the inspection of any vehicle entering or departing an installation under his jurisdiction, whether the owner or operator is military or civilian.

(a) Vehicles to be inspected will be selected on an impersonal basis, using an arbitrary formula—such as “every other car.” That is, individual cars should not be singled out for inspection unless there is reason to believe that a specific vehicle may be carrying contraband items.

(b) The refusal by the owner or driver to submit to this inspection on entering an installation is legal cause to deny the vehicle entry. Physical force may not be used to enter a vehicle when permission to inspect has been denied. However, the commander may detain the vehicle and deny exit until the individual complies, or he may deny future on-base driving privileges, including cancellation of base entry for any vehicle owned or operated by the individual.

(c) If the installation commander has reasons to believe Government property is contained in the vehicle without proper authority, which cannot otherwise be recovered, he may, after consultation with the nearest U.S. Attorney, cause the locked compartments to be forced open.

§ 851.27 Pilferage control.

(a) *Use of term.* Pilferage involves the deliberate taking of property through circumvention of human controls and physical security measures for personal gain. (Like the terms steal, theft, larceny, it implies taking without authority, any quantity of material, or any item of monetary value. For example, items most often pilfered include tools, small arms and ammunitions, bulk explosives, food stuffs, clothing, medical supplies, radios, flashlights and batteries, fuels of all kind, and other small, easily concealed items.) Pilferage can be reduced and controlled through implementation of logical and well planned protection techniques, which should be used particularly for sensitive or high value items.

(b) *Responsibilities.* (1) The installation commander has overall responsibility for the reduction or elimination of pilfering.

(2) The owning organization is accountable and responsible for resources within that unit. Adequate controls and safeguards must be provided by the unit commander to insure protection of property.

(3) The Chief of Security Police will assist in providing protective recommendations to reduce and control susceptibility to pilferage of the total facility.

(c) Conditions conducive to pilferage.

(1) While there are numerous factors which contribute to, or are conducive to pilferage, the primary factors fall within two categories: inadequate physical security measures and inadequate or insufficient utilization of human resources in the areas of management, training, discipline, responsibility, etc.

(2) Of the two categories, the physical security aids are the more tangible and more easily corrected. The human resource factors are more susceptible to breakdown, fluctuation, inadequacy and neglect.

(i) Management or top supervisory personnel must implement a proper plan of organization and adequate methods to measure safeguard procedures. They must also control and insure accuracy and reliability of accounting procedures and encourage strict compliance with prescribed policies.

(ii) Intermediate supervisors and other personnel must help to protect pilferable resources. For example, frequent, unannounced inspections, including an accounting and inventory of records, help to prevent pilferage. Also, the opportunity to pilfer should be reduced by making sure that personnel who have access to stock records do not also have unmonitored access to merchandise.

§ 851.29 Prevention of pilferage and vandalism.

In a base or housing area where there is a high level of pilferage or vandalism, the commander may supplement normal security police patrols in one or more of the ways in paragraphs (a) through (f) of this section.

(a) Stakeouts by security police personnel.

- (b) Use of unmarked Government vehicles by security police.
- (c) Foot patrol(s) by security police.
- (d) Patrol by military working dog teams.
- (e) Use of TDY security police.
- (f) Refer to Army Air Force Exchange Service (AAFES) Manual 16-1, for additional guidance on preventing shoplifting and pilferage from base exchange and commissaries.

By order of the Secretary of the Air Force.

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

[FR Doc. 75-4861 Filed 2-21-75; 8:45 am]

SUBCHAPTER I—MILITARY PERSONNEL

PART 888e—DISPOSITION OF CONSCIENTIOUS OBJECTORS

Miscellaneous Amendments

These amendments to Part 888e eliminate separate treatment on non-EAD Reserves and incorporate the various guidance into appropriate sections throughout the part; add the requirement that members who have departed their duty station for PCS reassignment must submit their application at next duty station; amplify and clarify actions required of the servicing CBPO; require the investigating officer, if available, to be a JAC officer; clarify the instructions to the investigating officer; revise the flow of applications; require applicant to comply with active duty or transfer orders in effect at the time of his application or subsequently issued and received; clarify status of applicants on flying status; and update to make other minor changes to the part.

Part 888e, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

1. Part 888e, Table of Contents, is amended by removing Subpart F and all sections in Subpart F and by revising the title of § 888e.20 to read "Actions required of the servicing CBPO."

§ 888e.2 [Amended]

2. Section 888e.2 is amended by substituting "October 18, 1971" for "May 1, 1970" and by substituting "February 28, 1974" for "October 18, 1971".

3. Section 888e.12 is amended by revising to read as follows:

§ 888e.12 Required information.

(a) A member of the Air Force who seeks either separation or assignment to noncombatant duties by reason of conscientious objection will submit an application therefor through his unit commander to the CBPO Special Actions unit. Members of the Air National Guard of the United States (ANGUS) not on extended active duty (EAD) will submit their applications to their immediate commander. Members of the U.S. Air Force Reserve (USAFR) not on EAD will submit their applications to their immediate commander who will request assistance of the nearest CRPO/CBPO.

The applicant will indicate whether he is seeking a discharge or assignment to noncombatant duties and will include the items in paragraph (a) (1) through (4) of this section.

(1) The personal information required in paragraph (b) of this section.

(2) Any other items which the applicant desires to submit in support of his case.

(3) Applicants for 1-A-0 status will not be processed unless accompanied by a voluntary request for separation in accordance with AFR 36-12, Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force (officers), or AFM 39-10, Separation Upon Expiration of Term of Service for Convenience of Government, Minority, Dependency and Hardship (airmen). Non-EAD members will prepare their requests for voluntary separation in accordance with AFM 35-3, Air Reserve Forces Personnel Administration (USA FR officers and airmen); ANGR 36-05, Officer Personnel Administrative Discharge of Commissioned Officers and Warrant Officers of the Air National Guard of the U.S. (ANGUS officers); or ANGR 39-10, Enlisted Personnel Separation (ANGUS airmen). Such requests by the applicant will be submitted by letter in the format prescribed in § 888e.38. The request will be signed and dated by the applicant and made a part of the application prior to forwarding to the commander exercising special court-martial jurisdiction.

(4) Application for discharge will be submitted under AFM 35-3, AFR 36-12, AFM 39-10, ANGR 36-05, or ANGR 39-10, as appropriate. Applications for discharge or noncombatant duty will be prepared in accordance with the applicable directive cited in this paragraph with the additional data required by this part attached or indorsed. Applications will be submitted to the unit commander in a sufficient number of copies so that two copies can be forwarded to AFMPC/DPMAKO (officers), AFMPC/DPMAKE (airmen), Randolph Air Force Base, Texas 78148.

NOTE.—Members desiring to file an application under this part, who have departed their duty station for PCS reassignment, are required to submit their application at their next duty station.

(b) Each person seeking release from active service from the Air Force or assignment to noncombatant duties, as a conscientious objector, will provide the information indicated in paragraph (b) (1) through (4) of this section as the minimum required for consideration of his request. This in no way bars the Air Force from requiring such additional information as is desired. The individual may submit such other information as desired.

(1) General information concerning applicant:

- (i) Full name.
- (ii) Social Security account number.
- (iii) Selective Service number.
- (iv) Service address.
- (v) Permanent home address.

(vi) Name and address of each school and college attended (after age 16), dates of attendance, and the type of school (public, church, military, commercial, etc.).

(vii) A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college (after age 16) whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the from/to date for each position or job held.

(viii) All former addresses (after age 16) and dates of residence at those addresses.

(ix) Parents' names and addresses. Indicate whether they are living or deceased.

(x) The religious denomination or sect of both parents.

(xi) Was application made to the Selective Service System (local board) for classification as a conscientious objector prior to entry into the Air Force? (A) To which local board?

(B) What decision was made by the Board, if known?

(xii) When the applicant has served less than 180 days in the military service, a statement by him as to whether he is willing to perform work under the Selective Service civilian work program for conscientious objectors, if discharged as a conscientious objector. Also, a statement of the applicant as to whether he consents to the issuance of an order for such work by his local Selective Service Board.

(2) Training and belief:

(i) A description of the nature of the belief which requires the applicant to seek separation from the military service or assignment to noncombatant training and duty for reasons of conscience.

(ii) An explanation as to how his beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.

(iii) An explanation as to when these beliefs became incompatible with military service, and why.

(iv) An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any foreseeable circumstances.

(v) An explanation as to how the applicant's daily life style has changed as a result of his beliefs and what future actions he plans to continue to support his beliefs.

(vi) An explanation as to what in applicant's opinion most conspicuously demonstrates the consistency and depth of his beliefs which gave rise to his claim.

(3) Participation in organizations:

(i) Information as to whether applicant has ever been a member of any military organization or establishment before entering upon his present term of service. If so, the name and address of such organization will be given together with reasons why he became a member.

(ii) A statement as to whether applicant is a member of a religious sect or organization. If so, the statement will show the following:

(A) The name of the sect and the name and location of its governing body or head, if known.

(B) When, where, and how the applicant became a member of said sect or organization.

(C) The name and location of any church, congregation, or meeting which the applicant customarily attends, and the extent of the applicant's active participation therein.

(D) The name, title, and present address of the pastor or leader of such church, congregation, or meeting.

(E) A description of the creed or official statements, if any, and if they are known to him, of said religious sect or organization in relation to participation in war.

(iii) A description of applicant's relationships with and activities in all organizations with which he is or has been affiliated, other than military, political, or labor organizations.

(4) References: Any additional information, such as letters of reference or official statements of organizations to which the applicant belongs or refers in his application, that the applicant desires to be considered by the authority reviewing his application. The burden is on the applicant to obtain and forward such information.

§ 888e.14 [Amended]

4. Section 888e.14(b) is amended by substituting "AFMPC/DPMAKO (officers) or AFMPC/DPMAKE (airmen), Randolph Air Force Base, Texas 78148" for "AFMPC".

5. Section 888e.14 is amended by revising the NOTE to read as follows:

NOTE: In cases of non-EAD applicants, ANGUS members will be supported by their CBPO. USAFR members will be assisted by the CRPO/CBPO nearest to the applicant. The assisting CRPO/CBPO (a CRPO whenever possible) will accomplish the actions in this section and § 888e.20.

6. Section 888e.20 is amended by revising to read as follows:

§ 888e.20 Actions required of the servicing CBPO.

The servicing CBPO will:

(a) Screen the applicant's Field Record Group and contact other appropriate offices for any information which may be supportive of or cast doubt upon the member's sincerity. This information will immediately be forwarded to the servicing CRPO/CBPO for inclusion in the applicant's file and for consideration by the investigating officer.

(b) Schedule the applicant for interviews with the chaplain and psychiatrist. The applicant will be personally interviewed by a chaplain who will submit a written opinion as to the nature and basis of the applicant's claim and as to the applicant's sincerity and depth of conviction. The chaplain's report must include the reasons for his conclusions but will not make any recommendations

for approval or disapproval of the application. The applicant will also be interviewed by a psychiatrist who will submit a written report of psychiatric evaluation. This evaluation will also indicate the presence or absence of any psychiatric disorder which would warrant treatment or disposition through medical channels, or any character or personality disorder which would warrant appropriate administrative action. The report will not make any recommendations for approval or disapproval of the application. A medical officer may make this evaluation if a psychiatrist is not reasonably available.

(c) The information developed in the screening, the chaplain's opinion, and the psychiatric evaluation will become part of the case file furnished to the investigating officer. If the applicant refuses to participate or is uncooperative or unresponsive in the course of the interview, this fact will be included in the comments given by the chaplain and psychiatrist or medical officer.

7. Section 888e.22 is amended by revising the introductory text, note, and paragraph (a) to read as follows:

§ 888e.22 Appointment of investigating officer.

The commander exercising special court-martial jurisdiction over the applicant (major commands (MAJCOMs) and separate operating agencies (SOAs) for assigned non-EAD reservists) will appoint a judge advocate, if available, to investigate the applicant's claim. If the applicant is a commissioned officer, the investigating officer must be senior in both temporary and permanent grades to the applicant, unless the investigating officer is a judge advocate (JA).

NOTE: JAG mobilization augmentees and JAG area representatives may be used as investigating officers for applications submitted by non-EAD USAFR personnel and processed through ARPC.

(a) Upon appointment, the investigating officer will review this part.

§ 888e.24 [Amended]

8. Section 888e.25(f) is amended by removing the phrase "commander who appointed the investigating officer," and by substituting "servicing CBPO/DPMQS" and by adding at the end of the paragraph the sentence "The case file will include a statement by the investigative officer, or a copy of a receipt from the applicant, showing the date on which the copy of the report was delivered to the applicant."

9. Section 888e.26 is amended by revising to read as follows:

§ 888e.26 Forwarding of application.

Fifteen days after the date the applicant was provided his copy of the record (§ 888e.24(f)) or upon receipt of his rebuttal, whichever is sooner, the CRPO/CBPO (DPMQS) will promptly forward the record case to the local staff judge advocate (SJA) for review for procedural compliance with the part. If necessary,

the SJA may return the case through the servicing CRPO/CBPO to the investigating officer for further investigation. When the record is complete, the SJA will forward it to the commander who appointed the investigating officer. The appointing commander will forward the case, including his recommended disposition and reasoning, direct to the applicant's MAJCOM of assignment. In cases of non-EAD ANGUS applicants, the servicing CRPO/CBPO will promptly forward the case through command channels to NGB/DPM, Washington, D.C. 20310. In cases of non-EAD USAFR applicants, the servicing CRPO/CBPO will promptly forward the case to the MAJCOM or SOA to which the applicant is assigned. After a review for legal sufficiency by the SJA, the MAJCOM/SOA of assignment will forward the case, including their recommendations and reasons, in at least two copies, direct to AFMPC/DPMAKE (airmen) or AFMPC/DPMAKO (officers), Randolph Air Force Base, Texas 78148.

§ 888e.32 [Amended]

10. Section 888e.32 is amended by removing "AFMPC" and substituting "HQ USAF" and by removing the sentence "However, members desiring to file application who are on orders for reassignment are required to submit applications at their next permanent duty station," and substituting the sentence "The applicant will be required to comply with active duty or transfer orders in effect at the time of his application or subsequently issued and received," and by adding at the end of the section the sentence "For applicants on flying status, see AFM 35-13, Flying Status, Aeronautical Ratings, Designations and Parachute Jump Status, for appropriate suspension action."

§ 888e.34 [Amended]

11. Section 888e.34 is amended by removing the phrase "with entry in personnel records and discharge papers that the reason for separation is conscientious objection" from the first sentence and by adding "AFM 35-3 (USAFR members), ANGR 36-05 (ANGUS officers), ANGR 39-10 (ANGUS airmen)" following the phrase "pertinent provisions of" in the second sentence.

§ 888e.38 [Amended]

12. Section 888e.38 is amended by removing the phrases "paragraph 3-8r," and "paragraph 16m."

13. Section 888e.42 is amended by revising to read as follows:

§ 888e.42 DD Form 214.

If a member is discharged from EAD as a conscientious objector, DD Form 214, Report of Separation from Active Duty, items 9c and 10, will be completed as indicated in paragraphs (a) and (b) of this section.

(a) Item 9c.

(1) Officers—AFR 36-12.

(2) Airmen—AFM 39-10.

(b) Item 10. Enter Code "2" for airmen.

RULES AND REGULATIONS

§ 888e.44 [Amended]

14. Section 888e.44 is amended by adding "AFM 35-3, ANGR 36-05, ANGR 39-10," after the phrase "the standards established in".

§ 888e.50 [Amended]

15. Section 888e.50 is amended by changing "SSS" to read "SS" and by removing the last sentence in the text, which begins with "He will request the SSS * * *".

Subpart F—[Revoked]

16. Subpart F is revoked and the information contained therein is being incorporated into the appropriate sections throughout this part.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

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

[FR Doc.75-4859 Filed 2-21-75; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Reorganization of Office of Plans and Policy

In the matter of editorial amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Office of Plans and Policy.

1. The increasing frequency of international conferences and the upcoming 1979 WARC require that the Commission's operations involving participation in these conferences be improved. The amendment adopted herein assigns responsibility to the Office of Plans and Policy for periodically advising the Commission of current and future participation in international conferences.

2. The amendment adopted herein pertains to agency organization. The prior notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing, it is ordered, Effective February 12, 1975, that Part 0 of the rules and regulations is amended as set forth below.

Adopted: January 29, 1975.

Released: February 18, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1062; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] R. D. LIGHTWARDT,
Acting Executive Director.

Section 0.21(h) is revised to read as follows:

§ 0.21 Functions of the office.

(h) To coordinate the development and presentation of Commission views and position papers regarding both domestic and international communications policy, participate in interagency and international discussions and conferences, as may be authorized and approved by the Commission, and periodically advise the Commission of current and future participation in international conferences.

[FR Doc.75-4881 Filed 2-21-75; 8:45 am]

[FCC 75-199]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority

In the matter of amendment of Part 0 of the Commission's rules and regulations Concerning Delegations of Authority to the Chief, Cable Television Bureau.

1. The Commission has completed its review of the delegations of authority to the Chief, Cable Television Bureau, and has concluded that an expansion of the present delegations contained in § 0.289 of the Commission's Rules is in order. To accomplish this, present and new delegations of authority are being incorporated into a new § 0.288. The new delegations will allow routine cable applications and petitions, and those not presenting novel questions of law or policy, to be processed at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission. These delegations should reduce the Commission's workload of routine cases, allowing more time to be spent on the larger issues of policy, and will aid the Cable Television Bureau in expediting the processing of pending cases and thereby reducing its backlog.

2. In general, the new delegations grant the Chief, Cable Television Bureau new authority with respect to procedural matters, consistent with that granted the other bureaus of the Commission, and new authority with respect to substantive case processing, where Commission policy has been clearly established.

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

4. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason, these amendments will be made effective immediately.

Authority for the rule amendments adopted herein is contained in sections 2, 3, 4(d) and (j), 5(b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That, effective February 28, 1975, Part 0 of the Commission's Rules and Regulations is amended as set forth below.

Adopted: February 12, 1975.

Released: February 24, 1975.

(Secs. 2, 3, 4, 301, 308, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

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

1. A new § 0.288 is added as follows:

§ 0.288 Authority Delegated.

The Chief, Cable Television Bureau, is delegated authority to act upon applications, petitions, requests, and other matters, which are not in hearing status, as follows:

(a) To extend or shorten, for good cause shown, the time required to: comply with Commission orders; file briefs and comments with respect to rulemaking; file responses to official correspondence; effectuate a transfer of control or assignment of a license or other authorization; file pleadings, briefs, comments, and all other papers, including papers related to waiver requests, applications not designated for hearing, and matters which are to be decided by the Commission, such as applications for review of actions taken by the Chief, Cable Television Bureau, and including situations in which the filing date was initially specified by the Commission; comply with technical requirements specified in authorization orders and rules or releases of the Commission; file financial, statistical and other statements and annual reports;

(b) To initiate official correspondence where appropriate;

(c) To act on requests for withdrawal of papers in accordance with § 1.8 of this chapter;

(d) To dismiss applications, as provided in §§ 76.20 and 78.21 of this chapter, or those which are not timely filed under the Commission's rules, not acceptable under the Commission's rules, or clearly moot;

(e) To dismiss premature requests for waiver of the Commission's rules;

(f) To dismiss, as repetitious, any petitions for reconsideration of a Commis-

sion Order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order;

(g) To dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission;

(h) To modify or set aside on his own motion any action taken pursuant to delegated authority, in accordance with § 1.113 of this chapter;

(i) To include conditions in permits, certificates, licenses, and other authorizations granted pursuant to this section, beyond the specific requirements of the rules when necessary to carry out the purpose of those rules and to delete conditions imposed which have been rendered moot;

(j) To impose conditions on any authorization granted pursuant to this section, making such grant subject, where applicable, to the outcome of any pending court action or Commission proceeding which may affect the holder's qualifications;

(k) To issue corrected authorizations and to cancel certificates, licenses, construction permits, or other authorizations when such correction or cancellation would not be of a consequential nature;

(l) To issue rulings and interpretations concerning complaints arising under section 315 of the Communications Act and §§ 76.205 and 76.209 of this chapter;

(m) To act on the following applications for authorizations in the Cable Television Relay Service, in coordination with the Broadcast Bureau, if such applications comply fully with the requirements of the Communications Act, the provisions of Part 78 of this chapter, and Commission policy and standards; if no mutually exclusive application has been filed; and if no petition to deny or other substantial objection to the application has been filed:

(1) Applications for construction permits for new stations;

(2) Applications for licenses to cover construction permits;

(3) Applications for modification, assignment, transfer of control, or renewal;

(4) Applications for assignment or transfer of control filed pursuant to § 78.35(b) of this chapter;

(n) To designate for hearing, upon appropriate issues, mutually exclusive applications for authorization in the Cable Television Relay Service;

(o) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses in the Cable Television Relay Service, and to grant requests for waiver of §§ 78.53 and 78.55 of this chapter;

(p) To act on requests for special temporary authority in the Cable Television Service and for temporary authority for special operations (in coordination with the Broadcast Bureau) in the Cable Television Relay Service, when such requests are either unopposed or

present extraordinary circumstances requiring immediate action;

(q) To deny petitions for waiver or other special relief concerning the network program exclusivity provisions of §§ 76.91 and 76.93 of this chapter where denial is consistent with established Commission policy;

(r) To dismiss or deny objections to applications for certificates of compliance, where dismissal or denial is consistent with established Commission policy;

(s) To deny applications for certificates of compliance which request a waiver of the signal carriage provisions of §§ 76.59, 76.61, or 76.63 of this chapter, and which are clearly inconsistent with established Commission policy;

(t) To act on applications for certificates of compliance which:

(1) conform to applicable rules and regulations, or whose disposition is governed by established Commission policy;

(2) seek waiver of a rule within one or more of the following categories:

(i) franchise-holding requirement of § 76.31(a) of this chapter, where there is no franchising authority;

(ii) franchise requirements of § 76.31(a)(1) and (a)(4) of this chapter, where the cable system will operate within the confines of a military reservation and the franchise was awarded under federal procurement regulations;

(iii) franchise fee limitations of § 76.31(b) of this chapter;

(iv) number and location of designated access cablecasting channels and facilities that must be provided, pursuant to § 76.251 of this chapter;

(v) carriage of full network stations, pursuant to §§ 76.59(b)(1), 76.61(b)(1), or 76.63(a) (as it refers to § 76.61(b)(1)) of this chapter;

(vi) carriage of the non-network programming of a network station in lieu of carriage of an independent station, pursuant to §§ 76.59(b)(2), 76.61(b)(2), or 76.63(a) (as it refers to § 76.61(b)(2)) of this chapter;

(vii) ratification of cable television operations and services that commenced prior to March 31, 1972 in unincorporated areas of counties without proper authorization.

§ 0.289 [Deleted]

2. Section 0.289 is deleted.

[FR Doc.75-4862 Filed 2-21-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 7—PUBLIC AVAILABILITY OF INFORMATION

By notice of proposed rulemaking published in the FEDERAL REGISTER on January 22, 1975 (40 FR 3456), the Department of Transportation proposed revised rules governing the public availability of information. The revised regulations implement the Freedom of Information Act, 5 USC 552, as amended by Public Law 93-502, 88 Stat. 1565.

Comments were submitted by the Center for Auto Safety ("the Center") Washington, D.C., which requests numer-

ous changes to the proposed regulations. The comments are discussed seriatim.

Section 7.3 *Policy*. The Center requests the first sentence be continued to include:

That any applicable exemptions to the Act be waived whenever possible; that any doubt with respect to an information request be resolved in favor of granting the request; and that all fees under the Act be waived whenever granting the request in any way benefits the public interest rather than a commercial interest.

The Department does not agree that the proposed "clarification" is necessary. The expressed policy is to permit the public full access to all information with three reasonable exceptions (national interest, protection of private rights and efficient conduct of public business). The comment concerning fees will be considered below.

Section 7.15 *Records containing both available and unavailable information*. This section is modified, as requested by the Center, to delete superfluous language.

Section 7.21 *Initial determinations*. The Center requests the word "immediately" be defined to mean "same day". The language of this section is similar to that of section 552(a)(6)(A)(i) of the amended Act which does not define "immediately." In the absence of definition in the Act, "immediately" is used in its commonly accepted sense, i.e., "without delay".

Section 7.25 *Extension*. The Center requests "immediate" notification of extension be given to a requester. This is not required by section 552(a)(6)(B) of the amended Act, and inclusion in the implementing regulation would not serve any useful purpose.

The Center also requests subsection (c) be amended to state consultations with the Department of Justice are not grounds for extension. The three subsections contain the sole grounds for extension. It is not necessary to itemize all circumstances which are not grounds for extension.

Section 7.41 *Applicability*. The Center seeks amendment of subsection (a)(3) to exempt only instructions to negotiators during the course of negotiations. We believe the Center misunderstands the purpose of this section. It serves as guidance to the public as to the general types of information available. The identification of certain materials in subsection (a)(3) as not available is for the convenience of the public.

Section 7.43 *Access to materials and index*. The Center requests subsection (b) be deleted because it would make indexes unavailable from the Department if they are published commercially. The "material" referred to in subsection (b) does not include "indexes" which are required by the amended Act to be made available.

Section 7.53 *Public availability of records*. The Center requests that "must" be replaced by "should" wherever the former term appears. These regulations are designed to assure timely handling of all requests for information made un-

der the Act, and, to that end, it is necessary to require specific identification of those requests. We believe the identification requirement is reasonable and will enhance timely consideration. Any request not made in accordance with the regulations will be handled in as expeditious a manner as is possible. The Center's contention that misaddressed requests could be "hand delivered" to the appropriate office within an hour after receipt ignores the reality of mail room operations in which a great volume of mail is received daily. Also, the Center ignores the possibility that a request for information maintained by one office, as defined in the Appendices to this part, may be addressed to a different office or facility. The Center further seeks modification of subsection (d) which requires description of requested records "to the extent possible". Obviously this phrase means "to the extent the requester finds possible". The identifying information serves to ensure expeditious handling of requests, and is not intended to be a ground for delay. The Center also asks that search fees not be charged if a requested document does not exist in agency files. The Congress has expressed its intent that direct costs of services provided under the Act be charged, unless the agency determines that "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public" (§ 552(a)(4)(A)). Although it is not expected that requested documents will not be found, retention of this subsection will serve to deter overly broad "fishing expeditions" for records which may not exist. This is particularly true since the Department seeks to find even those requested documents which may not be identified clearly.

Section 7.55 *Request for records of concern to more than one Government organization.* The Center objects to this section because the matter of extension of time is considered in § 7.25. This section merely informs the public that other agencies or governments will be consulted if requested records are of concern to them. The consultation process must be conducted within the time limits established by §§ 7.21, 7.23 and, if appropriate, 7.25.

Section 7.69 *Trade secrets and commercial or financial information that is privileged or confidential.* The Center requests subparagraph (a)(2) concerning employee statements of financial interest be deleted because such statements are not properly within this exemption and availability of these records would be of public benefit to assure the absence of conflicts of interest. We agree that the exemption in this section is inappropriate, and properly should appear in § 7.73, *Protection of personal privacy.* We disagree, however, that an employee's financial status should be open to public inspection. Conflicts of interest are prohibited by Chapter 11, Title 18 United States Code, violation of which is a criminal offense. The Center's comments on subsection (b) are directed to the pos-

sibility that it "could be interpreted more broadly than contemplated by the Act". It is obvious that the provisions of the Act limit the scope and effect of implementing regulations, and this need not be stated.

The Freedom of Information Clearinghouse ("the Clearinghouse") Washington, D.C., filed comments dated February 10, postmarked February 11, and received on the afternoon of February 12, 1975. Although these comments are late-filed, they have been considered. To the extent the comments of the Clearinghouse are similar to those submitted by the Center, they will not be discussed again.

The Clearinghouse requests sections 7.21 and 7.81(a) be modified to require full itemization and indexing to correlate claimed exemptions with specific portions of records withheld from disclosure. Such a requirement is not reasonable at the administrative stage of proceedings under the Act. The written statement required by these sections will inform the requester of the reasons for denial of the request, and will do so with reference to the specific exemption or exemptions involved.

Section 7.71 *Intragovernmental exchanges.* We agree with the Center's recommendation that reference to advisory committee records be deleted in subsection (a).

Section 7.75 *Investigatory files compiled for law enforcement purposes.* The Center requests that "only" be inserted to modify "to the extent" in subsection (a). This is unnecessary because the scope of the regulation cannot be greater than that of the Act. The Center also requests that the first sentence in subsection (b) include language relating its term to those in subsection (a). This, too, is unnecessary for the same reason.

Section 7.81 *General.* The comments of the Center are similar to those made with respect to section 7.53. The time limits established by the Act and subpart C of this part are not affected.

Section 7.95 *Fee schedule.* The Center urges waiver of all fees with respect to "all requests by individual citizens, and particularly by non-profit, tax-exempt public interest, charitable or educational organizations . . . in the public interest." We believe that provisions of section 7.97(c) properly set forth the guidelines for waiver of fees, while implementing the intent of the Congress that the direct cost of making documents available normally be borne by the requester. The Center's request that no charge be made if the total fee is less than 15 dollars similarly must be denied. The Center also requests the fee for duplication of the first page (§ 7.95(b)) be reduced to five cents, the fee for additional pages. The first page fee of 25 cents includes the direct cost of employee time to travel to and from the document reproduction facility, a cost not incurred for additional page duplication.

The United States Department of the Treasury notes the reference to the payee in section § 7.93 should be the "Treasury of the United States". This change is reflected in the regulation adopted.

No other substantive changes were made. No changes are made at this time to Appendices A-H.

Part 7 of Subtitle A of Title 49, Code of Federal Regulations, is revised as follows:

	Subpart A—Applicability and Policy
7.1	Applicability.
7.3	Policy.
7.5	Definitions.
	Subpart B—General
7.11	Administration of part.
7.13	Deletion of identifying detail.
7.15	Records containing both available and unavailable information.
7.17	Protection of records.
	Subpart C—Time Limits
7.21	Initial determination.
7.23	Final determination.
7.25	Extension.
	Subpart D—Publication in Federal Register
7.31	Applicability.
7.33	Publication required.
	Subpart E—Availability of Opinions, Orders, Staff Manuals, Statement of Policy, and Interpretations; Indexes
7.41	Applicability.
7.43	Access to materials and index.
7.45	Indexes of public materials.
7.47	Copies.
	Subpart F—Availability of Reasonably Described Records
7.51	Applicability.
7.53	Public availability of records.
7.55	Request for records of concern to more than one Government organization.
	Subpart G—Exemptions
7.61	Applicability.
7.63	Records relating to matters that are required by Executive Order to be kept secret.
7.65	Records related solely to internal personnel rules and practices.
7.67	Records exempted from disclosure by statute.
7.69	Trade secrets and commercial or financial information that is privileged or confidential.
7.71	Intragovernmental exchanges.
7.73	Protection of personal privacy.
7.75	Investigatory records compiled for law enforcement purposes.
7.77	Reports of financial institutions.
7.79	Geological and geophysical information.
	Subpart H—Procedures for Reconsidering Decisions Not To Disclose Records
7.81	General.
	Subpart I—Fees
7.91	General.
7.93	Payment of fees.
7.95	Fee schedule.
7.97	Services performed without charge or at a reduced charge.
7.99	Transcripts.
7.101	Alternate sources of information.
	Appendix A—Office of the Secretary.
	Appendix B—United States Coast Guard.
	Appendix C—Federal Aviation Administration.
	Appendix D—Federal Highway Administration.
	Appendix E—Federal Railroad Administration.
	Appendix F—St. Lawrence Seaway Development Corporation.
	Appendix G—Urban Mass Transportation Administration.

Appendix H—National Highway Traffic Safety Administration.

AUTHORITY: 5 USC 552; Pub. L. 93-502, 88 Stat. 1565; 31 USC 438; 49 USC 1657.

Subpart A—Applicability and Policy

§ 7.1 Applicability.

(a) This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of the records of the Department of Transportation.

(b) Subpart G of this part describes the records that are not required to be disclosed under this part.

(c) Appendices A through H to this part:

(1) Describe the places and times at which records will be available for inspection and copying;

(2) Define the kinds of records located at each facility;

(3) Contain the indexes to such records; and

(4) Identify the officials having authority to deny requests for disclosure of records under this part.

(d) The Director of Public Affairs may amend Appendix A to this part to reflect any changes in the items covered by that appendix. The head of the operating administration concerned may amend the appendix applicable to that Administration to reflect any changes in the items covered by that appendix.

(e) This part applies only to records that exist at the time the request for the information is made. The Department is not required to compile or procure a record solely for the purpose of making it available under this part.

(f) Indexes are maintained to reflect all records subject to this part, and are available for public inspection and copying as provided in Appendices A through H to this part.

§ 7.3 Policy.

In implementing section 552 of Title 5, United States Code, it is the policy of the Department of Transportation to make information within the Department available to the public to the greatest extent possible in keeping with the spirit of that section. Therefore, all records of the Department, except those that the Department specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Each officer and employee of the Department is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Department.

§ 7.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

“Department” means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

(a) The Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The National Highway Traffic Safety Administration.

(g) The St. Lawrence Seaway Development Corporation.

“He” includes she.

“Includes” means “includes but is not limited to.”

“May” is used in a permissive sense to state authority or permission to do the act prescribed.

“Record” includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved.

“Secretary” means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

Subpart B—General

§ 7.11 Administration of part.

Except as provided in Subpart H of this part, authority to administer this part in connection with the records in the Office of the Secretary is delegated to the Director of Public Affairs. Authority to administer this part in connection with records in each operating administration is delegated to the head of that administration. The head of any operating administration may redelegate to officers of that administration the authority to administer this part in connection with defined groups of records. However, the head of an operating administration may redelegate his duties under Subpart H of this part only to his deputy and to not more than one other officer who reports directly to the head and who is located at the headquarters of that administration.

§ 7.13 Deletion of identifying detail.

Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details are deleted from any record covered by this part that is published or made available for inspection. A full explanation of the justification for the deletion is attached to the copy of the record published or made available for inspection.

§ 7.15 Records containing both available and unavailable information.

If a record contains information that the Department determines cannot be disclosed under this part, but also contains information that can be disclosed, the latter information will be provided for public inspection and copying.

§ 7.17 Protection of records.

(a) No person may, without permission, remove any record made available to him for inspection or copying under this part, from the place where it is made available. In addition, no person

may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

Whoever . . . steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record . . . or thing of value of the United States or of any department or agency thereof . . . shall be fined not more than \$10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year or both. . . .

Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited . . . in any public office, or with any . . . public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than 3 years, or both.

Subpart C—Time Limits

§ 7.21 Initial determination.

(a) An initial determination as to whether to release a record requested pursuant to Subpart F shall be made within ten days (excepting Saturdays, Sundays, and legal public holidays) after the request is received in accordance with paragraph (a) of § 7.53 except that this time limit may be extended by up to ten working days in accordance with § 7.25. The person making the request will be notified immediately of such determination. If such determination is to release the requested record, such record shall be made promptly available. If such determination is not to release the record, the person making the request shall, at the same time he is notified of such determination, be notified of (1) the reason for the determination; (2) the right of such person to appeal the determination; and (3) the names and titles or positions of each person responsible for the denial of the request.

§ 7.23 Final determination.

A determination with respect to any appeal made pursuant to § 7.81 shall be made within twenty days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal except that this time limit may be extended by up to ten working days in accordance with § 7.25. The person making the request will be notified immediately of such determination, pursuant to § 7.81.

§ 7.25 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in §§ 7.21 and 7.23, may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a

date that would result in a cumulative extension of more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

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

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

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

Subpart D—Publication in Federal Register

§ 7.31 Applicability.

This subpart implements section 552 (a) (1) of Title 5, United States Code, and prescribes rules governing the publication in the FEDERAL REGISTER of the following:

(a) Descriptions of the organization of the Department, including its operating administrations and the established places at which, the officers from whom, and the methods by which, the public (1) may secure information; and (2) make submittals or requests or obtain decisions.

(b) Statements of the general course and methods by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

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

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability adopted by the Department.

(e) Each amendment, or repeal of any material listed in paragraphs (a) through (d) of this section.

§ 7.33 Publication required.

(a) *General.* All material described in section 7.31 is published in the FEDERAL REGISTER. For the purposes of this paragraph, material that is reasonably available to the class of persons affected by it is considered to be published in the FEDERAL REGISTER if it has been incorporated by reference therein with the approval of the Director of the Federal Register.

(b) *Effect of nonpublication.* Except to the extent that a person has actual and timely notice of the terms thereof, no person may in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the FEDERAL REGISTER but not so published.

Subpart E—Availability of Opinions, Orders, Staff Manuals, Statements of Policy, and Interpretations: Indexes

§ 7.41 Applicability.

(a) This subpart implements section 552(a) (2) of Title 5, United States Code. It prescribes the rules governing the availability, for public inspection and copying, of the following:

(1) Any final opinion (including a concurring or dissenting opinion) or order made in the adjudication of a case.

(2) Any policy or interpretation that has been adopted under the authority of the Department, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(3) Any administrative staff manual or instruction to staff that affects any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. However this does not include staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Departmental inspectors, investigators, examiners, auditors and negotiators, the release of which would substantially impair the effective performance of their duties. Indexes of the materials listed in this paragraph are maintained, as specified in Appendices A-H to this part.

(b) Any material listed in paragraph (a) of this section that is not made available for public inspection and copying, or that is not indexed as required by § 7.45, may not be cited, relied on, or used as precedent by the Department to adversely affect any member of the public unless the person against whom it is cited, relied on, or used has had actual and timely notice of that material.

(c) This subpart does not apply to material that is published in the FEDERAL REGISTER or is covered by Subpart G of this part.

§ 7.43 Access to materials and index.

(a) Except as provided in paragraph (b) of this section, material listed in § 7.41(a) is available for inspection and copying by any member of the public at document inspection facilities of the Department. The index of material available at each facility is published in the FEDERAL REGISTER quarterly and is also located at the facility. Information as to the kinds of materials available at each facility may be obtained from the facility or the headquarters of the operating administration of which it is a part.

(b) The material listed in § 7.41(a) that is published and offered for sale is indexed but is not required to be kept available for public inspection. Whenever practicable, however, it will be made available for public inspection at any document inspection facility maintained by the Office of the Secretary or an op-

erating administration, whichever is concerned.

§ 7.45 Indexes of public materials.

The index of material subject to public inspection and copying under this subpart covers all material issued, adopted, or promulgated after July 4, 1967. However, earlier material may be included in the index to the extent practicable. Each index contains instructions on how to use it.

§ 7.47 Copies.

Copies of any material covered by this subpart that is not published and offered for sale may be ordered, upon payment of the appropriate fee, from the office indicated in § 7.53. Copies are certified upon request and payment of the prescribed fee.

Subpart F—Availability of Reasonably Described Records

§ 7.51 Applicability.

This subpart implements section 552 (a) (3) of Title 5, United States Code, and prescribes the regulations governing public inspection and copying of reasonably described records. It does not apply, however, to material that is covered by Subpart D of this part, records determined under Subpart G of this part not to be available, and material that is offered for sale by the Government Printing Office.

§ 7.53 Public availability of records.

(a) Each person desiring access to a record covered by this subpart must comply with the following provisions:

(1) A written request must be made for the record.

(2) Such request must indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent must be prominently marked with the letters "FOIA".

(4) The request must be addressed to the appropriate office as set forth in paragraph (c) of this section.

(b) If the requirements of paragraph (a) of this section are not met, the ten day time limit described in § 7.21 will not begin to run until the request has been identified by an employee of the Department as a request under the Freedom of Information Act and has been received by the office to which it should have been originally sent.

(c) Each person desiring access to a record covered by this subpart that is located in the Office of the Secretary, or to obtain a copy of such a record, must make a written request to the Director of Public Affairs, 400 Seventh Street, SW., Washington, D.C. 20590. Each person desiring access to a record covered by this subpart that is located in an operating administration, or to obtain a copy of such a record, must make a written request to that administration at the address set forth in the appendix applicable to that administration. If the person making the request does not know where in the Department the record is located, he may make inquiry of the Director of Public Affairs as to its location.

(d) Each request should describe the particular record to the extent possible. The request should specify the subject matter of the record, the date when it was made, the place where it was made and the person or office that made it. If the description is insufficient, the officer handling the request will notify the person making the request and, to the extent possible, indicate the additional data required.

(e) Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration as set forth in the appendix applicable to that office or administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies will be mailed to the requester.

(f) Except for services performed without charge or at a reduced charge pursuant to section 7.97, each request for a search of records or for a copy of a record should be accompanied by the fee prescribed in the applicable fee schedule. When the fee is not readily ascertainable without examination of the records, the officer or employee receiving the request will furnish an estimate of the fee to the person making the request or the fee may be collected after the records are made available. If a search is necessary the fee for a search is charged, regardless of whether it is successful.

(g) Notwithstanding paragraphs (a) through (f) of this section, informational material, such as press releases, pamphlets, and other material of that nature that is ordinarily made available to the public as a part of any information program of the Government is available upon oral or written request. There is no fee for individual copies of that material as long as it is in supply. In addition, the Department will continue to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

§ 7.55 Request for records of concern to more than one Government organization.

(a) If the release of a record covered by this subpart would be of concern to both this Department and another Federal agency, the record will be made available only after consultation with the other interested agency.

(b) If the release of a record covered by this subpart would be of concern to both this Department and a State or local government, or a foreign government, the record will be made available by the Department only after consultation with the other interested State or local government or foreign government.

Subpart G—Exemptions

§ 7.61 Applicability.

This subpart implements section 552 (b) of Title 5, United States Code which exempts certain records from public inspection under section 552(a). The De-

partment will, however, release a record authorized to be withheld under §§ 7.65 through 7.79 unless it determines that the release of that record would be inconsistent with a purpose of the section concerned. Examples given in §§ 7.65 through 7.79 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

§ 7.63 Records relating to matters that are required by Executive Order to be kept secret.

Records relating to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy include those within the scope of the following, and any further amendment of any of them, but only to the extent that the records are in fact properly classified pursuant to such Executive Order:

(a) Executive Order 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972).

(b) Executive Order 10865 of February 1, 1950 (3 CFR 1949-1953 Comp., p. 398); and

(c) Executive Order 10104 of February 1, 1950 (3 CFR 1949-1953 Comp., p. 298).

These records may not be made available for public inspection.

§ 7.65 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personnel rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Department and its employees.

§ 7.67 Records exempted from disclosure by statute.

(a) Records relating to matters that are specifically exempted by statute from disclosure include those covered by the following:

(1) Section 1905 of Title 18, United States Code, protecting trade secrets, processes, and certain economic and other data obtained by examination or investigation, or from reports.

(2) Revised Statutes section 4448, as amended (46 U.S.C. 234) protecting the source of reports of defects and imperfections of vessels.

(3) Revised Statutes section 4551, as amended (46 U.S.C. 643) protecting the names, address, and next of kin of merchant seamen and entries made in records pertaining to merchant seamen.

(4) Public Law 86-660, as amended (23 U.S.C. 313 (note)) protecting information in the register of persons whose license to operate a motor vehicle has been denied, terminated, or suspended.

(5) Section 106 of Public Law 89-564 (23 U.S.C. 313 (note)) so far as it relates to identification of individuals in reports on highway traffic accidents.

(6) Section 902(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(f)) relating to information obtained by examining the accounts, records, or memoranda of an air carrier.

(7) Section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481) so far as it relates to the secrecy of acts and proceedings when requested on grounds of national defense.

(8) Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) relating to the withholding, upon request, of information obtained under that Act.

(b) The purpose of this section is to preserve the effectiveness of statutes of the kind listed in paragraph (a) of this section, in accordance with their terms.

§ 7.69 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information that is privileged and for which confidentiality is requested by the person possessing such privilege are within the statutory exemption. This includes the following:

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence.

(2) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee.

(3) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege.

(4) Materials in which the Department has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Department, or any grant or contract.

(5) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Department in confidence. It assures the confidentiality of trade secrets and commercial or financial information obtained by the Department through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Department has obligated itself not to disclose trade secrets and commercial or financial information it receives, this section indicates the Department's intention to honor that obligation to the extent permitted by law. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases, at public expense. In any case in

which similar proprietary material in private hands would be held in confidence, material covered by this section may be held in confidence.

§ 7.71 Intragovernmental exchanges.

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant) for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after any action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Departmental action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes, to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programing information; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Department; records of inspections, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information must be made available under section 7.15, unless the facts are so inextricably intertwined with deliberative or policy-

making processes, that they cannot be separated without disclosing those processes.

§ 7.73 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar records is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy:

(1) Personnel and background records personal to any officer or employee of the Department, or other person, including his home address.

(2) Statements of financial interests furnished by employees of the Department.

(3) Medical histories and medical records concerning individuals, including applicants for licenses.

(4) Any other detailed record containing personal information identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's right to Departmental information by authorizing the protection of information that, if released, might unjustifiably invade an individual's personal privacy.

§ 7.75 Investigatory records compiled for law enforcement purposes.

(a) Records compiled by the Department for law enforcement purposes, including the enforcement of the regulations of the Department, are within the statutory exemption to the extent that production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(b) The purpose of this section is to protect from disclosure the law enforcement files of the Department, including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws.

§ 7.77 Reports of financial institutions.

Any material contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of, any agency responsible for the regulation or supervision of financial institutions is within the statutory exemption.

§ 7.79 Geological and geophysical information.

Any geological or geophysical information and data (including maps) con-

cerning wells is within the statutory exemption.

Subpart H—Procedures for Reconsidering Decisions Not To Disclose Records

§ 7.81 General.

(a) Each officer or employee of the Department who, upon a request by a number of the public for a record under this part, makes a determination that the record is not to be disclosed, will give a written statement of his reasons for that determination to the person making the request; and indicate the name and title or position of each person responsible for the denial of such request, and the availability of an appeal within the Department.

(b) Any person to whom a record has not been made available within the time limits established by Subpart C and any person who has been given a determination pursuant to paragraph (a) of this section, that a record he has requested will not be disclosed, may apply to the head of the operating administration concerned, or in the case of the Office of the Secretary, to the General Counsel of the Department, for reconsideration of the request. Any person on whose request an initial determination has not been made within the time limits established by Subpart C may consider his request denied and may appeal this denial either administratively or judicially. A determination that a record will not be disclosed is not administratively final for the purposes of judicial review unless it was made by the head of the operating administration concerned (or his designee), or the General Counsel, as the case may be, unless the applicable time limit has passed without a determination of the appeal having been made. Upon a determination that an appeal will be denied, the requester shall be informed in writing of the reasons for the determination, and the names and titles or positions of each person responsible for the determination, and that the determination may be appealed to the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the records are located, or in the District of Columbia.

(c) Each application for reconsideration must be made in writing within sixty days from the date of receipt of the original denial and must include all information and arguments relied upon by the person making the request. Such application must indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the application is sent must be prominently marked with the letters "FOIA". If these requirements are not met, the twenty day time limit described in § 7.23 will not begin to run until the application has been identified by an employee of the Department as an application under the Freedom of Information Act and has been received by the appropriate office.

(d) Whenever the head of the operating administration concerned, or the General Counsel, as the case may be,

determines it to be necessary, he may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating administration concerned, or the General Counsel, as the case may be, as to the availability of the record is administratively final.

(e) The decision by the head of the operating administration concerned, or the General Counsel, as the case may be, not to disclose a record under this part is considered to be a withholding by the Secretary for the purposes of section 552 (a) (3) of title 5, United States Code.

(f) Any final decision by the head of an operating administration or his delegate identified in Appendices B through H of this part, not to disclose a record under this part is subject to concurrence by the General Counsel.

Subpart I—Fees

§ 7.91 General.

(a) This subpart prescribes fees for services performed for the public under Subparts E and F of this part by the Department of Transportation.

(b) This subpart does not apply to any special study, special statistical compilation, table or other record requested under section 9(n) of the Department of Transportation Act. The fee for the performance of such a service is the actual cost of the work involved in compiling the record. All moneys received by the Department in payment of the cost of the work are deposited in a separate account administered under the direction of the Secretary, and may be used for the ordinary expenses incidental to the work.

§ 7.93 Payment of fees.

The fees prescribed in this subpart may be paid by check, draft, or postal money order, payable to the Treasury of the United States. Except as provided in section 7.53(f), the fees are payable in advance.

§ 7.95 Fee schedule.

- (a) Except as provided in paragraph (j) of this section search for a record under Subpart F of this part, when required, including making it available for inspection ----- \$2.00
- (b) Copies of documents by photocopy or similar method:
 - Each page not larger than 11 x 17 inches:
 - First page----- .25
 - Each additional page----- .05
- (c) Copies of documents by typewriter, each page----- 2.00
- (d) Certified copies of documents:
 - (1) With Department of Transportation seal----- 3.00
 - (2) True copy, without seal----- 1.00
- (e) Photographs:
 - (1) Black and White print (from negative) ----- 1.25

- (2) Black and White print (from print) ----- 3.15
- (3) Color print (from negative)--- 3.50
- (4) Color print (from print)----- 6.25
- (f) Duplicate data tapes—each reel of tape or fraction thereof----- 36.00

The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, 1/2 inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.

(g) Microreproduction fees are as follows:

- (1) Microfilm copies, each 100-foot roll or less----- 3.75
- (2) Microfiche copies, each standard size sheet (4" x 6", containing up to 65 frames) ----- .15
- (h) Data processed record, each 1,000 lines or fraction thereof----- 1.00
- (i) Preprinted materials, shelf stock, on color standard sizes:
 - (1) Each page (excluding blanks) - .06
- (j) Other records: The fee for a copy of a record not described in paragraphs (b) through (i) of this section will be supplied on request. The amount of that fee will be the cost of producing and handling.
- (k) The fee for a search and copy of any record where the cost will obviously be more than \$2 will be determined in accordance with the policy of the Freedom of Information Act.

§ 7.97 Services performed without charge or at a reduced charge.

(a) No fee is charged for time spent in preparing correspondence related to a request and in making determinations pursuant to § 7.81.

(b) No fee is charged for documents furnished in response to:

- (1) A request from an employee or former employee of the Department for copies of personnel records of the employee;
- (2) A request from a member of Congress for his official use;
- (3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;
- (4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Department;
- (5) A request from a foreign government or an agency thereof, or an international organization.

(c) Documents will be furnished without charge or at a reduced charge, if the Director of Public Affairs, or the head of the operating administration concerned, as the case may be, determines that

waiver or reduction of the fee is in the public interest, because furnishing the information can be considered as primarily benefiting the general public. Examples of requests that may fall within this paragraph are reasonable requests from groups engaged in a nonprofit activity designed for the public safety, health, or welfare; schools; and students engaged in study in the field of transportation.

§ 7.99 Transcripts.

Transcripts of hearings and oral argument are available for inspection. Where transcripts are prepared by a nongovernment contractor, and the contract permits the Department to handle the reproduction of further copies, the provisions of Subpart I apply. Where the contract for transcription services reserves the sales privilege to the reporting service, any duplicate copies should be purchased directly from the reporting service.

§ 7.101 Alternate sources of information.

In the interest of making documents of general interest publicly available at as reasonable a cost as possible, alternate sources are arranged whenever practicable. In appropriate instances, material that is published and offered for sale may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; the Commerce Department's National Technical Information Service (NTIS), Springfield, Va. 22151; the National Audio-Visual Center, National Archives and Records Service, General Services Administration, Washington, D.C. 20405; or the Consumer Product Information Coordinating Center, General Services Administration, Washington, D.C. 20407.

Effective date. This amendment is effective February 19, 1975.

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

JOHN W. BARNUN,
Undersecretary.

[FR Doc.75-4857 Filed 2-21-75; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2nd Rev. S.O. 1112-A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of February 1975.

Upon further consideration of Second Revised Service Order No. 1112 (39 FR 22269, 43632), and good cause appearing therefor:

RULES AND REGULATIONS

It is ordered, That § 1033.1112 Service Order No. 1112, (Railroad operating regulations for freight car movement) be, and it is hereby, vacated and set aside,

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

It is further ordered, That this order shall become effective at 11:59 p.m., February 18, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4916 Filed 2-21-75;8:45 am]

[S.O. 1170-A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Movement of Privately Owned Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of February 1975.

Upon further consideration of Service Order No. 1170 (39 FR 3827, 32137), and good cause appearing therefor:

It is ordered, That § 1033.1170 Service Order No. 1170, (Railroad operating regulations for movement of privately owned freight cars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and

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

It is further ordered, That this order shall become effective at 11:59 p.m., February 18, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4915 Filed 2-21-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-478]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Monterey	Seaside, city of	Feb. 13, 1975. Emergency	June 7, 1974		
Idaho	Bonneville	Ucon, city of	do			
Illinois	Livingston	Pontiac, city of	do	Mar. 8, 1974		
Indiana	Johnson	Edinburg, town of	do	Feb. 1, 1974		
Michigan	Saginaw	Thomas, township of	do			
Mississippi	Amite	Gloster, town of	do	June 7, 1974		
Missouri	Jackson	Levasy, city of	do	Dec. 20, 1974		
New Mexico	Santa Fe	Santa Fe, city of	do			
Oklahoma	Grant	Jefferson, town of	do	Nov. 22, 1974		
Pennsylvania	Susquehanna	Oreat Bend, township of	do			
Do	Warren	Limestone, township of	do	Dec. 27, 1974		
Do	Montgomery	Upper Hanover, township of	do	Nov. 22, 1974		
Texas	Harris, Walter, Fort Bend	Katy, city of	do	June 28, 1974		
Vermont	Orleans	Derby, town of	do	Dec. 13, 1974		
West Virginia	Harrison	Bridgeport, city of	do	July 19, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 6, 1975.

[FR Doc.75-4766 Filed 2-21-75;8:45 am]

[Docket No. FI-479]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Talladega	Bylacanga, city of	Feb. 18, 1975. Emergency	Nov. 22, 1974		
Arizona	Coconino	Unincorporated areas	do			
Do	Maricopa	Tolleson, city of	do	Apr. 12, 1974		
California	Solano	Vacaville, city of	do	May 17, 1974		
Florida	Lake	Clermont, city of	do	May 31, 1974		
Illinois	Winnebago	Cherry Valley, village of	do	Mar. 1, 1974		
Do	Kane	Sheepy Hollow, village of	do	Apr. 12, 1974		
Do	Cook	Westhaven, village of	do	Apr. 5, 1974		
Do	do	Worth, village of	do	do		
Indiana	Washington	Fredericksburg, town of	do	Dec. 17, 1973		
Michigan	Saginaw	Bridgeport, township of	do	Feb. 8, 1974		
Mississippi	Montgomery	Winona, city of	do	Aug. 23, 1974		
New Jersey	Middlesex	Helmetta, borough of	do	June 28, 1974		
New York	Onondaga	Elbridge, village of	do	May 31, 1974		
Do	Ontario	Geneva, city of	do	May 17, 1974		
North Carolina	Buncombe	Woodfin, town of	do			
Oklahoma	Major	Fairview, city of	do	May 24, 1974		
Oregon	Douglas	Glendale, city of	do	Dec. 28, 1973		
Pennsylvania	Adams	Bendersville, borough of	do			
Do	Beaver	Industry, borough of	do	Feb. 8, 1974		
Do	Fayette	Perryopolis, borough of	do			
Tennessee	Dyer	Unincorporated areas	do			
West Virginia	Nicholas	Summersville, town of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4767 Filed 2-21-75; 8:45 am]

[Docket No. FI-480]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Suwannee	Unincorporated areas	Feb. 14, 1975. Emergency			
Illinois	Cook	Thornton, village of	do	Apr. 5, 1974		
Do	De Kalb	Kirkland, village of	do	May 31, 1974		
Do	Cook	Kentworth, village of	do	June 14, 1974		
Indiana	Lake	Hobart, city of	do	Apr. 12, 1974		
Do	Madison	Chesterfield, town of	do	Dec. 17, 1974		
Louisiana	Bossier Parish	Unincorporated areas	do			
Maine	Cumberland	Yarmouth, town of	do	Mar. 1, 1974		
Mississippi	Chickasaw	Houston, city of	do	June 28, 1974		
Missouri	Taney	Hollister, city of	do	June 7, 1974		
Do	Pemiscot	Hayti, city of	do	Apr. 12, 1974		
New York	Oneida	Sherrill, city of	do	Mar. 8, 1974		
North Carolina	Scotland	Laurinburg, city of	do	Jan. 9, 1974		
Do	Hoke	Raeford, city of	do	Dec. 28, 1974		
North Dakota	Burleigh	Bismarck, city of	do	Nov. 8, 1974		
Ohio	Preble	Eaton, city of	do	May 31, 1974		
Ohio	Licking	Heath, city of	do	Feb. 15, 1974		
Oregon	Crook	Unincorporated areas	do			
Tennessee	Sumner	Portland, city of	do	May 24, 1974		
Do	McNairy	Selmer, city of	do	Apr. 6, 1974		
Vermont	Windsor	Ladlow, village of	Oct. 11, 1974. Emergency			
Washington	Okanogan	Brewster, town of	Feb. 14, 1975. Emergency			
Do	Adams	Ritzville, city of	do	June 14, 1974		
Do	Whatcom	Sumas, city of	do	June 21, 1974		
West Virginia	Jefferson	Shepherdstown, town of	do	Feb. 1, 1974		
Wisconsin	Sheboygan	Plymouth, city of	do	Nov. 1, 1974		
Do	Calamet	Hilbert, village of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4768 Filed 2-21-75; 8:45 am]

[Docket No. FI-491]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Cook	Bellwood, village of	Feb. 18, 1975, Emergency	June 7, 1974		
Do	Rock Island	Andalusia, village of	do	Mar. 15, 1974		
Missouri	Nodaway	Hopkins, city of	do	do		
New Mexico	Lincoln	Ruidoso Downs, village of	do	May 31, 1974		
Ohio	Summit	Akron, city of	do	Mar. 15, 1974		
Pennsylvania	Huntingdon	Spruce Creek, township of	do	Dec. 20, 1974		
South Dakota	Moody	Trent, town of	do	Dec. 6, 1974		
Tennessee	Loudon	Philadelphia, city of	do	Mar. 8, 1974		
Washington	Thurston	Tenino, town of	do	do		
West Virginia	Harrison	Salem, city of	do	Nov. 15, 1974		
Do	Greenbrier	Lewisburg, city of	do	do		
Wisconsin	Wood	Marshfield, city of	do	do		
Do	Outagamie	Seymour, city of	do	Nov. 29, 1974		
Do	Waukesha	Mukwonago, village of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 11, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4769 Filed 2-21-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Changes

This regulation amend Part 105-61 to conform with recent changes to the Freedom of Information Act; requires researchers to check personal belongings before entering research rooms; provides that records which are available on microfilm will not be copied by other means as long as a legible copy can be made from the microfilm; and authorizes the Archivist of the United States to issue supplemental rules and procedures concerning the location and hours of use of records, fees for reproduction, and related services, and restrictions on the use of records.

The table of contents for Part 105-61 is amended by adding or revising the following entries:

Sec.	General.
105-61.000	Scope.
105-61.000-1	Authority for issuance.
105-61.000-2	Research room rules.
105-61.102	Registration.
105-61.102-1	Researcher's responsibility for records.
105-61.102-2	Prevention of damage to records.
105-61.102-3	Removal or mutilation of records.
105-61.102-4	Conduct.
105-61.102-5	Keeping records in order.
105-61.102-6	Access to unclassified records.
105-61.103	Archives.

Sec.	FRC records.
105-61.103-2	Records of defunct agencies.
105-61.103-3	Access to national security information.
105-61.104	Declassification responsibility.
105-61.104-1	Order 11652.
105-61.104-2	Public requests for review of national security information.
105-61.104-3	Access to records that remain classified.
105-61.108-1	Authority.
105-61.108-2	Fees and procedures.
105-61.203	Review of national security classified donated historical materials under Executive Order 11652.
105-61.203-1	Mandatory review of White House classified materials.
105-61.203-2	Mandatory review of agency classified material.

1. Section 105-61.000 is revised as follows:

- § 105-61.000 General.
- § 105-61.000-1 Scope.

This part prescribes rules and procedures governing the public use of records and donated historical materials in the custody of the National Archives and Records Service (NARS) but does not apply to current operating records of the Service. This part also prescribes rules and procedures governing the public use of certain facilities of the Service.

§ 105-61.000-2 Authority for issuance.

The rules and procedures included in subparts 105-61.1 through 105-61.3 are issued by the Administrator of General Services. The Archivist of the United States is authorized to issue supplemental rules and procedures concerning re-

strictions on the use of records in subparts 105-61.53 and 105-61.54; on fees for reproduction and related services in subpart 105-61.52; and on the location of records and hours of use in subpart 105-61.51.

2. Section 105-61.001-7 is revised as follows:

§ 105-61.001-7 Federal records centers. "Federal records centers" includes the Washington National Records Center, National Personnel Records Center, and the Federal records centers and Federal archives and records centers listed in §§ 105-61.5101-6 and 105-61.5101-7.

Subpart 105-61.1—Public Use of Archives and FRC Records

1. Section 105-61.101 is amended as follows:

- § 105-61.101 Availability of records.
- § 105-61.101-1 General.

(d) A director will require that researchers under the age of 16 years be accompanied by an adult researcher who agrees in writing to be present when the records are used and to be responsible for compliance with the research room rules set forth in § 105-61.102. The director may make exceptions to the above requirement under certain circumstances.

(e) Requests received in the normal course of reference service are not considered requests made under the Freedom of Information Act (5 U.S.C. 552). Requests under the act must follow the procedure set forth in § 105-61.103 or § 105-61.104.

§ 105-61.101-2 Location of records and hours of use.

(a) A prospective researcher should first ascertain the location of the records desired. Inquiries may be addressed to the Archivist of the United States, Washington, DC 20408.

(b) The locations and hours of duty (expressed in local time) of depositories administered by the National Archives and Records Service are shown in § 105-61.5101.

(c) Except for Federal holidays and other times specified by the Archivist, records will be made available according to the schedule set forth in § 105-61.5101.

(d) In addition to the times specified in § 105-61.5101, records may be made available at such other times as are authorized by a director.

2. Section 105-61.102 is redesignated as § 105-61.103 and revised as follows:

§ 105-61.103 Access to unclassified records.

§ 105-61.103-1 Archives.

(a) *Restrictions.* The use of archives is subject to the restrictions prescribed by statute or Executive Order, or those restrictions specified in writing in accordance with 44 U.S.C. 2104 by the agency from which the records were transferred. The restrictions are published in the "Guide to the National Archives of the United States," which is hereby incorporated by reference, and supplemented by restriction statements approved by the Archivist of the United States and set forth in Subparts 105-61.53 and 105-61.54. The Guide is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The Guide may also be consulted at the NARS research facilities set forth in § 105-61.5101 and the GSA Business Service Center reading rooms set forth in § 105-60.303. NARS makes available any reasonably segregable portion of a record after the restricted portion has been deleted.

(b) *Freedom of Information Act requests.* Requests for access to unclassified archives under the Freedom of Information Act shall reasonably describe the records requested, shall be made in writing to the director of the appropriate NARS depository listed in § 105-61.5101 or to the Assistant Archivist for the National Archives, and shall clearly indicate that the request is being made under the act. Within 10 workdays after receiving a request for unrestricted records NARS makes them available. When restricted records are requested, NARS consults with the agency from which the records were transferred, when appropriate, to determine which exemption in 5 U.S.C. 552b, if any, justifies continuing the restrictions and makes a determination within 10 workdays unless consultation with the transferring agency requires an extension not to exceed 10 additional workdays. If an extension is required, NARS notifies the requester within 10 workdays from receipt of the request.

(c) *Denials and appeals.* Denials under the Freedom of Information Act of ac-

cess to archives are made by the appropriate director of a Federal records center or a Presidential library or by the Assistant Archivist for the National Archives, who, within 10 workdays, notifies the requester of the reasons for denial and of the procedures for appeal. Appeals from denials may be made in writing to the Deputy Archivist of the United States, General Services Administration (ND), Washington, DC 20408. The Deputy Archivist consults with the agency specifying the restriction, when appropriate, and makes a determination within 20 workdays after the date of receipt of the appeal. If an extension is required, the Deputy Archivist notifies the requester within 20 workdays from receipt of the request. Time extensions will not exceed 10 workdays in the aggregate: either solely in the initial or in the appellate stage, or divided between them. If the determination is adverse in whole or in part, the Deputy Archivist notifies the requester of his right to judicial review.

§ 105-61.103-2 FRC records.

Requests for access to records on deposit in Federal records centers shall be addressed directly to the appropriate agency or to the FRC director at the address shown in § 105-61.5101. The use of FRC records is subject to access rules prescribed by the agency from which the records were transferred. When the agency's rules permit, NARS makes FRC records available to requesters. When access is precluded by these rules and restrictions, the FRC director will refer to the responsible agency the requests and any appeals for access, including those made under the Freedom of Information Act.

§ 105-61.103-3 Records of defunct agencies.

Access to archives and FRC records received from agencies which have ceased to exist without a successor in function are handled in accordance with § 105-61.103-1.

3. Section 105-61.103 is redesignated as § 105-61.102 and revised to read as follows:

§ 105-61.102 Research room rules.

§ 105-61.102-1 Registration.

Researchers shall register each day they enter a research room, furnishing the information specified on the registration form.

§ 105-61.102-2 Researcher's responsibility for records.

The research room attendant may limit the quantity of records to be delivered at one time to a researcher. When requested, researchers shall acknowledge receipt of records by signature. A researcher is responsible for all records delivered to him until he returns them. When a researcher has completed his use of records, he shall return them to the research room attendant. When requested, researchers shall return records as much as 10 minutes before closing time. Before leaving a re-

search room, even for a short time, a researcher shall notify the research room attendant and place all records in their proper containers.

§ 105-61.102-3 Prevention of damage to records.

The researcher shall exercise all possible care to prevent damage to records. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to cause damage. The use of records of exceptional value or in fragile condition shall be subject to any conditions specified by the research room attendant.

§ 105-61.102-3 Removal or mutilation of records.

Researchers may not remove records from a research room. The removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). At the discretion of the research room attendant or Federal Protective Officer on duty, researchers may be required to check personal belongings, including briefcases, folders, coats, newspapers, or containers of any kind before entering a research room; and upon leaving, researchers shall present for examination any article that could contain records. To ensure that records are not unlawfully removed or mutilated, a director may issue and post at the entrance of a research room instructions supplementing the rules in this § 105-61.102.

§ 105-61.102-5 Conduct.

Researchers are subject to the provisions of Subpart 101-19.3, Conduct on Federal Property. Eating in a research room is prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters, sound recording devices, or photocopying equipment shall work in areas designated by the research room attendant.

§ 105-61.102-6 Keeping records in order.

A researcher must keep unbound records in the order in which they are delivered to him. Records appearing to be in disorder should not be rearranged by a researcher, but should be referred to the research room attendant. Normally, a researcher will not be allowed to remove records from more than one container at a time.

4. Section 105-61.104 is revised as follows:

§ 105-61.104 Access to national security information.

Public access to national security information and material is governed by Executive Order 11652, of March 8, 1972; the Implementing National Security Council (NSC) Directive Governing the Classification, Downgrading, Declassification, and Safeguarding of National Se-

curity Information of May 17, 1972; and the Freedom of Information Act (5 U.S.C. 552).

§ 105-61.104-1 Declassification responsibility.

(a) *Records less than 30 years old.* Determinations to declassify national security information and materials less than 30 years old are the responsibility of the agency that classified the information unless that agency has authorized NARS to make such determinations.

(b) *Records more than 30 years old.* Determinations to declassify or to grant or deny access to national security information and materials more than 30 years old are the responsibility of NARS unless the head of the agency that classified the information personally certifies in writing that the information must remain classified.

(c) *Presidential records.* Determinations to declassify or to grant or deny access to national security information or materials classified by a President, his White House staff, or special committees or commissions appointed by him, are the responsibility of NARS and are made after consultation with the agencies having primary subject-matter interest (see § 105-61.203 for provisions relating to classified Presidential donated historical materials).

§ 105-61.104-2 Public requests for review of national security information.

(a) *General.* All requests for access to national security information and material in the custody of NARS should reasonably describe the records desired, be addressed in writing to the director of the appropriate NARS depository listed in § 105-61.5101 or to the Assistant Archivist for the National Archives, and clearly indicate that the request is being made under the Freedom of Information Act. NARS makes available any reasonably segregable portion of a record after national security information has been deleted.

(b) *Determinations made by other agencies.* When the agency which classified the information is responsible for declassification determinations, NARS notifies the requester of the agency with declassification authority and forwards any declassification requests received by NARS to the classifying agency. The agency makes the determination and notifies both NARS and the requester. If declassification is denied, the agency notifies the requester of his right of appeal.

(c) *Determinations made by NARS.* When NARS is responsible for declassification and access determinations, NARS reviews the records requested; consults with the agency which classified the records or with agencies having primary subject-matter interest if so required by the classifying agency or Executive Order 11652; and makes a determination within 10 workdays unless consultation with another agency requires an extension not to exceed 10 additional workdays. If an extension is required, NARS notifies the requester

within 10 workdays from receipt of the request. If declassification or access is denied, NARS notifies the requester of his rights of appeal (1) in accordance with § 105-61.103-1(c), (2) to the Inter-agency Review Committee under the provisions of Executive Order 11652.

(d) *Declassified records.* When records have been declassified and are not otherwise restricted from release under § 105-61.103, members of the public may use or order reproductions of the records in accordance with this Part 105-61.

§ 105-61.104-3 Access to records that remain classified.

(a) Sections 6 and 12 of Executive Order 11652 and Section VI B of the implementing NSC Directive provide that persons outside the Executive Branch engaged in historical research projects may be authorized access to classified information and material provided that the head of the originating department determines that the project and the granting of the access conform to the requirements of the Executive Order and the NSC Directive, and that the researcher agrees to adequately safeguard the information and material received.

(b) Any person desiring permission to examine such material in the custody of NARS shall, sufficiently in advance, submit to the Archivist of the United States:

- (1) A completed application;
- (2) Personal history data on appropriate forms that will be furnished; and
- (3) A set of fingerprints.

NARS refers applications to agencies having responsibility for the related programs. Records can be made available for examination only after each responsible agency has authorized the Archivist to make them available.

(c) The requirement for submission of a fingerprint set or of personal history data may be waived for an applicant who has previously furnished those items.

(d) To guard against the possibility of unauthorized access to restricted records, a director may issue and post in research rooms instructions supplementing the research room rules provided in § 105-61.102.

5. Section 105-61.105 is revised as follows:

§ 105-61.105 Copying services.

The copying of records will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. NARS reserves the right to make a duplicate, at NARS expense, of any material copied. Such duplicates may be used by the Service to make additional copies for other researchers. Directors may permit individual researchers to use their own copying equipment when such use will not harm the records, will not disturb other researchers, and will not require the use of facilities or space other than that provided to all researchers. In order to preserve the original records, records which are available on microfilm will not be copied by other means as long

as a legible copy (electrostat, photograph, or microfilm) can be made from the microfilm.

6. Section 105-61.106-1 is revised as follows:

§ 105-61.106-1 About records.

Upon request, overall information pertaining to holdings or about specific records will be furnished, provided that the time required to furnish the information is not excessive, and provided that the information is not restricted (see §§ 105-61.103 and 105-61.104). When so specified by a director, requests shall be made on prescribed forms.

7. Section 105-61.108 is revised as follows:

§ 105-61.108 Fees.

§ 105-61.108-1 Authority.

44 U.S.C. 2112c authorizes the charging of a fee, not in excess of 10 percent more than the costs or expenses, for making or authenticating copies or reproductions of materials transferred to the Administrator's custody. Under 44 U.S.C. 2307 the Chairman, National Archives Trust Fund Board, is authorized to prepare and publish special works and collections of sources and to prepare, duplicate, edit, and release historical photographic materials and sound recordings and sell those publications and releases at a price that will cover their cost, plus 10 percent.

§ 105-61.108-2. Fees and procedures.

The schedule of fees charged under this section for reproductions, exemptions from the fees charged, and procedures for the collection of such fees are issued by the Archivist of the United States and are set forth in subpart 105-61.52.

**Subpart 105-61.2 is revised as follows:
Subpart 105-61.2—Public Use of Donated Historical Materials**

§ 105-61.201 General.

The use of donated historical materials (as defined in § 105-61.001-4) is governed by the provisions of subpart 105-61.1, except that §§ 105-61.202 and 105-61.203 shall apply in lieu of §§ 105-61.103 and 105-61.104.

§ 105-61.202 Restrictions.

The public use of donated historical materials is subject to restrictions on their use and availability as stated in writing by the donors or depositors of such materials and other restrictions imposed by statute. (Researchers are encouraged to confer with directors on any question of literary property right.) In addition, use is subject to all conditions specified by the Archivist of the United States for purposes of archival preservation.

§ 105-61.203 Review of national security classified donated historical materials under Executive Order 11652.

§ 105-61.203-1 Mandatory review of White House classified materials.

Requests for declassification review of material classified by a President, his

White House staff, or special committees or commissions appointed by him shall be made in writing to the director of the appropriate Presidential library. Except when donor restrictions preclude granting access, NARS consults with the agencies having primary subject-matter interest, determines whether the material may be declassified, and notifies the requester of this determination within 30 calendar days. If an extension is required, NARS notifies the requester within 30 calendar days of receipt of the request. If the material is declassified, it becomes available subject to the provisions of this Part 105-61. If the request is denied, the library director informs the requester of his right to appeal the denial to the National Archives Review Committee. The requester may also appeal to the National Archives Review Committee if he receives no notification of action from NARS within 60 calendar days. The National Archives Review Committee, which is composed of the Deputy Archivist of the United States (Chairman), the Assistant Archivist for Presidential Libraries, and the Assistant Archivist for the National Archives, acknowledges receipt of the appeal, determines within 30 calendar days whether the material may be declassified, and notifies the requester of the determination. If the appeal is denied, the Committee notifies the requester of his right of appeal to the Interagency Classification Review Committee.

§ 105-61.203-2 Mandatory review of agency classified material.

Requests for declassification review of agency classified material are directed to the director of the appropriate Presidential library. Except when donor restrictions preclude granting access, NARS forwards the material to the originating agency for review. The originating agency determines within 30 calendar days whether the material may be declassified and notifies the requester and NARS of the determination or the reason further time is necessary to make the determination. If the material is declassified, it becomes available subject to the provisions of this Part 105-61. If the request is denied or if no answer is received after 60 calendar days, the requester may appeal to the Departmental Committee of the originating agency as provided in section 7(B) of Executive Order 11652 and Part III of the National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972).

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective on February 24, 1975.

Dated: February 19, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 75-4965 Filed 2-21-75; 8:45 am]

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Fees for Reproduction Services; Location of Records and Hours of Use

On January 22, 1975, there was published in the FEDERAL REGISTER (40 FR 3474) a notice of proposed rulemaking with proposed amendments to Chapter 105 of title 41 for the purpose of publishing a uniform schedule of fees and for revising the location of records and hours of use. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

No comments were received. Editorial corrections are made as follows:

1. The hours in paragraph (a) of § 105-61.5101-6 are changed to read 7:30 a.m. to 4 p.m.;

2. The hours in paragraph (b) of § 105-61.5101-7 are changed to read 8 a.m. to 4:30 p.m.;

3. The zip codes in paragraphs (e) and (g) of 105-61.5101-7 have been changed to read 60629 and 76115, respectively;

4. The column headings in paragraph (e) of § 105-61.5206 are changed to read 35mm, 16mm, and 16mm from 35mm.

Accordingly, with these corrections, the proposed amendments are adopted as set forth below.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 105-61.000-2)

Effective date. These subparts are effective February 24, 1975.

Dated: February 20, 1975.

JAMES B. RHODES,
Archivist of the United States.

The table of contents for Part 105-61 is amended by adding or revising the following entries:

Subpart 105-61.4—105-61.50 (Reserved)	
Subpart 105-61.51—Location of Records and Hours of Use	
105-61.5100	Scope of subpart.
105-61.5101	Location of records and hours of use.
105-61.5101-1	National Archives Building.
105-61.5101-2	[Reserved]
105-61.5101-3	Presidential libraries.
105-61.5101-4	Washington National Records Center.
105-61.5101-5	National Personnel Records Center.
105-61.5101-6	Federal records centers.
105-61.5101-7	Federal archives and records centers.

Subpart 105-61.52 Fees

105-61.5201	Applicability.
105-61.5202	Exclusions.
105-61.5203	Color reproductions.
105-61.5204	Copy negatives.
105-61.5205	Mall orders.
105-61.5206	Fee schedule.
105-61.5207	Payment of fees.
105-61.5208	Effective date.

Subpart 105-61.48 is redesignated as Subpart 105-61.51 and revised as follows:

Subpart 105-61.51—Location of Records and Hours of Use

§ 105-61.5100 Scope of subpart.

This subpart illustrates exhibits previously referred to in this part.

§ 105-61.5101 Location of records and hours of use.

§ 105-61.5101-1 National Archives Building.

The National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, DC 20408. Hours: For the Central Research Room and Microfilm Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5:15 p.m. on Saturday. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used on Friday after 5 p.m. or on Saturday must be requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are used.

§ 105-61.5101-2 [Reserved]

§ 105-61.5101-3 Presidential libraries.

(a) Herbert Hoover Library, South Downey Street, West Branch, IA 52358. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(b) Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, NY 12538. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(c) Harry S. Truman Library, Highway 24 at Delaware Street, Independence, MO 64050. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(d) Dwight D. Eisenhower Library, South East Fourth Street, Abilene, KS 67410. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(e) John F. Kennedy Library, 380 Trapelo Road, Waltham, MA 02154. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(f) Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705. Hours: 9 a.m. to 5 p.m., Monday through Friday.

§ 105-61.5101-4 Washington National Records Center.

Washington National Records Center, 4205 Suitland Road, Suitland, MD. Mailing address: General Services Administration, Washington National Records Center, Washington, DC 20409. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

§ 105-61.5101-5 National Personnel Records Center.

(a) National Personnel Records Center (military personnel records), 9700 Page Boulevard, St. Louis, MO 63132. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(b) National Personnel Records Center (civilian personnel records), 111 Winnebago Street, St. Louis, MO 63118.

Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105-61.5101-6 Federal records centers.

(a) Naval Supply Depot, Building 308, Mechanicsburg, PA 17055. Hours: 7:30 a.m. to 4:00 p.m., Monday through Friday.

(b) 2400 West Dorothy Lane, Dayton, OH 45439. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105-61.5101-7 Federal archives and records centers.

(a) 380 Trapelo Road, Waltham, MA 02154. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(b) Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(c) 5000 Wissahickon Avenue, Philadelphia, PA 19144. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(d) 1557 St. Joseph Avenue, East Point, GA 30044. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(e) 7358 South Pulaski Road, Chicago, IL 60629. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(f) 2306 East Bannister Road, Kansas City, MO 64131. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(g) 4900 Hemphill Street, Fort Worth, TX 76115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(h) Building 48, Denver Federal Center, Denver, CO 80225. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(i) 1000 Commodore Drive, San Bruno, CA 94066. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(j) 24000 Avila Road, Laguna Niguel, CA 92677. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(k) 6125 Sand Point Way, Seattle, WA 98115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

New Subpart 105-61.52 is added as follows:

Subpart 105-61.52—Fees

§ 105-61.5201 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of archives, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 105-61.5206.

(b) The fees set forth in § 105-61.5206 apply to reproductions of FRC records, except when NARS and the agency that transferred the records have agreed to apply that agency's fee schedule.

(c) The following categories are excluded from the fees set forth in § 105-61.5206.

(1) National Archives publications, including microfilm publications. Prices of publications are available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the Distribution Branch (NACD), National

Audiovisual Center (GSA), Washington, DC 20409.

(3) Historical photographs and sound recordings that are sold at prices listed in the General Information and Select Audiovisual Records leaflets available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(4) Census schedules (1790-1890). Reproduction of a census entry (i.e., a family unit or household)—\$2.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—\$2.

(6) Passenger lists more than 75 years old—\$2.

(7) Orders requiring additional expense to meet unusual customer specifications such as the use of special techniques to make a photographic copy more legible than the original document, or unusual format or background requirement for negative microfilm. Fees for these orders are computed for each order.

§ 105-61.5202 Exclusions.

No fee is charged for reproduction or authentication in the following instances:

(a) Documents furnished to other elements of the Federal Government. However, a fee may be charged if the appropriate director determines that the service cannot be performed without reimbursement.

(b) When the purpose is to disseminate information about the activities of GSA to the general public through press, radio, television, and newsreel representatives;

(c) When the reproduction is to furnish the donor of a document or other gift with a copy of the original;

(d) When the reproduction is for individuals or associations having official voluntary or cooperative relations with GSA in its work;

(e) When the reproduction is for a foreign, State, or local government or an international agency and furnishing it without charge is an appropriate courtesy;

(f) When furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(g) When the reproduction of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(h) When the reproduction of not more than one copy of the transcript of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(i) When the reproduction of not more than one copy of a document is for a

person who has been required to furnish a personal document (e.g., birth certificate and retention by an agency of the Government).

§ 105-61.5203 Color reproductions.

Color reproductions are furnished to the public and the Government only on a fee basis.

§ 105-61.5204 Copy negatives.

Requests for photographs of materials for which no copy negative is on file are handled as follows:

(a) The cost of the negative shall be charged to the customer; except in cases where NARS wishes to retain the negative for its own use.

(b) When no fee is charged the negative becomes the property of NARS. When a fee is charged the negative becomes the property of the customer.

§ 105-61.5205 Mail orders.

The following fees apply only when reproductions are ordered by mail:

(a) Except for those processes showing a higher minimum in section 105-61.5206, a minimum fee of \$2 per order is charged for reproductions ordered by mail.

(b) No additional fee is charged for postage and handling when reproductions are sent by surface mail at the lowest rate to domestic addresses.

(c) When a customer requests that reproductions be sent to a foreign address or requests airmail or priority shipment or special postal service to domestic addresses, the order is subject to a shipping fee in addition to the cost of the reproductions. The shipping fee is computed as a percentage of the cost of the items ordered plus a special shipping or postal service fee using the schedule in paragraph (d) or (e). However, no additional charge is made when the special shipping fee is less than \$1.

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee	
	Foreign surface or expedited domestic mail or freight or express	Foreign airmail
	Percent	Percent
Electrostat.....	5	10
Photostat.....	10	30
Diazo.....	10	20
Copy negative.....	1	2
Slides (2" x 2").....	2	4
Photographic prints (larger than 8" x 10").....	10	20
Sound tapes.....	5	10
Motion pictures.....	3	6
Microfilm.....	3	6
Photographic prints (8" x 10" or smaller).....	4	8

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail.....	\$0.40
Certified mail.....	.30
Return receipt.....	.15
Registered mail.....	.95

When packages are sent registered mail, both the shipping fee and the special

postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

§ 105-61.5206 Fee schedule.

(a) Authentication.....				\$2.00
(b) Still photography (minimum order, \$2):				
(1) Copy negatives (black and white):				
4 by 5 inches.....			2.10	
8 by 10 inches.....			3.25	
(2) Aerial prints (black and white):				
10 by 10 inches or smaller, contact.....			2.00	
10 by 10 inches enlargement.....			3.00	
14 by 14 inches.....			4.00	
18 by 18 inches and 20 by 24 inches.....			5.00	
27 by 28 inches.....			6.00	
40 by 41 inches.....			12.00	
(3) Photographic prints (includes prints from microfilm):				
	B. & W.	Color		
8 by 10 inches or smaller.....	\$2.55	\$3.25		
11 by 14 inches.....	3.20	15.00		
16 by 20 inches.....	5.25	25.00		
20 by 24 inches.....		37.00		
22 by 28 inches.....	7.50			
24 by 30 inches.....		58.50		
30 by 40 inches.....	9.80	90.00		
Septa, add.....	3.50			
(4) Slides and transparencies:				
Black and white:				
2 by 2 inches from existing negative.....			1.10	
Additional fee when negative must be made.....			2.10	
Color:				
2 by 2 inches duplicate.....			.75	
2 by 2 inches from opaque original.....			1.50	
4 by 5 inches.....			5.75	
8 by 10 inches.....			10.00	
(5) Photostat (up to 17 by 23 inches).....			1.50	
(6) Dizo (per foot).....			.45	
(7) Drymounting (per square foot).....			1.00	
(e) Microfilm:		16 mm from 35 mm		
(1) Negative (per frame; minimum order, \$10).....	\$0.10	\$0.10		
(2) Positive (per foot; minimum, \$6 per roll).....	.08	.09		
(f) Electrostatic copying:				
(1) Paper to paper (up to 8½ by 14 inches):				
Mail order (minimum order, \$2).....	.15			
In research rooms.....	.10			
(2) Microfilm to paper:				
From negative (Copyflo, minimum order, \$10 per foot).....	1.25			
From positive (per frame):				
When work is done by customer (up to 8½ by 14 inches per frame).....	.15			
When work is done by NARS (minimum order, \$2):				
Nonconsecutive frames or first of consecutive frame, any size.....	.75			
Consecutive or duplicate frames—				
Up to 8½ by 14 inches.....	.25			
11 by 17 inches.....	.35			
18 by 24 inches.....	.45			
(g) Motion pictures (minimum order, \$24):		16 mm from 35 mm		
(1) Basic fee per band or reel.....	\$8.50	\$7.00	\$7.00	
(2) Added fee per foot—				
Master positive.....	.05	.04	.06	
Duplicate negative.....	.10	.06	.08	
Projection print.....	.04	.03	.05	
Composite, add.....	.015	.015	.03	
(f) Sound recordings:				
Reel to reel or cassette, fee based on length of master 7¼ ips, 7 inch reel:				
300 feet (7½ min).....	2.50			
600 feet (15 min).....	4.10			
900 feet (22½ min).....	6.10			
1,200 feet (30 min).....	7.55			
1,800 feet (45 min).....	9.55			
2,400 (60 min 10¼ inch reel).....	14.25			
(g) Machine-readable records:				
Tape to tape (per reel).....			75.00	
Card to card (per card; minimum order \$10).....			.02	
Computer processing (per hour; minimum order \$25).....			200.00	
(h) Technical services:	Regular	Overtime ⁶		
(1) Projectionist (per hour).....	\$11.25	\$15.50		
(2) Photographer or other (per hour).....	10.00	13.05		

(1) Unlisted processes. Fees for reproduction work indicated in this section 105 or for processes not listed are computed upon request.

§ 105-61.5207 Payment of fees.

Fees may be paid in cash or by check or money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order or check drawn in U.S. dollars on a bank in the United States or one of its territories or possessions. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS there is an added \$5 service charge.

§ 105-61.5208 Effective date.

The fees in § 105-61.5206 are effective beginning February 19, 1975, and ending on June 30, 1975. Orders received after June 30, 1975, will be subject to the fees in effect at that time.

[FR Doc.75-4966 Filed 2-21-75; 8:45 am]

Title 45—Public Welfare
CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY
PART 1005—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Interim Regulations

In order to implement the Freedom of Information Act amendments to make information more accessible to the public, the Community Services Administration is publishing interim rules which will replace current regulations found in 45 CFR 1005, Inspection and Copying of Records; Rules for Compliance with Public Information Act.

Part 1005 of Chapter X of Title 45 of the Code of Federal Regulations is revoked.

Interested persons are invited to submit written comments, additional recommendations or objections regarding these interim rules to the General Counsel, Community Services Administration, 1200—19th Street, NW., Washington, D.C. 20506, on or before March 24, 1975.

The provisions of this Part are effective immediately on an interim basis pending the receipt of comments and issuance of final regulations.

Dated: February 20, 1975.

BERT A. GALLEGOS,
Director.

Sec.	Purpose.
1005.1	Purpose.
1005.2	Policy.
1005.3	Definition of terms used in this part.
1005.4	Location and Use of CSA Records.
1005.5	Responsibilities of the Requester.
1005.6	Statutory exemptions.
1005.7	Records of other Agencies.
1005.8	Fees.

Sec.	Purpose.
1005.9	Officials Authorized to Grant or Deny Requests for Records or Copies of Records.
1005.10	Form and Records of Denial.
1005.11	Administrative Review of Denials.

AUTHORITY: Sec. 602, 78 Stat. 630; 42 U.S.C. 2942.

§ 1005.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions and other records of the Community Services Administration pursuant to the Freedom of Information Act (5 U.S.C. 552); as amended.

§ 1005.2 Policy.

It is the policy of the Community Services Administration pursuant to section 635 of the Community Services Act of 1974 (42 U.S.C. 2977) and the Freedom of Information Act, as amended (5 U.S.C. 552) to encourage the widest possible distribution of information concerning programs administered by the Community Services Administration under the Community Services Act.

§ 1005.3 Definition of terms used in this part.

- (a) "CSA"—the Community Services Administration
- (b) "Records"—includes books, papers, maps, photographs, or other documentary materials, regardless of physical form, made or received by CSA in connection with the transaction of public business and preserved as evidence of governmental organizations, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein, but does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of CSA and does not include analyses, computations, or compilations of information not extant at the time of the request.
- (c) "Request"—a letter or other written communication seeking records under the Freedom of Information Act.
- (d) "Person"—includes a corporation or organization as well as an individual.

§ 1005.4 Location and use of CSA records.

(a) Central records room—CSA Headquarters. The Community Services Administration maintains a central records room at its headquarters, 1200-19th Street, NW., Room 213, Washington, D.C. 20506 which is under the supervision of the records officer and is open during regular business hours of CSA for the convenience of members of the public in inspecting or copying materials and records.

(b) CSA Regional Offices. (1) CSA has ten Regional Offices. Although it may not always be feasible to set aside records rooms in Regional Offices for the exclusive or primary use of the public, every reasonable effort will be made to ac-

commodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The records officer of each Regional Office is designated to receive and handle requests submitted pursuant to this part.

(2) CSA regional offices are in the following locations and cover CSA activities in the states indicated:

Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island) J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands), 26 Federal Plaza, 32nd Floor, New York, N.Y. 10007.

Region III (Pennsylvania, Delaware, Maryland, West Virginia, and Virginia), U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (North Carolina, Tennessee, Kentucky, South Carolina, Georgia, Alabama, Mississippi, and Florida), 730 Peachtree Street, N.E., Atlanta, Georgia 30308.

Region V (Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio), 300 South Wacker Drive, 24th Floor, Chicago, Ill. 60606.

Region VI (New Mexico, Oklahoma, Arkansas, Texas, and Louisiana), 1100 Commerce Street, Dallas, Texas 75202.

Region VII (Nebraska, Iowa, Kansas, and Missouri) 911 Walnut Street, Kansas City, Mo. 64106.

Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah, and Colorado), Federal Building, 1961 Stout Street, Denver, Colo. 80202.

Region IX (California, Nevada, Arizona, Hawaii, Guam, and Pacific Trust Territories), 100 McAllister Street, San Francisco, California 94102.

Region X (Alaska, Washington, Oregon, and Idaho), Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington, 98101.

(c) *Use of records rooms.* (1) Any person who wishes to inspect or copy opinions, interpretations, staff manuals, or other materials regularly maintained in a records room may secure access to those materials by presenting himself at one of the addresses indicated during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities as described in paragraph (b) of this section.

(2) The records rooms are also available to any person to inspect and copy records which are not regularly maintained in the records room. To obtain this type of record, a person should present his request identifying the record to the records officer. It will often be impossible, however, to produce these records, or copies of them on very short notice. Accordingly, a member of the public who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by phone or letter, addressing the request to the records officer of the facility he desires to use. Persons seeking records by phone will be advised by the records officer or his designee whether a written request would be advisable to aid in the identification and expeditious handling of the records sought. Persons making such requests should address them to the "Records Officer" of either the Head-

quarters address or one of the regional office addresses listed in paragraph (a) and (b) of this section and should identify the records sought in the manner provided in § 1005.5 of this part. They should also indicate whether there is any specific date on which they would like to use the records room facilities. The records officer will advise the requester as promptly as possible but in any event within ten working days, whether the records sought will be available on the date requested. If access to the records sought is denied, the denial shall be communicated to the requester as set forth in § 1005.10.

§ 1005.5 Responsibilities of the requester.

(a) *Identification of records.* (1) In order for CSA to locate records and make them available, it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should, therefore, seek to identify them as fully and accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the persons seeking the records in filling in necessary details. In most cases, however, persons seeking records will find that time taken in trying to identify materials in the beginning is well worth their while in enabling CSA to respond promptly to their request.

(2) Among the kinds of information which a person seeking a record should try to provide in order to permit identification of a record are the following:

(i) the specific event or action, if any or if known to which the record refers;

(ii) the unit or program of CSA which may be responsible for or may have produced the record, such as Community Action Programs, or the Economic Development Program;

(iii) the date of the record or the date or period to which it refers or relates, if known;

(iv) the type of record, such as an application, a contract, or a grant, or a report;

(v) personnel of CSA who may have prepared or have knowledge of the record;

(vi) citations to newspapers or publications which are known to have referred to the record.

(b) *Securing copies of records by mail.* (1) A person desiring to secure copies of records by mail should write to the "Records Officer" at the CSA Headquarters or "Records Officer" at the appropriate regional office, (see § 1005.4(a) and (b) for address listings).

(2) Records relating to any local community action program will generally be located in the regional office serving the State in which the program is being operated; records relating to the Economic Development program will very commonly be located at the Headquarters office. If the person making the request is uncertain whether the record is located in a particular office, he should write to the Records Officer in the Headquarters

Office. The request should identify the records of which copies are sought as provided in paragraph (a) of this section.

(3) A request need not be in any particular format, except that it (i) must be in writing, (ii) must describe the records sought with sufficient specificity to permit identification, (iii) should be clearly identified both on the envelope and in the letter as a Freedom of Information Act or FOIA request, (iv) should specify willingness to pay fees, if any, (see § 1005.8 (b)), and should include the name, address, and, if possible, phone number of the requester.

§ 1005.6 Statutory exemptions.

(a) The provisions of U.S.C. section 552 which require that agencies make their records available to public inspection and copying do not apply to matters which are:

(1) (a) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(b) Of the various exemptions set forth in § 1005.6(a) of this section those considered most likely to be applicable to records of CSA are listed in § 1005.6(a) (3), (4), (5), (6), and (7). These generally pertain to: records setting forth such internal personnel rules and practices as instructions to staff on inspection or contract negotiation tactics; records, including records of commercial and financial data, which contain information which is subject to some established or generally recognized privilege or is otherwise confidential because of the circumstances under which it was acquired; records in the form of

communications by which officials or staff of CSA or another agency undertake to advise one another of their views on proposed official actions; records concerning the personal or family affairs of employees, prospective employees, or participants in programs which CSA assists or is responsible for; and records, including inspection reports, which CSA compiles and maintains for use in connection with pending or prospective enforcement proceedings. CSA will invoke these exceptions as sparingly as possible, consistent with its obligation to administer the laws for which it is responsible fairly and effectively, and its obligation to assure that the governmental powers and facilities available to it for collecting and maintaining information relating to the private needs, problems or affairs of the families and individuals are not used for other than their intended official purpose. Furthermore, 5 U.S.C. 552(b) has been amended by Pub. L. 93-502 to provide: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection."

§ 1005.7 Records of other agencies.

In any case where a request is determined to relate to records which are of paramount concern to another agency, the CSA will forward the request to that agency. The person making the request will be promptly notified of this action. For purposes of this section, records produced by or for another agency which pertain to program powers exercised by it under delegation or agreement from CSA will, subject to any interagency understanding covering specific records or classes of records, be treated as of paramount concern to that other agency.

§ 1005.8 Fees.

(a) *Waiver of fees.* To the extent practicable, the policy noted in § 1005.2 will be applied under this part so as to permit requests for inspection or copies of records to be met without cost, or at required cost to the requester. Fees will be charged, however, in the case of requests which involve a burden on staff or facilities significantly in excess of that normally accepted by CSA in handling routine requests for information. In determining what fee will be charged, CSA will consider only direct costs of identifying, locating, and copying records. CSA will not charge any fees for normal search for records not found. If extraordinary efforts to find records are to be made, CSA will first consult with the requester. CSA will not charge requester for records denied under § 1005.10. If a request is partially denied, CSA will charge requester only for search for those documents wholly or partially furnished to requester, nor will CSA charge requester for the costs of segregating portions of documents partially denied to requester.

(b) *Agreement to pay fees.* (1) A request should state that the requester will promptly pay applicable fees. In his request, the requester may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative (b) (1) (ii) of this section or if he places a limit on the fees which is less than their estimated amount, the notice whether the request is granted or denied will be furnished as provided for under § 1005.10 and § 1005.11, but no records will be furnished to the requester until he has been notified of their estimated cost and has agreed to pay it, except that if the estimated cost is ten dollars or less and requester has not specifically set a limit of less than that amount, the records will be sent to him without awaiting his agreement to pay the fee. Estimates of fees will be communicated to the requester as soon as possible, but in any event within ten working days of the receipt of the request, so that the furnishing of requested information is not unnecessarily delayed. If the requester is unwilling to pay the estimated cost, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(c) *Payment of fees in advance.* (1) Under some circumstances payment of fees in advance may be required. In this event the requester will be notified as soon as possible, but in any event within ten working days of the receipt of the request, so that unnecessary delay in the furnishing of requested information may be avoided. Payment of the whole of the estimated fee will be required in advance of the furnishing of any information if the requester has previously failed to pay any previous fee due to CSA for the furnishing of information under these regulations.

(2) A deposit of 25 percent of the estimated fees will be required if these fees are in excess of \$50.00.

(d) *Remittances.* Remittances shall be in the form of either a certified personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Treasurer of the United States and mailed to Controller, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

(e) *Fee Schedule.* (1) Following is the fee schedule for reproduction available under the Freedom of Information Act (5 U.S.C. 552), as amended:

(i) *Search of records.* Four (4) dollars per hour when the search is conducted by a clerical employee; seven (7) dollars per hour when the search is conducted by a professional employee. There will be no charge for searches for less than 1 hour.

(ii) *Duplication of records.* Records will be duplicated at a rate of \$.15 per page for all copying.

(iii) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories, the Records Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Community Services Administration regulations. Services performed that are not required under the Freedom of Information Act

such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes depending upon the services performed.

(2) If records requested under this part are stored elsewhere than the Headquarters, or regional offices, the special costs of returning such records to these offices for review will be added to the search costs.

§ 1005.9 Officials authorized to grant or deny requests for records or copies of records.

The Records Officer shall be responsible for advising CSA officials and staff as to their obligations under this part; he shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of this part by and within CSA. In pursuance of this objective, the Records Officer shall require other officials of CSA to clear with him prior to denying requests or prior to granting requests for categories of documents which he determines may present special or unusual problems. At his discretion, he may himself grant or deny a request. Subject to this authority each Assistant Director, the General Counsel, the Executive Secretary and the Special Assistant to the Director, heads of Headquarters offices or divisions, and the regional directors may grant or deny requests under this part which pertain to their areas of responsibility.

§ 1005.10 Form and Records of Denial.

A decision to grant or deny a request must be made within 10 working days. Under unusual circumstances (as defined by 5 U.S.C. 552(a) (6)), CSA may extend this period for an additional 10 working days by written notice to the requester setting forth these circumstances and the date upon which a determination is expected. No request for inspection or copying of records under this part which the requester has put in writing shall be denied except in writing. All such denials shall cite the reasons therefor and shall include notice that the person whose request has been denied or partially denied may initiate an appeal by filing a request for review as provided for under § 1005.11. Written denials shall for purposes of this part, be treated as opinions, and shall be maintained and indexed accordingly.

§ 1005.11 Administrative Review of Denials.

(a) Any person whose written request has been denied or partially denied may appeal the denial by writing to the Director of CSA within 30 days of the denial. An appeal shall be in writing and shall include a copy of the original request, the denial, and any written argument the requester wishes to make.

(b) The Director may determine the appeal himself or designate the Deputy Director, an Assistant Director, Deputy Assistant Director or Associate Director to do so, but if he makes such a designation, the designee's determination shall be the agency's final decision. There will ordinarily be no hearing on appeal.

RULES AND REGULATIONS

(c) The appeal shall be determined within 20 working days of its receipt, however, this period may be extended for up to 10 additional working days under unusual circumstances under the same procedures set forth in § 1005.10, provided that an extension has not previously been taken under that section.

(d) The determination of the Director or his designee shall be in writing and should contain an explanation responsive to the arguments advanced. The determination shall be promptly communicated to the requester and shall constitute final CSA action on the appeal. All such determinations shall be treated as opinions under this part in the same manner as denials described in § 1005.10.

(e) Any determination to deny an appeal shall include written notice to the requester of his right to prompt judicial review thereof under 5 U.S.C. 552 (a) (4).

[FR Doc.75-5031 Filed 1-21-75; 10:20 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTION FOR CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 27, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d) (9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 27, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 250 and 7805 of the Internal Revenue Code of 1954 (84 Stat. 1341, 68A Stat. 917; 26 U.S.C. 250, 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue

Code of 1954 by section 901 of the Rail Passenger Service Act (84 Stat. 1341), relating to the deduction for certain payments made to the National Railroad Passenger Corporation. Under the Act, in order to be relieved of the requirement of providing intercity rail passenger service, a railroad must, under a contract entered into under section 401 (a) of the Act, pay a set amount to the National Railroad Passenger Corporation ("the Passenger Corporation") which in exchange assumes the entire responsibility of the railroad to provide intercity rail passenger service. The railroad may then deduct the amount of these payments made to the Passenger Corporation if the railroad does not, except in limited circumstances, receive any stock of the Passenger Corporation in exchange for these payments. The deduction is subject to subsequent disallowance if the railroad acquires any stock of the Passenger Corporation at any time prior to the expiration of 36 months after the last payment is made under the contract to the Passenger Corporation.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations to section 901 of the Rail Passenger Service Act

(84 Stat. 1341), the regulations are hereby amended by inserting the following new sections immediately after § 1.249-1:

§ 1.250 Statutory provisions; certain payments to the National Railroad Passenger Corporation.

Sec. 250. *Certain payments to the National Railroad Passenger Corporation*—(a) *General rule*.—If—(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the Passenger Corporation) pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act, and

(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a) then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

(b) *When payment is made*.—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

(c) *Effect of certain subsequent acquisitions of stock*.—(1) *Disallowance of deductions*.—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

(2) *Collection of deficiency*.—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(d) *Members of controlled group*.—Under regulation prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a) (2) and (c) shall be applied by treating all members of such controlled group as one corporation.

[Sec. 250 as added by sec. 901, Rail Passenger Service Act (84 Stat. 1341)]

§ 1.250-1 Deduction for certain payments to the National Railroad Passenger Corporation.

(a) *General rule*—(1) *Allowance of deduction*. The amount of a payment described in subparagraph (2) of this paragraph made to the National Railroad Passenger Corporation (hereafter called the "Passenger Corporation") by a corporation which is a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be allowed as a deduction for the taxable year in which the payment is made. However, in accordance with paragraph (b) of this section, no deduction shall be allowed for the payment if the Passenger Corporation issues stock to the common carrier by railroad in connection with a contract described in subparagraph (2) (i) of this paragraph. A payment described in subparagraph (2) (i) of this paragraph which is not deductible under section 250 and this section may not be deducted under any other section of

the Code or these regulations. See paragraph (c) of this section for the rules relating to when certain payments are treated as made to the Passenger Corporation. See paragraph (d) of this section for the rules relating to the disallowance of the deduction if certain subsequent acquisitions of stock of the Passenger Corporation occur. See paragraph (e) of this section for the rules relating to treatment of all members of a controlled group as one corporation. This section applies only with respect to taxable years ending after October 30, 1970.

(2) *Payments eligible for deduction—*

(1) *In general.* The deduction allowed by this section shall be allowed with respect to payments made in cash, rail passenger equipment, or services to the Passenger Corporation pursuant to a contract entered into under section 401 (a) of the Rail Passenger Service Act (84 Stat. 1334). The amount of the payments shall be the amounts provided under the contract between the Passenger Corporation and the common carrier by railroad.

(i) *Rail passenger equipment.* For purposes of this section the term "rail passenger equipment" means depreciable tangible personal property used incident to the furnishing of rail passenger service. Such term does not include track, roadbed, real property or buildings.

(ii) For purposes of this section, the term "services" means the performance of activities for the benefit of the Passenger Corporation and includes the furnishing of the use of equipment or facilities to the Passenger Corporation where title to the equipment or facilities is not transferred to the Passenger Corporation. A grant of the use of track or roadbed shall be treated as the furnishing of services.

(3) *Special rules for payment in equipment and services—*(1) *Realization of income.* In the case of a payment to the Passenger Corporation in the form of equipment or services, the common carrier shall be treated as satisfying a fixed obligation with equipment or services and may, therefore, realize taxable income or a loss as a result of the payment. This rule may be illustrated by the following two examples:

Example (1). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of \$500,000 to the Passenger Corporation and satisfied that obligation with equipment having an adjusted basis to the carrier of \$200,000, the common carrier would realize \$300,000 as a gain from the satisfaction of its obligation which would be taxable to the common carrier. To the extent provided in section 1245 and the regulations thereunder, the gain would be taxed as ordinary income. Thus, the common carrier would be allowed a deduction of \$500,000 for the payment made to the Passenger Corporation and would include in income the amount of \$300,000 as a capital gain or ordinary income, as the case may be, arising from satisfaction of its fixed obligation by transfer of the equipment.

Example (2). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of \$500,000 to the Passenger Corporation and satisfied that obligation

by providing to the Passenger Corporation services consisting of the use of a passenger train over a specified route on a specified schedule for a period of one year, the common carrier would realize \$500,000 of income from the satisfaction of its obligation, to be reduced by its costs and expenses incurred in rendering these services in determining taxable income. Thus, the common carrier would be allowed a deduction of \$500,000 for the payment made to the Passenger Corporation and would include in taxable income arising from the satisfaction of its fixed obligation by the performance of services an amount equal to \$500,000 reduced by such costs and expenses.

(b) *Stock issued in connection with the contract.* No deduction shall be allowed under this section with respect to a payment in cash, rail passenger equipment, or services to the Passenger Corporation if, in connection with a contract described in paragraph (a) (2) (1) of this section, stock of the Passenger Corporation is issued to the common carrier making such payment. Under section 401(a) (2) of the Rail Passenger Service Act, a common carrier which enters into a contract with the Passenger Corporation receives common stock of the Passenger Corporation unless it waives all rights to receive the stock in exchange for the payments it makes under the contract. For this reason, no deduction shall be allowed under this section with respect to the payments unless the common carrier waives all rights to receive the stock in exchange for the payments.

(c) *Determination of time of payment in equipment and services—*(1) *Equipment.* A payment in rail passenger equipment shall be treated as made when title to the equipment is transferred to the Passenger Corporation or for its benefit.

(2) *Services.* A payment in services shall be treated as made when the services are rendered to the Passenger Corporation or for its benefit.

(d) *Effect of certain subsequent acquisitions of stock—*(1) *Disallowance of deduction—*(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, a deduction which has been allowed under this section to a common carrier shall be disallowed if the corporation, or a successor corporation as defined in subparagraph (2) of this paragraph, acquires any stock of the Passenger Corporation before the close of the 36-month period commencing on the day on which the last payment under the contract described in paragraph (a) (2) (1) of this section is made. The disallowance of the deduction shall be effective as of the close of the taxable year for which it was claimed under this section. An amended income tax return shall be filed by the common carrier, or successor corporation, for that year disclosing the acquisition of the stock and disallowance of the deduction, and additional tax, if any, for the year shall be paid. See subparagraph (3) of this paragraph for rules relating to the assessment and collection of a deficiency from such disallowance.

(ii) *Exceptions.* The rules of subdivision (1) of this subparagraph shall not apply if stock in the Passenger Corpora-

tion is acquired in a corporate acquisition to which section 381 and the regulations thereunder apply or in a railroad reorganization to which section 374 and the regulations thereunder apply.

(2) *Successor corporation.* For purposes of subparagraph (1) of this paragraph, the term "successor corporation" means any corporation which acquires assets of the common carrier having a fair market value in excess of one-half the fair market value of all the assets of the common carrier held immediately before the acquisition, where 50 percent or more of one or more classes of voting stock of the corporation is owned, directly or indirectly, at the time of the acquisition by one or more persons who, at any time during the taxable year or years that the common carrier was allowed a deduction under this section, owned, directly or indirectly, 50 percent or more of one or more classes of the voting stock of the common carrier. For purposes of this subparagraph, a person will be considered to own indirectly 50 percent or more of a class of the voting stock of a corporation if the person owns 50 percent or more of a class of the voting stock of another corporation which owns 50 percent or more of a class of the voting stock of the corporation.

(3) *Collection of deficiency.* If a deduction is disallowed under subparagraph (1) of this paragraph, the periods of limitation provided in sections 6501 and 6502 for the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from the disallowance of the deduction, be extended to one year after the date on which the common carrier or successor corporation, which acquired the stock of the Passenger Corporation files an amended income tax return in accordance with paragraph (d) (1) (i) of this section. Such assessment and collection may be made notwithstanding any rule of law which otherwise would prevent such assessment and collection.

(e) *Members of controlled group.* For purposes of paragraphs (b) and (d) of this section, all members of a controlled group of corporations, as defined in section 1563 and the regulations thereunder, shall be treated as one corporation. Thus, no deduction for a payment shall be allowed to any member of a controlled group if any other member of the controlled group receives stock in the Passenger Corporation in exchange for the payment in connection with a contract described in paragraph (a) (2) of this section.

[FR Doc.75-4929 Filed 2-21-75; 8:45 am]

[26 CFR Part 601]

PROPOSED PROCEDURAL RULES WITH RESPECT TO PUBLIC INSPECTION OF CERTAIN RULINGS AND DETERMINATION LETTERS

Notice of Public Hearing on Proposed Rules

Proposed amendments to the Statement of Procedural Rules (26 CFR Part 601), relating to the public inspection of

certain rulings and determination letters, appear in the FEDERAL REGISTER for Tuesday, December 10, 1974 (39 FR 43087).

A public hearing on the provisions of such proposed amendments will be held on March 25, 1975, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935.

Under such § 601.601(a)(3), persons who have submitted written comments within the time prescribed in the notice containing the proposed amendments, and who desire to present oral comments at the hearing on such proposed amendments, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 17, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing at the above address by March 20, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on March 24, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and
Regulations Division.

[FR Doc. 75-4927 Filed 2-21-75; 8:45 am]

Office of the Secretary
[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

**Discrimination; Compliance Procedures
Correction**

In FR Doc. 75-3289 appearing on page 5370 in the issue for Wednesday, February 5, 1975, the following corrections are to be made:

1. In the second line of the text immediately following § 51.32(f) (1) (ii) (D),

the second word now reading "payment" should read "repayment."

2. The last line of § 51.32(f) (2) (ii) now reading "-ination of this section or the Act; and" should read "-ination provision of this section or the Act; and."

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

INJURIOUS WILDLIFE

Proposed Importation Requirements

This notice contains the second proposed rulemaking for a revision and restructuring of Part 16, Injurious Wildlife, of Subchapter B of Chapter I of this title.

The first proposal was published in the FEDERAL REGISTER on December 20, 1973 (38 FR 34970). A draft environmental impact statement (EIS) on the first proposal was made available to the public by notice in the FEDERAL REGISTER on June 5, 1974 (39 FR 19969). The public comment period was extended to July 29, 1974, upon the release of the draft EIS, and was extended again, to September 13, 1974, by a notice in the FEDERAL REGISTER (39 FR 2744; July 31, 1974). A series of four hearings were held in August 1974 to gather further public comments on both the EIS and the first proposal.

THE SECOND PROPOSAL

The public commentary received at the hearings and by mail raised some serious problems, which were resolved by re-drafting portions of the first proposal. Since the cumulative effect of these revisions amounts to a significant modification of the first proposal, the Service has decided to issue a second proposal. This will give all segments of the public a chance to comment on the manner in which the serious problems referred to above were resolved. The background of the first proposal, a summary of the public comments, and the second proposal are set forth below:

BACKGROUND

In general, 18 U.S.C. 42 authorizes the Secretary to prescribe by regulation those wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, and reptiles or the offspring or eggs of any of the foregoing (hereinafter "wildlife"), which are injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States (hereinafter "the named interests"). Subject to certain statutory exceptions, such proscribed wildlife may not be imported into the United States, except as permitted by the Secretary for zoological educational, medical, or scientific purposes.

Current information shows that injury caused to the named interests by imported wildlife is more widespread and serious than previously believed. Present ecological and other knowledge, including an awareness of the large and growing volume of imported live wildlife, demonstrate that a thorough regulation of such importations is necessary to pro-

tect the named interests from additional injury. Recent examples exist of injury caused to the named interests and to similar interests in other countries by imported wildlife. Control and eradication programs for west or 'exotic' species are costly, frequently unsuccessful and are curative rather than preventative in nature.

FIRST PROPOSAL

In general, the first proposal included a determination based on scientific evidence presently available that all wildlife is or would be injurious to one or more of the named interests at some time or place when imported into the United States. The proposal prohibited the importation of such live wildlife, except as allowed by the Secretary under a permit for scientific, educational, zoological, or medical purposes. However, the proposal also recognized that the risk of injury to the named interests posed by some "low risk" species or genera of wildlife was so slight as to justify a determination that importation thereof could be allowed without a permit. In fact, the findings indicated that most species of marine fishes were "low risk."

The proposal, therefore, established a list of wildlife which the Secretary had determined posed little risk of injury to the named interests. This proposal did not apply to wildlife designated as "low risk." All wildlife not designated as "low risk" was identified by exclusion as injurious and could be imported only pursuant to a permit for scientific, educational, medical, or zoological purposes. A permit, which could be issued when the Secretary found there had been a proper showing of responsibility and continued protection of the named interests, was required prior to the importation of such injurious wildlife.

Problems relating to potentially harmful marine fish importations were substantially different in character from those regarding their freshwater counterparts. In the latter case the primary concern was possible harm to the wildlife or the wildlife resources of the United States caused by escapes or deliberate introductions as the threat to humans was greater with marine species. In the case of marine fishes whose total estimated number is about 11,700 species, accidental or deliberate introductions resulting in the establishment of a species were believed to be uncommon due to the biology of the species and unenclosed nature of the marine habitat. On the other hand, venomous (stinging) marine forms greatly outnumber those occurring in fresh water, and some of the more potentially dangerous species have been and were now readily available to the home aquarist. Biting or attacking marine fishes (sharks, morays, giant seabasses), are limited by their size and the occasional small species available to the aquarium hobbyist were not considered to be of potential danger. Since most species of marine fishes were found to be "low risk," the list of marine fishes identified all species as "low risk," except those genera listed.

PROPOSED RULES

The list contained in the proposal was subject to continued review and modification as data accumulated concerning the degree of risk posed by either listed or unlisted species.

Further, this proposal would have simplified the enforcement of these regulations by requiring the pre-clearance and issuance of permits for all injurious wildlife.

It was pointed out that *Psittacine* birds were excluded from the proposal by the statute and, therefore, importation of the monk parakeet (*Myiopsitta monachus*) was not regulated in spite of its known danger to the named interests.

PUBLIC COMMENTS ON THE FIRST PROPOSAL

In early August 1974 a series of four hearings were held in Washington, D.C., Miami, Kansas City and San Francisco on the proposal and the environmental impact statement. The public comment period for the published regulations and the EIS was scheduled to end July 29. In response to public requests, the period was extended 45 days to September 13. At that time a 5-man team was brought together from various field stations through the country to review all the public comments, analyze them and summarize them.

The proposal drew 4,315 individual responses, 2,743 (64%) of these offered unqualified support and 399 additional respondents qualified their support in some minor degree; collectively these 3,142 (73%) responses bore 2,304 additional endorsing signatures. A total of 1,105 responses bearing 2,705 additional signatures opposed, and 106 responses with 15 additional signatures were irrelevant.

A petition protesting the proposal, primarily on legal grounds, was widely distributed, resulting in 13,737 signatures (not included in individual response count above). This petition, however cited as a premise for its opposition, an incorrect implication that the proposed regulation would control the acquisition and possession of pets in general, including domestic cats and dogs.

The 4,315 individual responses were recorded in the following categories:

Government (State and Federal)	41
Research (medical and university)	106
Zoo and aquaria	295
Pet industry	88
Conservation organizations	42
Special interest groups	266
General public	3,441
(Irrelevant responses omitted in above)	36
	<hr/>
	4,315

DESCRIPTION OF THE SECOND PROPOSAL

The second proposal is the same as the first proposal in its basic approach, but the list of "low risk" wildlife has been modified, the permit provisions have been revised and clarified, and certain other changes have been made.

In general, the proposal has been revised, wherever possible and consistent with the law, to alleviate unnecessary adverse effects. Following is a listing of the problems raised by the public commentary, and a brief description of what has been done to deal with them. Problems

have been grouped according to the various segments of the public that responded.

GOVERNMENT

1. Several States expressed concern for their exotic game programs. *Response:* The second proposal allows for the grant of permits for importation of any species for scientific research. Importation for stocking would be permitted only for low-risk species.

2. Some States objected to the gerbil being on the low-risk list because it is considered a risk for becoming established in the Southwest. Certain States have laws prohibiting its importation. *Response:* The gerbil has been deleted from the revised list of low-risk mammals.

3. Regulations would prohibit importation of Pacific oyster "seed" for commercial use in Oregon and Washington. *Response:* The second proposal incorporates National Marine Fisheries Service recommendations that Pacific oyster seed be permitted from specific locations under State certification.

RESEARCH

1. Medical research fears regulations will make it impossible for import brokers and dealers to stay in business. This will affect availability and will increase cost of monkeys (and other laboratory animals) used for research. *Response:* Dealers will be eligible for import permits to supply responsible parties doing medical research or scientific studies.

2. Researchers objected to the Fish and Wildlife Service (FWS) reviewing and judging research proposals as a prerequisite for issuing an import permit. *Response:* FWS will review primarily to satisfy requirement that the permittee be responsible and that the proposed use is in keeping with the statute.

3. University and museum collectors are concerned that permits will be required for specifically named species in advance of collecting expeditions. Since it is impossible to anticipate all the animals that might be encountered, this does not offer needed flexibility. *Response:* Permits can list broad classifications of animals (such as entire families) provided applicant can demonstrate responsibility.

4. Permit requirements are so burdensome that they would hopelessly obstruct primate research. *Response:* Long-term, multi-transaction permits which require minimum reporting will be available for laboratories.

ZOOS AND AQUARIA

1. Virtually every letter from this group objected to increased administrative work that will result because of permit requirements. Many requested exemptions. *Response:* The Lacey Act does not provide for blanket exemption of zoos. Permit application and reporting procedures were modified to reduce the necessary paperwork.

2. Permit requirement for each importation is too burdensome and could never be accomplished. *Response:* The second proposal clarifies the availability of long-term, multitransaction permits

for a variety of species to be issued to zoos, aquaria, research facilities, etc.

3. Many pointed out difficulties that would arise if transfer of animals between zoos required advance permission of the Director, FWS. *Response:* The second proposal permits exchange of injurious animals between permit holders without additional authorization.

4. Many professional biologists and zoologists begin interest in their profession as result of a herpetology hobby. We should not close the door to serious amateurs. *Response:* The serious and responsible hobbyist will be eligible for permits under the more detailed definition of "zoological" purposes.

5. Need to clarify interstate shipment restrictions. *Response:* The second proposal clarifies the prohibition on imports and shipments. Interstate shipments are not affected, except shipments between noncontinental parts of the United States (island ecosystems such as Hawaii and Puerto Rico) and the continental United States.

PET INDUSTRY

Challenged the legality of using a "low-risk" listing of animals importable without restriction rather than a listing of high-risk animals that can be imported only by permit. *Response:* Careful review by the Department of Interior, Solicitor's Office resulted in the opinion that Congress' intent in enacting the Lacey Act does not prohibit the use of a "low-risk" system. Therefore, no change was made in the second proposal in this regard.

CONSERVATION ORGANIZATIONS

1. Proposed list of low-risk fish is too lengthy. *Response:* The lists as originally proposed, with the public comments fully reviewed by panels of the most knowledgeable experts available. The lists have been modified and every species appearing on the final "low-risk" list is supported by scientific rationale.

2. Question the definition of "low risk" marine fishes by exclusion from a list of harmful species. *Response:* Specialists met and reviewed the fish lists and indicated a straight "low-risk" list was impractical. The National Marine Fisheries Service is studying feasibility of preparing a "low-risk" list, but for the present, the exclusionary route is retained in the second proposal.

OTHER SEGMENTS OF THE PUBLIC

1. Game bird breeders, falconers, amateur herpetologists, aquarists, and cage bird fanciers complained that regulations would interfere with pursuit of their hobby. *Response:* Eligibility requirements for scientific, educational, medical or zoological permits have been more clearly defined to show that responsible persons who qualify in these categories can obtain import permits for certain species not on the low-risk list.

2. Various exotic animal breeders argued that the regulations would end their contribution to preservation of endangered species. Animal husbandry techniques developed by such breeders have made it possible to sustain captive populations of endangered animals, thereby reducing chances of complete extinction.

Response: Serious and responsible animal breeders will be eligible for import permits under more detailed definition of "zoological" and "scientific" purposes.

GENERAL COMMENTS

1. Many opponents and proponents of the new regulations criticized the low-risk list of animals; some because it was not complete and others because it was too inclusive. *Response:* FWS has met with experts from the pet industry, zoos, conservation organizations, professional organizations and specialists from the Smithsonian Institution to refine the original low-risk lists.

2. Many comments objected to exemptions for Federal agencies and pointed out that harmful introductions have been intentionally made by Government agencies. *Response:* Exemption is specified in the Lacey Act.

3. There was frequent criticism that the regulations do not cover Psittacine birds (parrots and parakeets). *Response:* Exemption is specified in the Lacey Act. Interior recognizes the hazards posed by Psittacines.

4. Misinterpretation of control over interstate movement of wildlife was common. *Response:* The second proposal clarifies the prohibition on imports and shipments. Generally, interstate shipments are not affected, except shipments between noncontiguous parts of the United States (land ecosystems such as Hawaii and Puerto Rico) and the continental United States.

5. Mass confusion will result because of back-log of permit requests. *Response:* A transition period will be provided to allow processing of permit requests before the proposal becomes effective.

The proposal has been revised as indicated above. It is intended that § 16.22 in Subpart C (Permits) will become effective approximately six months prior to the balance of the regulation. This will give all affected persons an opportunity to obtain permits prior to the effective date of the "low-risk" list, and the corresponding prohibition on the importation and shipment of injurious wildlife (everything not on the "low-risk" list).

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to: the Director (FWS/LE), Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. All relevant comments received on or before April 10, 1975 will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments will not be provided. Comments received and the draft Environmental Impact Statement will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C. This notice of proposed rulemaking is issued under the authority of 18 U.S.C. 42.

Dated: February 13, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is proposed to revise Part 16 of 50 CFR Chapter I, Subchapter B to read as follows:

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

Sec.

- 16.1 Purpose of regulations.
- 16.2 Scope of regulations.

Subpart B—Designation of Injurious Wildlife

- 16.11 Injurious wildlife.
- 16.12 Low risk wildlife list.
- 16.13 Amendments to the list of low risk wildlife.

Subpart C—Permits

- 16.21 General permit requirement.
- 16.22 Injurious wildlife permits.

Subpart D—Additional Restrictions and Exemptions

- 16.31 Importation of live or dead fish of the family Salmonidae.
- 16.32 Importation by Federal agencies.
- 16.33 Psittacine birds.
- 16.34 Importation of Pacific oysters.
- 16.35 Importation of brine shrimp eggs.

AUTHORITY: Lacey Act, 74 Stat. 754 (18 U.S.C. 42(a)(1)).

Subpart A—Introduction

§ 16.1 Purpose of regulations.

The regulations contained in this part identify those species, genera and families of live wildlife which have been determined to pose a low risk of injury to human beings, to the interest of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. All other species of live wildlife or the eggs thereof, and dead fish or eggs of salmonids of the fish family Salmonidae are prescribed as injurious or possibly injurious to those interests. Procedures and criteria for issuance of permits for importation and shipment of injurious wildlife and for public participation in the amendment of the list of low risk wildlife are provided. The regulations for this part implement the Lacey Act (18 U.S.C. 42).

§ 16.2 Scope of regulations.

(a) The regulations in this part apply to all importations of live injurious wildlife or the eggs thereof, except Psittacine birds, but including dead fish or eggs of salmonids of the fish family Salmonidae, Pacific oysters, and brine shrimp eggs, into the United States, and to all shipments of such wildlife between certain parts of the United States (see § 16.21). These regulations are in addition to any other regulations governing the importation of wildlife, including without being limited to, the requirements to import all wildlife through designated ports of entry (Part 14), or the prohibitions relating to endangered or threatened species (Part 17), marine mammals (Part 18), migratory birds (Part 21), or wildlife taken, transported, or sold in violation of foreign law (Part 14). See those parts, or other appropriate statutes and regulations, for specific information.

(b) The regulations and permit system established for importation of Bald and Golden Eagles, marine mammals, migratory birds, and endangered wildlife are supplemented by the regulations of this part in order to avoid a multiple permit

system. To the extent that importation is prohibited by this part, except under permit, the requirements and criteria of this part must be complied with, in addition to other provisions of Subchapter B. Therefore, to the extent the importation is also controlled by the regulations relating to marine mammals, Bald and Golden Eagles, migratory birds or endangered species, the permit applicant must provide the information and meet the criteria of those regulations as well as of this part, if the wildlife is injurious to the named interests.

(c) These regulations are also in addition to any State or local laws which prohibit activities involving injurious wildlife, including, without limitation, importation, transportation, sale and possession.

Subpart B—Designation of Injurious Wildlife

§ 16.11 Injurious wildlife.

After reviewing scientific and other data available to him, the Secretary hereby prescribes and determines that, with the exception of Psittacine birds and those species listed in § 16.12 of this subpart, all live wildlife or the eggs thereof, as well as the dead fish or eggs of salmonids of the fish family Salmonidae, are or could be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States if or when imported or shipped contrary to § 16.21.

§ 16.12 Low risk wildlife list.

After reviewing scientific and other data available to him, it has been determined that the wildlife listed below are not injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.

LIST OF LOW RISK WILDLIFE ELIGIBLE FOR IMPORTATION WITHOUT PERMIT

Unless specifically noted, ORDER and FAMILY names are shown for convenience of classification and taxonomic arrangement only. It should be noted that several States or United States Territories have regulations on importation of wildlife. Local regulations that are more restrictive will take precedence over these regulations. The identity of the wildlife in these lists is established by scientific name. The scientific names used herein are those generally accepted at the time of publication. Common names are provided for convenience only and have no legal, official, or technical standing.

MOLLUSCS¹

- Venerupis (Prototheca) japonica*, Manilla Clam
- Pinctada* sp., Pearl Oyster
- Ostrea edulis*, European Flat Oyster
- Crassostrea angulata*, Portuguese Oyster
- Crassostrea commercialis*, Australian Oyster
- Crassostrea rivularis*, Suma Oyster
- Mya arenaria*, Soft Clam
- Hydrobia ulvae*, Abalone
- Chione fluctifraga*, Chione Clam
- Tapes semidecussata*, Japanese Little-neck Clam
- Family CYPRAEIDAE Cowries (All species)

¹ See § 16.34 for special rules on *Crassostrea gigas*, Pacific oyster.

PROPOSED RULES

CRUSTACEANS²

Pandalus sp., Northern Shrimp
Panulirus interruptus, Pacific Spring Lobster
Panulirus argus, Atlantic Spiny Lobster
Homarus americanus, American Lobster
Paralithodes spp., King Crab
Chionoecetes spp., Tanner Crab and Queen Crab
Cancer magister, Dungeness Crab
Petrolisthes cinctipes, Porcelain Crab
Porcellana longicornis, Porcelain Crab
Hemigrapsus nudus, Purple Shore Crab
Callinectes sapidus, Blue Crab
Pugettia producta, Smooth or Kelp Crab
Oregonia gracilis, Decorator Crab
Loxorhynchus crispatus, Masking Crab
Scyra acutifrons, Masking Crab
Pachygrapsus crassipes, Rock Crab
Xiphosura (= *Limulus*) *polyphemus*, Horseshoe Crab
Alpheus clamator, Pistol Shrimp
Stenopus hispidus, Coral Banded Shrimp

FRESHWATER FISH

Order Dipteriformes
 Fam. Lepidostrenidae
Lepidosiren
 Order Polypteriformes
 Fam. Polypteridae
Galamichthys
Polypterus
 Order Osteoglossiformes
 Fam. Pantodontidae
Pantodon
 Fam. Notopteridae
Notopterus
Xenomystus
 Order Mormyriiformes
 Fam. Mormyridae
Boulengeromyrus
Campylomormyrus
Genyomyrus
Gnathonemus
Heteromormyrus
Hippopotamyrus
Hyperopisus
Isichthys
Marcusenius
Mormyroides
Mormyrops
Mormyrus
Ozymormyrus
Paranyomyrus
Petrocephalus
Phagrus
Solenomormyrus
Stomatorhinus
 Order Gonorynchiformes
 Fam. Kneridae
Kneria
 Fam. Phractolaemidae
Phractolaemus
 Order Cypriniformes
 Fam. Characidae
Adramites
Acuticurimata
Alestes
Alestopeterstus
Anoptichthys
Anostomus
Apareiodon
Aphyocharax
Aphyocheirodon
Aphyodite
Apteronotus
Argyropleura
Arnoldichthys
Azeirodia
Bario
Bathethiops
Boehlbia
Brittanichthys
Bryconalestes

² See §16.35 for special rules on *Artemia salina*, brine shrimp.

Bryconamericus
Caenotropus
Carlia
Carnegiella
Ceratobranchia
Chaetodus
Characidium
Charax
Cheirodon
Cheilodentops
Chilodus
Compsura
Copeina
Copella
Corynopoma
Creagrutus
Creatochanes
Crenuchus
Ctenobrycon
Curimata
Curimatopsis
Deuterodon
Diapoma
Distichodus affinis
D. sezasciatus
Eigenmannia
Elacocharax
Entomolepis
Epiplatys
Epiplatys
Fowlerina
Gasteropelecus
Geisleria
Gephyrocharax
Glandulocauda
Gnathocharax
Gnathodolus
Gymnocorymbus
Gymnorhamphichthys
Gymnotus
Hasemania
Hemibrycon
Hemigrammolestes
Hemigrammus
Hemiodopsis
Hemiodus
Hollandichthys
Holobrycon
Hyphessobrycon
Hypopomus
Hysteronotus
Iguanodectes
Jobabrycon
Jobertina
Klausewitzia
Knodus
Ladigesia
Laemolyta
Landonia
Lepidarchus
Leporinus
Leptagoniates
Lonchogenys
Markiana
Megalampodus
Metynnis
Micralestes
Microbrycon
Microcaerulus
Microgenys
Microschemobrycon
Mimagoniates
Moenkhausia
Monotocheirodon
Myleus
Mylossoma
Nannaehtrops
Nannobrycon
Nannocharax
Nannostomus
Nematobrycon
Nematopoma
Neolebias
Odontosternarchus
Odontostilbe
Oedemognathus
Orthosternarchus

Othonocheirodon
Parabasis
Paracheirodon
Paragoniates
Parastremma
Parodon
Pedalibrycon
Petersius
Pettella
Phenacobrycon
Phenacogaster
Phenacogrammus
Phenagoniates
Phoxinopsis
Plabucina
Plabucus
Plethodectes
Poecilobrycon
Poecilocharax
Poptella
Porotergus
Prionobrama
Pristella
Prochilodus
Pseudochalceus
Pseudochirodon
Pseudocorynopoma
Pterobrycon
Pyrrhulina
Rabdolichops
Rachoviscus
Rhamphichthys
Rhoadsia
Roeboides
Saecoderma
Steatogenys
Sternarchella
Sternarchogiton
Sternarchorhamphus
Sternarchorhynchus
Sternarchus
Sternopygus
Stethoprion
Stewardia
Tateichthys
Tetragonopterus
Thayeria
Thoracocharax
Triportheus
Tylobranchus
Tytocharax
Ubidia
Uramara
Xenagoniates
 Fam. Cyprinidae
Aphyocypris
Balantiocheilus
Barbus anemus
 (same taxonomists classify species listed here in Genus *Barbus* in nominal barb genera *Barbodes*, *Copoeta* and *Puntius*)
B. arulius
B. binotatus
B. callipterus
B. campicanthus
B. chola
B. conchontus
B. cuningi
B. dorsimaculatus
B. dunkeri
B. everetti
B. fasciatus
B. fasciolatus
B. flamentosus
B. gambiensis
B. gelius
B. halei
B. hexazona
B. holotaenia
B. hulstaerti
B. keratani
B. lateristriga
B. lineatus
B. lineomaculatus
B. melanopygus
B. nigrofasciatus

B. oligolepis
B. paludinosus
B. partipentazona
B. pentazona
B. phutunio
B. puckellii
B. roloffi
B. sachsi
B. schwanenfeldti
B. semifasciolatus
B. somphongsi
B. stigma
B. stigmatopygus
B. stolckanus
B. tertio
B. tetrarupagus
B. tetrazona
B. ticto
B. titteya
B. trispilos
B. unitaeniatus
B. usumbarae
B. vittatus
B. vitiparus
B. wohlerti
Barilius
Beirabarbus
Brachydanio
Carassius auratus
Crossocheilus apogon
Cyclocheilichthys
Cyprinus carpio
Danio
Eirmotus
Epalzeorhynchus
Esomus
Hampala
Hemigrammocypripis
Horadandya
Labauca
Labeo bicolor
L. erythrusus
L. munensis
L. variegatus
Luciosoma
Morulius
Osteocheilus vittatus
Oxygaster
Puntioplites
Rasbora
Rasborichthys
Tanichthys
Fam. Gyrinocheilidae
Gyrinocheilus
Fam. Homalopteridae
Gastromyzon
Homaloptera
Fam. Cobitidae
Acanthophatmus
Acanthopsis
Botia
Cobitis
Lepidocephalus
Order Siluriformes
Fam. Bagridae
Chrysiichthys
Gephyroglanis
Leiocassis
Mystus
Parauchenoglanis
Fam. Siluridae
Kryptopterus
Fam. Schilbidae
Eutropiellus
Schilbe
Parailia
Physallia
Fam. Pangasidae
Pangasius
Fam. Amphiliidae
Phracturus
Fam. Chacidae
Chaca
Fam. Mochokidae
Synodontis

Fam. Doradidae
Acanthodoras
Agamyxis
Amblyodoras
Anadoras
Apuredoras
Astroadoras
Autanadoras
Centrochir
Centrodoras
Doras
Franciscodoras
Hoplodoras
Hypodoras
Leptodoras
Magalodoras
Nemadoras
Opsodoras
Orinocodoras
Oryodoras
Platyodoras
Pseudodoras
Scorpiodoras
Trachydoras
Fam. Auchenipteridae
Centromochlus
Trachycorystes
Fam. Aspredinidae
Agmus
Amaralia
Aspredinichthys
Aspredo
Bunocephalichthys
Bunocephalus
Chamaigenes
Dysichthys
Erustichthys
Hoplomyzon
Petacara
Plastitus
Platystacus
Pterobunocephalus
Xiliphius
Fam. Pimelodidae
Acentronichthys
Heptapterus
Microglanis
Pimelodella
Pseudopimelodus
Fam. Ageneiosidae
Ageneiosus
Fam. Helogenidae
Helogenes
Fam. Callichthyidae
Brochis
Callichthys
Corydoras
Dianema
Hoplosternum littorale
H. thoracatum
Fam. Loricariidae
Chaetostoma
Cochliodon
Farlowella
Hassar
Hemiancistrus
Hypoptopoma
Hypostomus (includes *Plecostomus*)
Lasiancistrus
Leptoancistrus
Loricaria
Otoclinelus
Oryziorcarius
Panaque
Pseudancistrus
Pterygoplichthys
Spatuloricaria
Stoniella
Sturisoma
Xenocara
Fam. Astroblepidae
Arges
Astrobleps
Cycloptium

Order Atheriniformes
Fam. Belontiidae
Potamorhaphis
Fam. Exocoetidae
Dermogenys
Hemirhamphodon
Zenarchopterus
Fam. Oryziatidae
Oryzias
Fam. Cyprinodontidae
Aphantius
Aphyoplatys
Aphyosemion
Aplocheilichthys
Aplocheilus
Austrofundulus
Callopanchax (includes *Roloftia*)
Campellolebias
Cualac
Cubanichthys
Cynolebias
Cynopanchax
Cynopoectilus
Epiplatys
Fundulopanchax
Fundulosoma
Garmanella
Hylopanchax
Hypsopanchax
Jordanella
Lamprichthys
Leptotucania
Lucania (includes *Chiropeops*)
Micropanchax
Nothobranchius
Pachypanchax
Procatopus
Pseudoepiplatys
Pterolebias
Rachovia
Rivulus
Simpsonichthys
Trigonectes
Valencia
Fam. Goodeidae
Girardinichthys
Goodea
Hubbsina
Lermichthys
Neotoca
Ollentodon
Fam. Anablepidae
Anableps
Fam. Poeciliidae
Aljaro
Brachyrrhaphis
Carlhubbisia
Cnesterodon
Girardinus
Glaridichthys
Heterandria
Neoheterandria
Pallichthys
Phalloceros
Phalloptychus
Phallotorynus
Poecilia
 (incl. *Lebistes*, *Limia*, *Mollisia* & *Micropoecilia*)
Poeciliopsis
Poecilistes
Priapella
Priapichthys
Pseudoxiphophorus
Quintana
Tomeurus
Xenodoria
Xiphophorus
Fam. Atherinidae
Alepidomus
Bedotia
Melanotaenia
Nemotocentrus
Rhadnocentrus
Telmatherina
Pseudomugil

PROPOSED RULES

Order Gasterosteiformes
 Fam. Indostomidae
Indostomus
 Fam. Syngnathidae
Doryichthys
Microphis
Nerophis
Syngnathus

Order Perciformes
 Fam. Centrarchidae
Elassoma
Enneacanthus
 (incl. *Mesogonistius*)
 Fam. Centropomidae
Chanda
Gymnochanda
 Fam. Kuhlidae
Nannoperca
 Fam. Monodactylidae
Monodactylus
 Fam. Toxotidae
Toxotes
 Fam. Scatophagidae
Scatophagus
Selenotoca
 Fam. Badidae
Badis
 Fam. Nandidae
Acharnes
Afronandus
Monocirrhus
Nandus
Polycentropus
Polycentrus
Pomanotus
Pristilepis
 Fam. Cichlidae
Aequidens
Acarichthys
Acaronia
Apistogramma
Apistogrammoides
Aulonocara
Biotodoma
Biotoecus
Chaetobranchopsis
Chaetobranchus
Chilotilapia
Chromidotilapia
Chuco
Cichlasoma
Corematodus
Crenicara
Cyathochromis
Cyathopharynx
Cynotilapia
Cyphotilapia
Eretmodus
Etoplus
Geophagus
Haplochromis except *H. compressiceps*
Hemichromis
Hemihaplochromis
Hemitylapia
Herotilapia
Hoplotilapia
Iodotropheus
Julidochromis
Labeotropheus
Labidochromis
Lamprologus
Leptotilapia
Lethrinops
Limnochromis
Limnotilapia
Lobochilotes
Macropocheirus
Melanochromis
Nannacara
Nanochromis
Neotropus
Pelmatochromis
Pelvicachromis
Petrochromis
Petrotilapia
Pseudotropheus

Pterophyllum
Steatocranus
Symphysodon
Teleogramma
Telmatochromis
Tropheus
Xenotilapia
Uaru

Fam. Eleotridae
Butis
Carassioptis
Eleotris
Dormitator
Mogurnda
Ophiocara
Hypseleotris

Fam. Gobiidae
Bathygobius
Brachygobius
Evorthodus
Gobiopterus
Scartelaos
Stigmatogobius

Fam. Anabantidae
Ctenopoma

Fam. Belontiidae
Belontia
Betta
Colisa
Ctenops
Macropodus
Malpuletia
Sphaerichthys
Trichogaster
Trichopsis

Fam. Helostomatidae
Helostoma

Fam. Luciocephalidae
Luciocephalus

Fam. Mastacembelidae
Bdellorhynchus
Caecomastacembelus
Macrornathus
Mastacembelus
Pararhynchobdella

Order Pleuronectiformes
 Fam. Soleidae
Achirus
Trinectes

Order Tetraodontiformes
 Fam. Tetraodontidae
Carinotetraodon
Colomesus
Tetraodon cutcutia
T. fluviatilis
T. palembangensis
T. schoutendani

MARINE FISH

All marine fishes are included on this list of low risk wildlife, except the ones named below.

Order RAJIFORMES
 Family DASYATIDAE
Dasyatis spp., Common Stingrays
Himantura spp., Longspine Stingrays
Pastinachus spp.
Taeniura spp., Oval Stingrays
Urolophus spp., Round Stingrays

Order BATOIDEI
 Family TORPEDINIDAE, Electric Rays,
 (All species)

Order SILURIFORMES
 Family PLOTOSIDAE
Plotosus, Coral Catfishes

Order BATRACHOIDIFORMES
 Family BATRACHOIDIDAE
Daector spp., Stinging toadfishes
Thalassophryne spp., Stinging toadfishes

Order SCORPAENIFORMES
 Family SCORPAENIDAE
Brachirus spp., Lesser Lionfishes
Inimicus spp., Dragonhead scorpions
Pterois spp., Lionfishes
Synanceja spp., Stonefishes

Order PERCIFORMES
 Family TRACHINIDAE
Trachinus spp., Weeverfishes

AMPHIBIANS

Family LEPTODACTYLIDAE
Ceratophrys calcarata, Horned Frog

Family PIPIDAE
Hymenochirus spp., Dwarf Clawed Frogs

REPTILES

Family EMYDIDAE
Cuora spp., Oriental Box Turtle
Malayemys subtrifuga, Snail-eating Turtle

Family TESTUDINIDAE, Tortoises (all species except following)
 EXCEPT: *Testudo elephantopus*, Galapago Tortoise
Testudo radiata, Madagascar Radiated Tortoise

Family AGAMIDAE
Uromastix spp., Spiny-tail Agamas

Family CHAMAELONIDAE, Chamaeleons (all species)

Family CORDYLIDAE
Cordylus spp., Spiny-tail Lizards, African Rock Lizards
Platysaurus spp., Spiny-tail Lizards, African Rock Lizards

Family GEKKONIDAE, Geckos (all species except following)
 EXCEPT: *Gekko* spp.
Eublepharis spp.
Phelsuma spp.
Thecodactylus spp.

Family IGUANIDAE
Basiliscus spp., Basilisk; Water Lizard
Iguana iguana, Common Iguana

Family SCINCIDAE
Egernia bungana, Blue-tongued Skink
Skink
Tiliqua spp., Stump-tailed Skinks
Trachydosaurus spp., Shingle-back Skinks

Family TEIIDAE
Ameiva ameiva, Blue Ameiva
Ameiva undulata, Green Ameiva
Cnemidophorus lemniscatus, Rainbow Lizard
Dracaena guianensis, Caiman Lizard
Tupinambis spp., Tegu Lizards

Family BOIDAE (all species except following)
 EXCEPT: *Epicrates* spp.

Family COLUBRIDAE
Acrochordis javanicus, Elephant Trunk Snake
Erpeton tentaculatum, Tentacle Snake
Drymarchon corais, Indigo Snake
Boiga dendrophila
Elaphe taenura, Chinese Rat Snake
Gonyosoma oxycephalum, Red-tail Rat Snake
Spilotes pullatus, Tiger Rat Snake

BIRDS

Family PHASIANIDAE
Coturnix virginianus, Bobwhite Quail
Alectoris graeca (incl. *A. chukar*), Chukar Partridge
Perdix perdix, Hungarian (Gray) Partridge
Coturnix coturnix, Japanese Quail
Excalfactoria (=Coturnix) chinensis, Painted Quail
Phasianus colchicus, Ring-necked Pheasant

Family COLUMBIDAE

Columba livia, Rock Dove
Streptopelia decaocto (= *S. "risoria"*), Barbary Dove; Ring-necked Dove

Geopelia cuneata, Diamond Dove

Family TIMALIIDAE

Leiothrix argenteauris, Silver-eared Mesia
Leiothrix lutea, Pekin Robin, Nightingale Thrush

Family ESTRILIDAE

Pytilia melba, Melbe Finch
Pytilia afra, Orange-winged Melbe
Pytilia phoenicoptera, Aurora Finch
Lagonosticta senegalae, Fire Finch
Lagonosticta rubricata, Blue-billed Fire Finch
Lagonosticta rhodopareia, Jameson's Fire Finch
Uraeginthus angolensis, Blue-breasted Cordon Bleu
Uraeginthus bengalus, Cordon Bleu
Estrilda caerulescens, Lavender Finch
Estrilda melpoda, Orange-cheeked Waxbill
Estrilda troglodytes, Red-eared Waxbill
Amandava amandava, Strawberry Finch
Amandava formosa, Green Avadavat
Amandava subflava, Golden-breasted Waxbill
Aegintha temporalis, Sydney Waxbill
Emblema picta, Painted Finch
Emblema bella, Fire-tailed Finch
Emblema oculata, Red-eared Fire-tailed Finch
Emblema guttata, Diamond Sparrow
Oreostruthus fuliginosus, Crimson-sided Mountain Finch
Neochmia phaethon, Blood Finch
Neochmia ruficauda, Star Finch
Poephila guttata, Zebra Finch
Phophila bichenovii, Owl Finch
Poephila personata, Masked Grass-nach
Poephila acuticauda, Long-tailed Grassfinch
Poephila cincta, Parson Finch
Erythrura hyperythra, Green-tailed Parrot Finch
Erythrura tricolor, Tri-colored Parrot Finch
Erythrura trichroa, Tri-colored Parrot Finch
Erythrura psittacea, Red-headed Parrot Finch
Erythrura cyaneovirens, Fiji Red-headed Parrot Finch
Chloebia gouldiae, Gouldian Finch
Aidemoseyne modesta, Cherry (Plum-headed) Finch
Lonchura striata, Society Finch
Amandina fasciata, Cut-throat Finch

Family FLOCEIDAE

Vidua chalybeata, Combassou
Vidua funerea, Black Indigo Bird
Vidua wilsoni, Whydah
Vidua hypocherina, Resplendent Whydah
Vidua fischeri, Fishcher's Whydah
Vidua macroura, Pintail Whydah
Vidua regia, Shaft-tail Whydah
Vidua paradisaea, Paradise Whydah
Vidua orientalis, Broad-tailed Whydah
Anomalospiza imberbis, Cuckoo-Weaver

Family FRINGILLIDAE

Serinus leucopygius, Grey Singing Finch
Carduelis carduelis, European Goldfinch

Family THERAUPIDAE

Buthraupis montana, Hooded Mountain Tanager

MAMMALS

Family TACHYGLOSSIDAE (All species)
Family ORNITHORHYNCHIDAE (All species)
Family CYNOCEPHALIDAE (All species)
Family MYRMECOPHAGIDAE (All species)
Family BRADYPODIDAE (All species)
Family MANIDAE (All species)
Family LEPORIDAE
Lepus americanus, Snowshoe Hare
Family CRICETIDAE
Mesocricetus auratus, Golden Hamster
Family MURIDAE
Rattus rattus (laboratory varieties), Black (Roof) Rat
Rattus norvegicus (Laboratory strains), Norway Rat
Mus musculus (laboratory strains), House Mouse
Family CAVIIDAE
Cavia porcellus, Guinea Pig
Family PROCYONIDAE
Nasua nasua, Coati
Family ORYCTEROPODIDAE (All species)
Family ELEPHANTIDAE (All species)
Family EQUIDAE
Equus burchelli, Burchell's Zebra
Family TAPIRIDAE
Tapirus indicus, Asiatic Tapir
Family RHINOCEROTIDAE
Diceros bicornis, African Black Rhinoceros
Ceratotherium simum, White (Square-lipped) Rhinoceros
Family CAMELIDAE
Camelus dromedarius, Dromedary Camel
Family HIPPOPOTAMIDAE
Hippopotamus amphibius, Hippopotamus
Choeropsis liberiensis, Pygmy Hippopotamus
Family GIRAFFIDAE
Giraffa camelopardalis, Giraffe
Okapia johnstoni, Okapi

§ 16.13 Amendments to the list of low risk wildlife.

(a) The list of wildlife (§ 16.12) may be amended from time to time as additional data becomes available which demonstrate that a family, genus or species should be added to or removed from the list.

(b) The Director shall receive and maintain data regarding injurious wildlife. Notice of any proposed amendments of the list of low risk wildlife for any purpose will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(c) At any time any person may submit a request for a review of any particular listed or nonlisted wildlife. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

- (1) Name and address of the person making the request;
- (2) Association, organization, or business, if any, represented by the person making the request;

(3) Designation of the particular family, genus or species in question by scientific name and, where available, by common name;

(4) Complete narrative explanation of the request for review;

(5) Scientific, commercial, or other data believed to support the request; and

(6) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the taxonomic group under review in such form or manner as may be specified. After consideration of these comments the Director will publish in the FEDERAL REGISTER either a notice of proposed rulemaking regarding the change to be made, or a notice indicating that no change will be proposed at that time.

Subpart C—Permits

§ 16.21 General permit requirement.

Except under a valid permit issued pursuant to § 16.22, or as otherwise provided in Subpart D of this Part, no person shall—

(a) import any injurious wildlife as designated in section 16.11, into the United States;

(b) ship any injurious wildlife, as designated in section 16.11 between the continental United States (including the District of Columbia) and the non-continental portions of the United States, including Hawaii, Puerto Rico, Guam, American Samoa and the Virgin Islands, or between any such non-continental portions of the United States.

Example 1. A zoo imports a lion into Puerto Rico. This is a violation of § 16.21(a) unless the zoo has a permit, since Puerto Rico is defined as part of the United States.

Example 2. A game bird breeder ships a Golden Pheasant from Indiana to New York. This is not a violation since the shipment was within the continental United States.

Example 3. The same game bird breeder now ships a Golden Pheasant from Indiana to Hawaii. Without a permit, this is a violation, since it is a shipment between the continental United States and a non-continental part of the United States.

Example 4. An animal dealer in Hawaii ships a tiger to a zoo in Guam. This is in violation, unless a permit has been issued, since it is a shipment between two non-continental portions of the United States.

§ 16.22 Injurious wildlife permits.

Upon receipt of a complete application the Director may, in accordance with the issuance criteria of this section, issue a permit authorizing importations or shipments prohibited in § 16.21 for zoological, educational, medical, or scientific purposes. Such permits may authorize a single importation or shipment, a series of importations or shipments, or importations or shipments over a specific period of time. Such permits may specifically designate the wildlife authorized to be imported or shipped, or may designate

larger taxonomic groups, such as genera or families, from which wildlife may be imported or shipped.

(a) *Application requirements.* Applications for permits to import or ship injurious wildlife for such purposes must be submitted to the Director by the person who wishes to engage in the activity for which a permit is required by § 16.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species, number, age and sex (if applicable) of the wildlife to be covered by the permit, or, where this information is inappropriate due to the large number of separate species involved, a listing of the taxonomic groups, by family or genus.

(2) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation of zoological, educational, medical, or scientific purposes;

(3) A description and the address of the institution or other facility where the wildlife will be used or maintained, with a complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

The description must indicate the maximum numbers of individuals of each family, genus or species named in the application which can be safely accommodated in the facilities, taking into account probable ages, sex ratios, and behavioral characteristics of the wildlife;

(4) A full statement as to what precautions the importer or shipper plans to take to insure that importation, shipment and holding of the wildlife will not result in injury to human beings, the interests of agriculture, horticulture, forestry, wildlife, or wildlife resources of the United States, or uncontrollable exposure of these interests to parasites, pathogens or other pests;

(5) A brief resume of the technical expertise available to the applicant, and any experience the applicant or his personnel have had for transporting and maintaining in captivity the species to be imported or shipped or closely related species.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider the following factors:

(1) The degree of threat of injury to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States presented by such importation or shipment;

(2) Whether the wildlife to be imported or shipped will be used for, or sold or otherwise transferred directly by an animal dealer to a person who will use the wildlife for zoological, educational,

medical, or scientific purposes; in considering this criterion the following definitions will apply:

"Educational purpose" means the use of wildlife for teaching or demonstrating the concepts of an academic discipline relating to animals, such as biology, zoology, anthropology or wildlife management in a regular curriculum or laboratory program through an educational institution or facility.

"Medical purpose" means the use of wildlife for medical or pharmaceutical research, for the production of vaccines or tissues to be used in the preparation of medicines or for laboratory tests, by a bona fide medical institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such purposes.

"Scientific purpose" means the use of wildlife for (i) scientific research by a bona fide scientific institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such purpose; (ii) scientific research related to wildlife management programs or aquaculture carried out by or under the auspices of State or local governments, but not including release of animals to the wild.

"Zoological purpose" means the use of wildlife for (i) public display by bona fide zoological institutions, and (ii) developing propagation and animal husbandry technology for maintaining captive strains of wildlife.

(3) Whether the facilities for transportation and holding the wildlife in captivity are adequately designed and constructed to prevent escape;

(4) Whether the applicant by reason of his knowledge, experience, and facilities can reasonably be expected to provide adequate protection to the interests of human beings, agriculture, horticulture, forestry, wildlife, and wildlife resources, and is aware of and can act responsibly regarding the dangers to these interests posed by such wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, every permit issued under this section shall be subject to the following special conditions:

(1) Each permittee shall keep complete records of the importation, shipment, transfer, birth of progeny or death of wildlife imported or shipped under authority of any such permit and a report summarizing such records shall be submitted in writing to the Director within 30 days after the end of each one-year period for which the permit is held, or if the permit is for less than one year, within 30 days after the expiration date of the permit; the records, and the summary report, shall show the following data for the reporting period:

(i) the number of each species, genus, or family (use the taxonomic category designated in the application) imported or shipped;

(ii) the number of progeny born to such wildlife;

(iii) the number of such wildlife or their progeny transferred, the dates of

such transfers, and the name and address of the transferee;

(iv) the death or escape of such wildlife or their progeny, including dates of death or escape.

(2) All injurious wildlife possessed under permit and all progeny thereof, must be confined in the facilities and on the premises authorized in the permit;

(3) No injurious wildlife, imported or shipped under permit, or any eggs or progeny thereof, may be released to the wild, nor may be sold, donated, traded, loaned, or transferred to any other person unless such person has a like permit issued under this section, which permit is valid at the time of the transfer.

(4) Permittees must notify the Director by letter, telephone, or telegraph within 24 hours following the escape of any wildlife or their progeny possessed under the authority of a permit, and must file a complete report of the facts regarding the escape within 10 days of the notification of the Director. The report must contain, in addition to the factual description of the escape, a summary of attempts to recapture the wildlife, and steps taken to assure no further escapes;

(d) *Tenure of permits.* The tenure of permits to import or ship injurious wildlife shall be designated on the face of the permit, but in any case shall be not more than two years from the date of issue.

Subpart D—Additional Restrictions and Exemptions

§ 16.31 Importation of live or dead fish of the family Salmonidae.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any live or dead fish or eggs of salmonids of the fish family Salmonidae unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed by a designated official acceptable to the Director as being qualified in fish pathology.

(b) *Certificate.* The certificate required by paragraph (a) of this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease Leaflet 9 (which may be obtained from the Director) and will contain (1) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (2) surface or air carrier and flight number, or vessel name or number, (3) bill of lading number or airway bill number, and (4) the handwritten signature, in ink, of the authorized certifying officer, and may be substantially in the following form:

I. ----- approved by the Secretary of the U.S. Department of the Interior, through the Director of the U.S. Fish and Wildlife Service, on -----, as a certifying official for -----, as required by Title 50, CFR 16.31(a) do hereby certify, using the methodology described in Fish Disease Leaflet (FDL-9, July 1968), that this shipment of ----- of dead or live fish or fish eggs to be shipped under ----- is free of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The shipment is scheduled to depart ----- on -----, via ----- with anticipated arrival at the port of ----- U.S.A., on -----.

(c) *Processed or prepared items.* Nothing in this section shall restrict the importation of salmonids of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan *Myxosoma cerebralis*, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or so-called "Egtved disease," have been killed.

(d) *Oceanic fishermen.* Nothing in this section shall restrict the importation of salmonids of the fish family Salmonidae when such fish or eggs were taken on the high seas and imported directly into the United States without being landed or transhipped to or through any other country.

(e) *Wild caught fish from Canada and Mexico.* Nothing in this section shall restrict the importation of Salmonids of the fish family Salmonidae when such fish or eggs were caught in the wild in Canadian or Mexican waters and imported directly into the United States without being transhipped to or through any other country.

§ 16.32 Importation by Federal agencies.

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use.

§ 16.33 Psittacine birds.

Nothing in this part shall restrict the importation and transportation without a permit, of birds of the family Psittacidae (parrots, macaws, cocatoos, parakeets, lorries, lovebirds, etc.), the importation of which is governed by U.S. Public Health Service regulations under 42 CFR Parts 71 and 72 and U.S. Department of Agriculture regulations under 9 CFR Part 92.

§ 16.34 Importation of Pacific oysters.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any live seed oyster of the species *Crassostrea gigas* (Pacific oysters).

(b) *Certification as disease-free.* Live seed oysters of the species *Crassostrea*

gigas (Pacific oysters) may be imported under the following conditions:

(1) The oysters have been commercially cultivated under controlled conditions designed to eliminate pest and parasite organisms;

(2) The oysters are imported directly into the States of Washington or California;

(3) The oysters are inspected and certified as acceptable regarding the introduction of pests and parasites by authorized inspectors of the States of Washington or California.

§ 16.35 Importation of brine shrimp eggs.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any eggs of the species *Artemia salina* (brine shrimp).

(b) Eggs of the species *Artemia salina* (brine shrimp) may be imported if the following conditions are met:

(1) The eggs were taken from the wild in Canada;

(2) Notwithstanding the exception to the declaration requirement in § 14.62

(a) (3), a Declaration for Importation of Fish or Wildlife (form 3-177) is filed as required in § 14.61.

[FR Doc.75-4831 Filed 2-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1131]

[Docket No. AO-271-A20]

MILK IN THE CENTRAL ARIZONA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Ramada Inn, 3801 E. Van Buren, Phoenix, Arizona, beginning at 9:30 a.m. (local time) on March 12, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

NOTICE OF HEARING—CENTRAL ARIZONA

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY UNITED DAIRYMAN OF ARIZONA

PROPOSAL NO. 1

Revise paragraphs (b), (c), and (d) (3) of § 1131.7 as follows:

§ 1131.7 Pool plant.

(b) Any plant which ships fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period September through November or 20 percent in the current month during the period December through August to a plant specified in paragraph (a) of this section: *Provided*, That if a plant qualifies in each of the months September through November in the manner prescribed in this section such plant shall upon written application to the market administrator on or before November 30 following such compliance be designated as a pool plant until the end of the following August.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1131.18 which has 50 percent or more of its member producers' (as defined in § 1131.12 but including milk transferred from its own plant pursuant to this paragraph) milk received at the pool plants of other handlers. Milk received by such cooperative, in a truck owned or under contract to the cooperative, from a pool plant and transferred in such truck to another pool plant for the account of the cooperative shall be considered a receipt at the cooperative's plant and a transfer from such plant.

(d) * * *

(3) Any plant qualified pursuant to paragraph (b) of this section for any portion of the period December through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

PROPOSAL NO. 2

Revise paragraph (c) of § 1131.9 as follows:

§ 1131.9 Handler.

(c) A cooperative association with respect to the milk of producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

PROPOSED BY SAFEWAY STORES,
INCORPORATED

PROPOSAL NO. 3

Add paragraph (d) (4) to § 1131.7 as follows:

§ 1131.7 Pool plant.

(d)

(4) Any plant fully regulated by another State or Federal order with purpose and terms essentially similar to those in this Part, and which disposes of less than 2 percent of its total volume of Class I milk, except filled milk, in the Central Arizona marketing area, and the Secretary determines that such exemption shall not conflict with the purpose of the Act is exempted from this Part.

PROPOSED BY THE DAIRY DIVISION,
AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 4

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2617 North 24th Street, Phoenix, Arizona 85008, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on February 19, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc. 75-4918 Filed 2-21-75; 8:45 am]

Animal and Plant Health Inspection Service
[9 CFR Part 11]

DEVICES AND SUBSTANCES FOR USE ON
HORSES AT CERTAIN HORSE SHOWS

Proposed Prohibitions

Correction

In FR Doc. 75-4338 appearing at page 6978 of the issue for Tuesday, February 18, 1975:

1. In the third column on page 6978, in the 22nd line "house being sored" should read "horse being sored"; and in the 38th line "or soring" should read "of soring."

2. At the bottom of the first column on page 6979, in numbered paragraph 3, which describes amendments to § 11.1 (b) (1) (iv), in the seventh line "above hoof" should read "above the hoof"; and in the eighth line "fetlock of any horse" should read "fetlock on any horse."

DEPARTMENT OF
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Detroit Lakes Municipal Airport, Detroit Lakes, Minnesota. Accordingly, it is necessary to alter the Detroit Lakes transition area to adequately protect the aircraft executing the new approach.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is revised to read:

DETROIT LAKES, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (Latitude 46°49'34" N., Longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 315° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 145° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlaps the Fargo, North Dakota transition area.

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

Issued in Des Plaines, Illinois on February 3, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 75-4848 Filed 2-21-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Wolf Point, Montana.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before March 26, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The location description of the Wolf Point, Mont. NDB has been changed and the public instrument approach procedure to Wolf Point, Mont. International Airport has been revised. It is necessary to alter controlled airspace to protect arriving/departing aircraft at Wolf Point International Airport.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (40 FR 441) the description of the Wolf Point, Mont. transition area is revised to read:

WOLF POINT, MONT.

That airspace extending upward from 700' above the surface within an 8.5-mile radius of the Wolf Point, Mont. NDB (latitude 48°08'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1200' above the surface within a 12-mile radius of the Wolf Point NDB; and within 4.5 miles north and 9.5 miles south of the 294° bearing from the Wolf Point NDB extending from the 12-mile radius area to 18.5 miles northwest of the NDB, excluding that portion that overlaps the Glasgow, Mont. transition area.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of

the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on February 20, 1975.

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

[FR Doc.75-4849 Filed 2-21-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20360; RM-2342]

FM BROADCAST STATIONS IN CALIFORNIA

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Palm Springs, California), Docket No. 20360, RM-2342.

1. *Petitioner, Proposal and Comments.* Petition for rule making filed March 11, 1974, by KPSI Radio Corporation, licensee of AM Station KPSI (Class IV), Palm Springs, California, proposes to assign Channel 265A to Palm Springs as a second FM channel assignment.

2. *Demographic Data.* (a) Palm Springs is situated 110 miles east of Los Angeles and 87 miles north of the United States-Mexico boundary. It is part of the Upper Coachella Valley in Riverside County.

(b) *Population* (1970 Census). Palm Springs (20,936); Riverside County (459,074).

(c) *Present Aural Services.* AM Stations: KCMJ (Class II, unlimited time); KDES (Class III, unlimited time); KPSI (Class IV, unlimited time) licensed to petitioner; FM Station KDES-FM (Channel 284). All of these stations are licensed to serve Palm Springs. Also, Cathedral City, located 6.5 miles southeast of Palm Springs, is assigned Channel 276A (KWCY-FM).

(d) *Tourist Trade.* Palm Springs is a popular tourist center in Southern California.

(e) *Growth.* Palm Springs has increased in population from 13,468 (1960 Census) to 20,936 (1970 Census). The projected growth of the Coachella Valley area is from 87,000 (1970) to 180,000 (1980) (according to the petitioner). Taxable sales have increased from \$42,865,000 (1960) to \$120,759,000 (1972). Other indicators of growth that show the region has expanded substantially in the last decade include: electrical connections, bank deposits, airport passenger boardings, telephones, building permits, water connections, and assessed valuations.

3. *Mileage Separations.* Channel 265A may be assigned without affecting any of the existing FM assignments.

4. *Preclusions.* The assignment of Channel 265A to Palm Springs will cause significant preclusion to co-Channel 265A in the following cities, none of which has AM stations or FM assignments:

Beaumont, 5,484; Riverside County, 459,074 (1970 Census)
Desert Hot Springs, 2,738; Riverside County
San Jacinto, 4,385; Riverside County
Yuca Valley, 3, 893; San Bernardino County, 684,072

Lesser preclusions with respect to land area and population occur on Channels 263, 266 and 267 without affecting cities with populations greater than 2,500 persons and with no AM or FM assignments. According to information provided by petitioner's engineering firm, three channels are available for assignment to the areas precluded on co-Channel 265A. These are Channels 272A, 280A, and 292A. However, Channel 272A has been assigned to Apple Valley, California, and therefore has been rendered unusable to the precluded area. Although Channels 280A and 292A are usable at the precluded locations at present, a petition has been filed recently to assign Channel 280A to Lake Arrowhead, California (RM-2414) which, if granted, will prohibit its use at the precluded locations. Thus only Channel 292A would be available for future assignment.

5. Since this proposed assignment is within 199 miles of the United States-Mexico border, concurrence by the United Mexican States is being requested.

6. Petitioner asserts that if Channel 265A is assigned to Palm Springs it will apply for a construction permit and if granted will promptly build an FM station.

7. The proposed assignment of Channel 265A would result in an intermixture of classes of channels in Palm Springs. As stated in *Yakima, Washington*, 42 F.C.C. 2d 548 at 550 (1973), our position concerning intermixture is as follows:

... [w]e adhere to [non] intermixture to the extent possible but ... to continue to do so with the FM assignments becoming scarce in some areas would be a vain effort aimed at equality and parity of service inconsistent with more important public interest ... considerations. Cf. *Henderson, Kentucky*, 9 F.C.C. 2d 805 (1967).

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Palm Springs, Calif.....	284	284, 265A

9. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures, and filing requirements are contained below and are incorporated herein.

10. Interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975.

Adopted: February 14, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
[SEAL] Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(d), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the Notice of Proposed Rule Making to which this Appendix is attached. In initial comments, proponent(s) will be expected to answer whatever questions are presented in the Notice. The proponent(s) of the proposed assignment(s) is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the

Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 75-4884 Filed 2-21-75; 8:45 am]

[47 CFR Part 73]

[Docket No. 20121; RM-2252 etc.]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairfield, Ia.; Mayville, N.D.; Eldon, Mo.; Crete, Nebr.; Hurricane, W. Va.; Patterson, N.Y.; Sauk Centre, Minn.; Appomattox, Va.; Warren, Ark.; Gatesville, Tex.; Batesville, Ind.; and Otsego, Michigan), Docket No. 20121, RM-2252, RM-2339, RM-2301, RM-2352, RM-2309, RM-2355, RM-2310, RM-2366, RM-2311, RM-2367, RM-2321, RM-2373.

Adopted: Feb. 12, 1975; Released: February 18, 1975.

1. The Request for Supplemental Information herein concerns the proposed amendment of Section 73.202(b) of the Commission's Rules, the Table of FM Assignments, with respect to Batesville, Indiana. In response to the Notice of Proposed Rule Making, adopted July 24, 1974 (39 Fed. Reg. 28444), a counterproposal to assign a different FM channel to Batesville was filed by Mid America Radio, Inc., licensee of FM Station WXTZ, Indianapolis, Indiana (WXTZ). The counterproposal raised a number of issues which cannot be resolved without additional information.

2. The proposal by Batesville Broadcasting Company seeks assignment of Channel 276A to Batesville, Indiana. The channel could be assigned there if the transmitter site were to be located 2.5 miles west (nearest point) or within eight miles southwest of the community. One of the limiting factors is the distance separation from Channel 277 occupied by Station WXTZ at Indianapolis.

3. The counterproposal by WXTZ proposes assignment of Channel 280A to Batesville. However, the transmitter site would have to be located some six miles south of the community. WXTZ asserts that, if the Batesville proposal were to be adopted, it would preclude WXTZ from moving its transmitter the necessary distance toward Indianapolis to permit it to serve its city of license in a manner contemplated by the Commission; that the existing transmitter location has created a marginally sufficient signal over the center of the city where there is an area of interference; and that its only realistic option is to move the transmitter. It alleges that in 1972 when WXTZ received a permit to change its transmitter site (BPH-7867), it was thought that WXTZ's proposed 70 dBu contour would cover the entire city limits of Indianapolis, but that it discovered a short time ago that this 70 dBu contour

did not fully cover the revised Indianapolis city limits which were expanded virtually to coincide with the entire Marion County.

4. Batesville Broadcasting urges rejection of WXTZ's counterproposal to assign Channel 280A to Batesville. It contends that Channel 276A would allow use of a transmitter site closer to Batesville which is more economically feasible and readily accessible. Batesville Broadcasting argues that WXTZ wants a greater protection by preventing a Batesville station from operating on the adjacent channel, and that WXTZ has failed to provide support for its claim of interference in Indianapolis.

5. WXTZ's present transmitter site is located some 10 to 12 miles north from the center of the city. The station operates with 13.2 kilowatts and 850 feet HAAT and the predicted signal level at the aforementioned distances is greater than 80 dBu. It is therefore difficult to perceive that WXTZ provides marginal service to the center of Indianapolis. In any event, FM stations are assigned on the basis of distance separation to other stations and assignments, and the stations are expected to provide a 70 dBu signal over the entire principal community to be served. It appears that the Indianapolis city limits were recently extended to include greater area, most of Marion County, and WXTZ argues that it should be allowed to comply with that provision of the rules. However, it is noted that there are rural areas within the extended Indianapolis city limits. Thus we need to know the actual population¹ residing in the area within the Indianapolis city limits and beyond the present 70 dBu contour. Further we need information as to the areas and population within its present and proposed 60 dBu contours.

6. As to Batesville, the information as to areas and population within the 60 dBu contours for the proposed Channel 276A and for the suggested Channel 280A operation should be supplied. In addition, the information as to whether or not there are terrain obstructions between the two sites and Batesville should be included.

7. Interested parties may file such comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding, or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at

¹ Determination should not be made on the basis of equally-distributed population.

its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: February 12, 1975.

Released: February 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-4883 Filed 2-21-75; 8:45 am]

[47 CFR Part 73]

[Docket No. 20359; RM-2334]

FM BROADCAST STATIONS IN IDAHO

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Jerome, Idaho), Docket No. 20359, RM-2334.

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to the petition of the KART Broadcasting Co., Inc., licensee of AM Station KART and FM Station WFMA (currently operating on Channel 224A Jerome, Idaho), proposing the substitution of Channel 275 for 224A at Jerome, Idaho.

2. Jerome (pop. 4,183)¹ is the seat of Jerome County (pop. 10,253). It is located approximately 12 miles north of Twin Falls, Idaho, in the south central portion of the State and 50 miles north of the Idaho-Nevada boundary. Petitioner relates that the Jerome area has grown considerably in the last few years due to the addition of a Tupperware plant and a Moore Business Form plant.

3. Currently Jerome is served by one AM station, KART (Class IV), and one FM station, KFMA (Channel 224A), both licensed to petitioner. The latter station, which commenced operation in August 1970, operates with 3 kW effective radiated power. Petitioner states that with such facilities its 1mV/m signal fails to reach various communities in its vicinity on which it must partly rely for revenues in order to operate the station. Moreover, according to petitioner, its Class IV AM station is unable to provide nighttime aural service to surrounding towns, many of which are without local radio service.

4. Petitioner avers that a construction permit has been granted for the use of Channel 243 at nearby Twin Falls and that two applications for construction permits are pending for the use of Channel 239, the other channel assigned to Twin Falls. It is of the view that when the two Twin Falls Class C stations are on the air they will serve the Jerome area and that petitioner, operating on a Class A facility, will not be able to be competitive with them. For this reason, petitioner urges that Class C Channel 275

¹ Population figures are from the 1970 U.S. Census unless otherwise specified.

be substituted for Channel 224A at Jerome and that its license be modified to specify operation on Channel 275. (In this connection it is noted that the Commission's policy against intermixture of classes of channels applies to channels assigned to the same community.)

5. With respect to the technical feasibility of the proposed assignment, the substitution may be made without affecting any of the other FM assignments presently occupied.

6. The preclusion study submitted by petitioner indicates that significant preclusion, in terms of affected land area, will occur on the co-channel and all six adjacent channels, because there are few existing assignments in the area. The Commission's staff analysis concurs with petitioner's appraisal that there are a substantial number of FM channels readily available for assignment to possible future locations throughout the precluded area. Presently there are eight unoccupied assignments in the area precluded from using Channel 275, two unoccupied assignments within the affected area for Channel 276A and nine unoccupied assignments in the Channel 274 affected area.

7. Our Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967) provides that requests for wide-coverage Class B or Class C channels in places where a Class A channel is or could be assigned (particularly relatively small communities), should include a showing as to the extent of unserved and underserved areas if the request is based on the need for a large facility to serve such areas. We are of the view that the instant request falls within the purview of this policy. Consistent therewith, petitioner has furnished a showing based upon *Roanoke Rapids criteria*¹ which alleges that 993 persons in an area of 832 square miles would receive a first FM service and 2,164 persons in an area of 814 square miles would receive a second FM service if the proposed assignment were made. However, it appears that these data may be faulty because the statute mileage scale utilized to illustrate the predicted coverage contours is inaccurate. Moreover, since it appears that the predicted coverage contours are determined on the basis of terrain averaged over each of eight radials, petitioner should submit the terrain profiles and the antenna height above average terrain of such radials in the form of a supplemental report to the Commission in addition to submitting a corrected *Roanoke Rapids* showing.

8. Since petitioner is requesting a modification of its license, it is unnecessary to issue an order to show cause under the provisions of Section 316 of the Communications Act of 1934, as amended, in the

¹ *Roanoke Rapids-Goldsboro, North Carolina*, 9 F.C.C. 2d 672 (1967).

event that the Commission finds it in the public interest to make the requested substitution of channels at Jerome.

9. Accordingly, in view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Jerome, Idaho.....	224A	275

10. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to answer whatever issues are raised in this Notice. Failure to do so may result in a denial of the request.

11. *Cut-off procedures.* The following procedures will govern consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission Rules.)

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen (14) copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference

Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: February 12, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4885 Filed 2-21-75;8:45 am]

SECURITIES AND EXCHANGE
COMMISSION

[17 CFR Part 240]

[Release Nos. 33-5570, 34-11238, 35-18808,
IC-8668]

CONSOLIDATED FINANCIAL STATEMENTS

Extension of Time for Comments

In consideration of a request by interested persons, the period for comment on the proposal in Securities Act Release No. 5548¹ (40 FR 1078) for amendment of Rule 4-02(e) of Regulation S-X (17 CFR 210.4-02(e)) is extended to March 14, 1975 from February 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 12, 1975.

[FR Doc.75-4607 Filed 2-21-75;8:45 am]

[17 CFR Part 240]

[Release Nos. 33-5567, 34-11231, 35-18805,
39-380, IC-8665; File No. 4-178]

"GOING PRIVATE" TRANSACTIONS BY
PUBLIC COMPANIES OR THEIR AF-
FILIATES

Notice of Public Investigatory and
Rulemaking Proceedings

The Securities and Exchange Commission announced today that it has ordered a public investigatory and rulemaking proceeding, including public hearings, to ascertain facts, conditions, practices and other matters relating to so-called "going private" transactions by public companies or their affiliates. It invites both oral and written comments from interested persons regarding proposed rules dealing with, as well as various specific inquiries related to, such transactions in light of the statutory purposes underlying the Federal securities laws, particularly the Securities Exchange Act of 1934 ("Exchange Act"). The purpose of this investigatory and rulemaking proceeding is to develop a factual basis for determining whether it is necessary or appropriate in the public interest or for the protection of investors for the Commission to adopt one

¹ Securities Act Release No. 5548, Securities Exchange Act Release No. 11192, Public Utility Holding Company Act Release No. 18705, Investment Company Act Release No. 8612 (December 11, 1974) [40 F.R. 1078].

or more rules under the Exchange Act¹ based in whole, in part, or on some combination of the rules proposed herein and/or to recommend further legislation to the Congress in this area.

In announcing this proceeding, the Commission does not wish its position to be misunderstood. The phenomenon of "going private" is important and raises significant questions of investor protection which should be thoroughly explored. It is for that reason that the proceeding has been ordered. The Commission, however, has reached no conclusions with respect to the proposed rules. They are included to provide a framework for the hearing and the comments.

¹ Section 13(e) of the Exchange Act provides that it shall be unlawful for an issuer which has a class of equity securities registered pursuant to section 12 of the Exchange Act or which is a closed-end investment company registered under the Investment Company Act of 1940 to purchase any equity security issued by it if such purchase is in contravention of such rules and regulations as the Commission, in the public interest or for the protection of investors, may adopt to define acts and practices which are fraudulent, deceptive, or manipulative, and to prescribe means reasonably designed to prevent such acts and practices.

Section 14(e) of the Exchange Act provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent fraudulent, deceptive or manipulative acts or practices in connection with any tender offer or request or invitation for tenders, or any solicitation of security holders in opposition to or in favor of such offer, request or invitation.

Section 14(a) of the Exchange Act grants the Commission authority to prescribe rules and regulations in the public interest or for the protection of investors with respect to the solicitation of any proxy or consent or authorization with respect to any security (other than an exempted security) registered pursuant to Section 12 of the Exchange Act.

Section 14(c) of the Exchange Act grants authority to the Commission to prescribe rules and regulations with respect to filings with the Commission and transmittals to security holders of information substantially equivalent to the information which would be required to be transmitted if a solicitation were made, unless proxies, consents, or authorizations with respect to a security registered pursuant to Section 12 are solicited by or on behalf of the management of the issuer from the holders of record of such security in accordance with the rules and regulations prescribed under subsection 14(a).

Section 10(b) of the Exchange Act provides that it shall be unlawful for any person to use or employ, in connection with the purchase or sale of any security, any manipulative or deceptive device or contrivance in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Section 3(b) of the Exchange Act gives the Commission authority to define technical, trade and accounting terms and Section 23(a) of the Exchange Act grants the Commission authority to make such rules and regulations as may be necessary for the execution of the functions vested in the Commission by the Exchange Act.

Other suggestions will be welcomed.

During the pendency of this proceeding, the Commission's staff will process filings, the Commission will initiate and its staff will conduct enforcement proceedings where appropriate, and the staff will respond to "no-action", interpretative, and exemptive requests regarding so-called "going private" transactions. These rule proposals are in no way intended to limit the present applicability of existing provisions of the Federal securities laws and the rules and regulations promulgated thereunder relating to "going private" transactions.

In addition to rules dealing with the "going private" phenomenon, the staff is currently preparing for submission to the Commission proposed rules dealing with issuer tender offers in general.

BACKGROUND

There is presently no definition of a "going private transaction" under the Federal Securities laws. One possibility would be to define a "going private transaction" to include any transaction or series of transactions engaged in by an issuer or its affiliate, which would, if successful, permit the issuer to cease filing reports under the Exchange Act.² Another possibility would be to define the term to include any transaction by an issuer or its affiliate which might directly or indirectly result in the issuer being able to cease filing reports under the Exchange Act or which might result in a significant impairment in the liquidity of the trading market in its equity securities.

A "going private" transaction may involve the use of one or more corporate devices. For example, the issuer may make an offer to purchase all equity securities outstanding for cash or other securities by means of a request or invitation for tenders. The management of the issuer and its majority security holders often choose to retain ownership of their shares. Minority security holders are faced with the choice of tendering and receiving the consideration offered or remaining a security holder. If the offer is accepted by enough security holders, non-tendering security holders may find that whatever liquidity existed in the trading market for the issuer's se-

² An issuer is obligated to file periodic reports under the Exchange Act if the issuer: (i) has a class of securities listed on a national securities exchange pursuant to section 12(b) of the Exchange Act; or (ii) has a class of equity securities held of record by 500 persons and has at least \$1,000,000 in assets pursuant to section 12(g) of the Exchange Act; or (iii) has made a registered public offering of securities under the Securities Act of 1933 and has at least 300 shareholders of record pursuant to section 15(d) of the Exchange Act. An issuer is no longer obligated to file periodic reports under the Exchange Act if it delists all of its securities and is not subject to section 12(g) of the Exchange Act or if it has less than 300 shareholders of record and complies with section 12(g) (4) or section 15(d), and Rule 15d-6 (17 CFR 240.15d-6) thereunder, of the Exchange Act.

curities has been severely undermined or has disappeared entirely. Moreover, those security holders may lose the protections of sections 13, 14 and 16 of the Exchange Act if the issuer becomes eligible for and seeks termination of its registration under section 12. Further, in the case of issuers having a duty to file reports pursuant to section 15(d), that duty may be suspended.

Other issuers may determine that an offer to purchase is unsatisfactory since a security holder can remain a security holder by non-action. In those circumstances an issuer may split its securities in reverse (for example, offering one new share for 50 outstanding shares) which may require the approval of, and the solicitation of proxies from, security holders depending upon the applicable law. The terms of such reverse splits generally are designed to ensure that smaller security holders receive only fractions of a whole share; as part of the procedure, the issuer does not issue fractional shares but instead purchases old shares, or distributes cash in lieu of any fractions which would have been issuable. Security holders must sell their old shares or their newly received fractional interests or "round up" by purchasing enough fractional shares to be entitled to receive one new share. The rounding up process usually requires a substantial new investment. Moreover, if the issuer has offered a price higher than current market for the old shares, a security holder desiring to round up will probably have to match that price. Thus, a security holder must sell out or make another substantial investment. Not only is the substantial investment a disincentive to rounding up, but also the security holder must contend with a probable lack of liquidity in the new shares and the possibility that the issuer will be eligible to cease filing reports under the Exchange Act.

Furthermore, under the law of many states the controlling persons of a corporation can initiate or effect a merger into a "shell" corporation also owned by them, requiring all security holders to take cash or a newly created debt security. Such a transaction may require the approval of, and the solicitation of proxies from, security holders depending upon the applicable law. The resulting corporation buys the going concern and minority security holders are forced to take cash or the newly created debt security, or in some states, may exercise dissenters' rights and elect to receive an amount determined by an independent appraisal. Under many state statutes, however, questions have been raised as to whether the procedures involved and the tests of fairness developed adequately protect minority security holders.

On September 9, 1974 the Commission announced a Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers, and Acquisitions by Foreign and Domestic Persons (File No.

4-175).³ One of the specific inquiries of that proceeding was:

Whether the Commission should adopt a schedule of disclosure items pursuant to subsection 13(e) of the Exchange Act for issuers making tender offers for their own securities, including when issuers attempt to "go private" and cease reporting under the Exchange Act.

The Commission's staff received conflicting oral testimony and written comments from interested persons during such proceeding. Moreover, the Commission has received a number of letters from shareholders expressing concern about the fairness of so-called "going private" transactions, and from members of the investment community expressing concern about the impact of such transactions on the confidence of investors in the market place. As set forth in Section 2 of the Exchange Act:

Transactions in securities * * * are affected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto, including transactions by officers, directors, and principal securities holders, * * * to impose requirements necessary to make such regulation and control reasonably complete and effective in order to * * * insure the maintenance of fair and honest markets * * *

Based on the foregoing, it appears that it may be necessary or appropriate for the Commission to adopt general or specific substantive provisions in addition to disclosure requirements relating to some or all "going private" transactions.

PROPOSED RULES

Based in part on the Commission's consideration of the record developed during this investigatory and rulemaking proceeding, the Commission may adopt or propose for comment one or more rules under the Exchange Act and/or may recommend further legislation to the Congress in this area. For the purposes of this proceeding, comments and testimony are requested to focus on the rules which are proposed below.

PROPOSED RULE 13E-3A

This proposed rule would make certain purchases of an issuer's equity securities, and certain solicitations of proxies in connection therewith, by the issuer or its affiliates, as defined, unlawful unless the issuer or its affiliate complies with specific disclosure and substantive provisions. The rule is designed to protect investors, particularly the interests of minority security holders, in "going private" transactions. For the purpose of the rule, "going private" transaction—which is referred to as a "Rule 13e-3 transaction"—means any one of a number of specified types of transactions, which if engaged in by an issuer or its affiliate, might directly or indirectly result in, or be part of a plan which might result in any one of a number of specified effects. The types of transactions covered by the proposed rule include: (A) a purchase of any equity security; (B) a cash tender offer, an exchange

offer, or any other tender offer for or request or invitation for tenders of any equity security; or (C) a solicitation of any proxy, consent or authorization of a holder of any equity security in connection with any merger, consolidation, or similar business transaction between an issuer (or its subsidiaries) and its affiliate; a sale of substantially all of the assets of an issuer to its affiliate; or a reverse split of any equity security involving the purchase of fractional shares. The types of effects covered by the proposed rule include: (A) causing a class of equity securities to be subject to delisting from a national securities exchange; (B) causing a class of equity securities to be eligible for termination of registration pursuant to Section 12(g)(4) of the Exchange Act; (C) causing an issuer to be eligible for suspension of reporting obligations pursuant to Section 15(d) of the Exchange Act as at the beginning of the next fiscal year of the issuer; or (D) causing a class of equity securities which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

The proposed rule would require the mailing of certain specified information to all holders of record and all known beneficial owners of the affected class of equity securities and would provide for a twenty day "waiting period" during which a Rule 13e-3 transaction could not be effected. The requisite information would include, among other things, the source of funds for the transaction, the purposes of the transaction and intentions with respect to the future conduct of the business, background information regarding affiliates, an opinion of counsel respecting the legality of the transaction, certain financial information, recent acquisitions of securities, dividend and market price information, and a summary of an evaluation by two qualified independent persons of the consideration to be offered to the security holders of the affected class of securities who are not affiliates of the issuer.

The proposed rule would also require that the consideration offered to such security holders shall constitute fair value as determined in good faith by the issuer or its affiliate, and shall be no lower than the consideration recommended jointly by two qualified independent persons. In making their recommendations, such persons would be required to consider, among other factors, the value of the assets and earning power of the issuer. Such persons would each be required to have reasonable grounds to believe, and believe, after reasonable investigation, that their jointly recommended consideration constituted fair value to the security holders of the affected class who are not affiliates. In addition, they would be required to submit to the issuer a written report and opinion based thereon regarding the fairness of the recommended consideration to the non-affiliated security holders, setting forth the procedures followed, the basis for and method of arriving at the recommended consideration and any limitation imposed by the issuer or affil-

iate on the scope of their investigation.

If the Rule 13e-3 transaction takes the form of a cash tender offer or exchange offer, the solicited security holders would be provided with unlimited withdrawal rights at any time prior to acceptance for purchase, pro rata rights during a twenty day "waiting period" and the right to be treated equally with respect to any increase in the offered consideration. Any purchase within sixty days after the expiration of a tender offer shall be deemed to be part of that tender offer. And in those cases where an issuer would no longer be required to file reports pursuant to sections 12 or 15(d) of the Exchange Act, the rule would provide for a twenty day "take out" period during which all remaining security holders would have an additional opportunity to tender or exchange their securities for the same consideration offered in the Rule 13e-3 transaction.

The proposed rule would not be applicable to transactions by companies registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940, nor would it be applicable to redemptions, calls and other similar transactions involving a purchase of an equity security by an issuer pursuant to specific provisions set forth in the instrument(s) creating or governing that class of equity securities.

PROPOSED RULE 13E-3B

As an alternative to certain of the substantive provisions of the foregoing proposed rule, the Commission is also publishing for comment another form of substantive regulation—denominated as Rule 13e-3B for the purposes of this proceeding. Proposed Rule 13e-3B, if adopted, would also include some or all of the disclosure and tender offer requirements set forth in proposed Rule 13e-3A. To avoid repetition, proposed Rule 13e-3B does not include such specific requirements.

Proposed Rule 13e-3B would apply to any transactions by an issuer which has a class of equity securities registered under Section 12 of the Exchange Act or which files reports under Section 15(d) of the Exchange Act, or by an affiliate, as defined, involving the purchase, directly or indirectly, of any equity security of the issuer which would result or was intended to result in any one of the following consequences: (1) compelling a security holder of the issuer to terminate his equity interest in the issuer; (2) reducing, directly or indirectly, by 25 percent or more, of the amount of any class of equity security of the issuer outstanding prior to the transaction and held beneficially by persons other than the issuer and its affiliates; (3) causing a class of equity securities of the issuer to be subject to delisting from a national securities exchange; (4) causing a class of equity securities of the issuer to be eligible for termination of registration pursuant to section 12(g)(4) of the Exchange Act; (5) causing an issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Exchange Act as at the beginning of the next fiscal year of the issuer; or (6)

³ Release No. 33-5526 (Sept. 9, 1974) (39 FR 33835) as amended by Release No. 33-5538 (Nov. 5, 1974) (39 FR 41223).

causing a class of the issuer's equity securities authorized to be quoted in an inter-dealer quotation system of a national securities association to cease to be so authorized.

When any such consequences would or are intended to occur, the proposed rule would require that the terms of the transaction, including any consideration to be paid to any security holder, be fair, and, in the case of a transaction by the issuer, that a valid business purpose for the transaction exist. The proposed rule is intended to provide the Commission with sufficient flexibility to deal with any type of transaction by an issuer or its affiliates which, if effected, would have the same consequences.

Proposed Rule 13e-3B would provide the same exceptions as proposed Rule 13e-3A. In addition, transactions exclusively among affiliates of the issuer would be exempt, since neither minority security holders nor the issuer would be involved.

ADDITIONAL INQUIRIES

In addition to the specific issues raised by the proposed rules, the Commission requests written comments and testimony concerning the following general areas:

A. Whether the proposed rules should apply to purchases by an issuer or affiliate of the equity securities of the issuer which have consequences in addition to those specified in the rules?

B. Inasmuch as "going private" transactions may involve conflicts of interests, and the terms of such transactions may not be based upon arm's length bargaining, should additional steps be taken to protect investors in such transactions?

C. With respect to evaluations, such as appraisals, in connection with "going private" transactions, should specific requirements be adopted relating to:

(1) Additional bases for an evaluation, such as an allocation of post-transaction benefits or other relevant values; or

(2) Qualifications, methods of selection and standards of independence relating to persons making such evaluations?

D. Should a rule be adopted to require expressly specific disclosure of budgets, internal projections and future plans of an issuer or its affiliates in connection with "going private" transactions?

E. Assuming a vote of security holders is involved in a "going private" transaction, should a rule be adopted to require affiliates to vote their securities with the majority of, or in proportion to, the votes of security holders who are not affiliates?

F. Should a rule be adopted requiring a vote of security holders in connection with all "going private" transactions?

G. In view of the proposed requirements regarding fairness, is it necessary to require, in addition, that there be a neutralization of the vote of affiliates of the issuer?

H. In lieu of the 25% standard in paragraph (b) (2) of the proposed Rule 13e-3B, should a sliding scale be used with regard to reductions in the number of

shares outstanding such as for different types of sizes of issuers?

I. Should commissions or other remunerations paid or given, directly or indirectly, for soliciting proxies or sales of securities be prohibited or limited in some or all types of "going private" transactions?

J. Should the Commission adopt rules relating to "going private" transactions involving closed-end investment companies registered under the Investment Company Act of 1940?

K. Should other types of transactions be specifically exempted in whole or in part from the proposed rules, and in regard thereto, should the time elapsed between the most recent public offering of securities and the proposed transaction be considered as a relevant factor?

L. Should a rule be adopted containing a general exemptive provision and, if so, what standards should be included therein?

PROCEDURES

Any interested person wishing to submit a written statement of views or suggestions concerning additional topics or inquiries relating to "going private" transactions which should be examined during the course of the proceeding is invited to submit such a statement by March 15, 1975. In addition, any interested person wishing to submit specific written comments concerning the inquiries set forth herein and the proposed rules attached hereto is invited to do so at any time prior to the close of the record of this proceeding. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should be captioned with File No. 4-173. All such communications will be made part of the record of the proceeding and will be available for public inspection.

The public hearings are tentatively scheduled to commence during April, 1975 at the Commission's offices in Washington, D.C. At a later date, the Commission will issue another order designating the specific date, time and place and procedures for the hearings.

This public investigatory and rulemaking proceeding has been ordered by the Commission pursuant to section 21(a) of the Exchange Act and Rule 4(b) (17 CFR 201.4(b)) of the Commission's rules of practice. Attached hereto are proposed Rules 13e-A and 13e-3B, which are proposed pursuant to sections 3(b), 10(b), 13(e), 14(a), 14(c), 14(e), and 23(a) of the Exchange Act.

(Secs. 3(b), 10(b), 14(a), 14(c), 21(a), 23(a), 48 Stat. 882, 891, 895, 899, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5(a), 78 Stat. 569; secs. 2, 3, 82 Stat. 454, 455; secs. 2, 5, 84 Stat. 1497; 15 U.S.C. c(b), j(b), m(e), n(a), n(c), n(e), v(a), w(a))

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 6, 1975.

The proposed rules are as follows:

§ 240.13e-3[A] Unlawful issuer repurchases.

(a) *Definitions.* For purposes of the rule, the following definitions shall apply:

(1) *Affiliate.* An "affiliate" of an issuer is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such issuer.

(2) *Class of Equity Securities.* The term "class of equity securities" shall include any security convertible or exchangeable into, or any warrant or right to subscribe to or purchase any security of such class.

(3) *Executive Officer.* The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy-making functions for the issuer.

(4) *Purchase.* A "purchase" means any acquisition for value or any contract to buy, purchase or acquire, including any "short form" merger and any purchase of fractional shares in connection with a reverse split.

(5) *Rule 13e-3 Transaction.* A "Rule 13e-3 transaction" is any transaction described in paragraph (a) (5) (i) of this section which, directly or indirectly, might have any of the effects or is part of a plan which might have any of the effects described in paragraph (a) (5) (ii) of this section.

(i) *Types of Transactions.* (A) a purchase of any equity security;

(B) a cash tender offer, an exchange offer, or any other tender offer for or request or invitation for tenders of any equity security; or

(C) a solicitation of any proxy, consent or authorization of a holder of any equity security in connection with any merger, consolidation or similar business combination transaction between an issuer (or its subsidiaries) and its affiliate; a sale of substantially all of the assets of an issuer to its affiliate; or a reverse split of any equity security involving the purchase of fractional shares.

(ii) *Effects of Transaction.* (A) causing a class of equity securities to be subject to delisting from a national securities exchange;

(B) causing a class of equity securities to be eligible for termination of registration pursuant to section 12(g) (4) of the Act;

(C) causing an issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Act as at the beginning of the next fiscal year of the issuer; or

(D) causing a class of equity securities which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

(b) *Scope of the Rule.* It shall be unlawful for any issuer, or any affiliate of such issuer at the commencement of a Rule 13e-3 transaction, to engage in a

Rule 13e-3 transaction with respect to a class of equity securities of such issuer unless such issuer or affiliate complies with all of the conditions set forth in paragraph (c) of this section.

NOTE.—A person who is not an affiliate of the issuer at the commencement of such person's tender offer for the equity securities of the issuer will not become an affiliate of that issuer for purposes of this rule prior to the termination of that tender offer.

(c) **Conditions to be Met.** A Rule 13e-3 transaction shall be unlawful unless all the following conditions are met:

(1) The issuer or affiliate shall send the following information in accordance with the provisions of any applicable federal, state or other law, but in no event later than 20 days prior to any purchase or any vote, consent or authorization, to each person who was a record holder as of a date not more than 30 days prior to the date of mailing and to each person known to such issuer or affiliate to have been as of such record date a beneficial owner of the class of equity securities subject to the Rule 13e-3 transaction:

(i) The title of the class of equity securities to which the transaction relates;

(ii) If the Rule 13e-3 transaction is to be effected by an affiliate, (A) the identity of the affiliate; (B) the identity of any executive officer; (C) the principal business, occupation or employment of each person identified in (A) or (B) for the last 5 years, including the name and principal business of the organization with which such employment was carried on, and (D) the date(s), nature of conviction, name and location of court and penalty or other disposition of any conviction in a criminal proceeding (excluding traffic violations or similar misdemeanors) during the 5 years for each such person;

(iii) The source and amount of funds or other consideration to be used in making the purchases; and if any part of the purchase price or the proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained, describe the terms of the transaction and the identity of the parties thereto;

(iv) The purpose or purposes of the proposed transaction, including but not limited to any plans or proposals to liquidate the issuer, to sell its assets or merge it with any other person, or to make any other material change in its management, business or corporate structure;

(v) Any contracts, arrangements, or understandings involving the issuer or affiliate with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and describing the material provisions thereof;

(vi) The identity of all persons and classes of persons employed, retained or to be compensated by the issuer or affiliate or by any person on behalf of the issuer or affiliate to make solicitations or recommendations to security holders in connection with a Rule 13e-3 transaction and the terms of such employment, retainer or arrangement for compensation;

(vii) A description of the effect of the proposed transaction on the issuer, its affiliates and non-affiliated security holders of the class of equity securities, and a description of the terms or arrangements of the proposed transaction relating to any security holder which are not identical to those relating to other security holders;

(viii) An opinion of counsel respecting the legality of the transaction under the law of the state or other jurisdiction under the laws of which the issuer was organized;

(ix) A statement of the intentions of executive officers, directors and affiliates of the person effecting the Rule 13e-3 transaction as to whether they will or will not tender or sell or vote securities of the issuer owned or held by them or vote securities with respect to which they hold proxies and the reasons therefor;

(x) The two year audited financial statements required to be filed with the issuer's most recent annual report under Sections 13 and 15(d) of the Act, together with a balance sheet as of the last day of the most recent period subsequent to the end of the last fiscal year for which a quarterly report was required to be filed pursuant to the Act, and statements of income, retained earnings and changes in financial position for the period then ended and for the corresponding period of the preceding fiscal year;

(xi) Pro forma data showing the effect of the proposed transaction on (A) the issuer's most recent balance sheet furnished pursuant to paragraph (c) (1) (x) of this section; (B) the issuer's statement of income for the last fiscal year or the 12 month period prior to the date of the balance sheet referred to in (A) above; (C) book value per share as of the date of the balance sheet referred to in (A) above; and (D) the ratio of earnings to fixed charges for the period referred to in (B) above;

(xii) The frequency and amount of any dividends with respect to such class of equity securities during the last two years, any restrictions on the issuer's ability to pay dividends and any plan or intention to declare a dividend or to alter the dividend policy of the issuer in the future;

(xiii) The amount of the issuer's equity securities beneficially owned as of the most recent practicable date by any executive officer, director or affiliate of the issuer, or any pension, profit sharing or similar plan of the issuer or affiliate; the aggregate amount of the issuer's equity securities purchased directly or indirectly during the preceding two years, if any, and the aggregate dollar amounts paid for such securities by the issuer, any executive officer, director or

affiliate and any pension or profit sharing or similar plan of the issuer or affiliate; and the number of securities purchased and the price per share paid during the last 60 days by each such person.

(xiv) A general description of the federal tax consequences of the proposed transaction to the issuer and its security holders;

(xv) If there is an established market for such class of equity securities, the high and low sale prices of such securities (or in the case of trading in the over-the-counter market, or in the absence of trading on an exchange during a particular period, the range of representative high and low bid and asked quotations) for each quarterly period within the past two years and the nature of the market and source of the quotations. If the securities are traded on one or more exchanges, the name of the principal exchange should be given. If there is no established trading market excluding limited or sporadic quotations, it should be so stated;

(xvi) The offering price per share, subject to appropriate adjustments, the aggregate proceeds received by the issuer and the proceeds received by each affiliate of the issuer, if securities of the class were offered to the public by the issuer or affiliates during the five years preceding the date of the proposed transaction;

(xvii) A fair and adequate summary of the reports, opinions and the joint recommendation required by paragraph (c) (2) of this section; the method of selection of the persons giving such recommendation and opinions, any material relationship between such person or its affiliates which then exists or is mutually understood to be contemplated or which has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship;

(xviii) A reasonably itemized statement of all expenses incurred or estimated to be incurred in connection with a proposed Rule 13e-3 transaction, including but not limited to filing fees, legal, accounting and appraisal fees, solicitation expenses, and printing costs.

(xix) A fair and adequate summary of any appraisal obtained by or for the issuer or its affiliate regarding the issuer, its material assets, or securities within the last two years.

(xx) Such additional material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not materially misleading.

(2) The consideration for the equity securities to be purchased shall constitute fair value to the security holders of such class of the issuer who are not affiliates as determined in good faith by the issuer or its affiliate, and shall be no lower than that recommended jointly by two qualified independent persons. Such persons, in recommending the consideration, shall consider, among other factors, the value of the assets and earning power of the issuer. They shall each:

(i) after reasonable investigation, have reasonable grounds to believe, and

PROPOSED RULES

believe, that their jointly recommended consideration constitutes fair value to the security holders of the issuer of such class who are not affiliates; and

(ii) submit to the issuer a written report and an opinion based thereon regarding the fairness of the recommended consideration to security holders of the issuer of such class who are not affiliates, setting forth the procedures followed, the basis for and the method of arriving at the recommended consideration, and any limitation imposed by the issuer or affiliate on the scope of the investigation; such report and opinion shall be available for inspection and copying by any interested equity security holder of the issuer at the executive offices of the issuer during its regular business hours.

(3) If an issuer or affiliate engages in a Rule 13e-3 transaction involving a cash tender offer, an exchange offer or any other tender offer for or request or invitation for tenders of any equity security:

(i) the issuer or affiliate shall file with the Commission eight copies of any written offer or request or invitation for tenders which shall contain the information required by paragraph (c)(1) of this section and any additional solicitation material at the time any copies of the offer or request or invitation for tenders are first sent to holders of the equity securities, but in no event later than 20 days prior to any purchase pursuant to such offer, request or invitation;

(ii) if any material change occurs in the information filed pursuant to paragraph (c)(4)(i) of this section, eight copies of an amendment shall promptly be filed with the Commission to reflect such change;

(iii) securities deposited pursuant to a tender offer subject to this subparagraph may be withdrawn by or on behalf of a tendering security holder at any time prior to the acceptance for purchase of such securities by the issuer or affiliate;

(iv) if more securities are deposited during the twenty days between the day on which the offer is first sent to security holders and the first day on which securities may be accepted for purchase than the issuer or affiliate is bound or willing to accept for purchase, any securities accepted for purchase shall be accepted on a pro rata basis as nearly as is practicable disregarding fractional shares;

(v) if the consideration offered to security holders in a tender offer subject to this subparagraph is increased, the increased consideration shall be paid for all securities accepted for purchase in the Rule 13e-3 transaction regardless of whether such securities were accepted prior to the increase in consideration;

(vi) any purchase by the issuer or affiliate within sixty days subsequent to the expiration of a tender offer subject to this subparagraph shall be deemed to be made pursuant to such tender offer;

(vii) If the consummation of such a transaction results in one of the effects described in paragraph (a)(5)(ii)(B) or (C) of this section or results in the effect described in paragraph (a)(5)(ii)(A) of this section and the issuer is not subject to section 12 or 15(d) of the Act, the issuer or its affiliate within 30 days after such consummation must:

(A) notify any remaining holder of equity securities of that class regarding the result and effect of the transaction; and

(B) offer to purchase the securities held by each remaining security holder for the same consideration paid in the Rule 13e-3 transaction for a period of at least 20 days following the day the notice required by this subparagraph is sent to each remaining security holder.

(d) *Exceptions.* This rule shall not apply to:

(1) transactions by a holding company registered under the Public Utility Holding Company Act of 1935;

(2) transactions by an investment company registered under the Investment Company Act of 1940; or

(3) redemptions, calls or other similar purchases of an equity security by an issuer pursuant to specific provisions set forth in the instrument(s) creating or governing that class of equity securities.

§ 240.13e-3[B] Unlawful issuer repurchases.

NOTE.—This rule is proposed in conjunction with and includes paragraphs (c)(1) and (c)(3) of Proposed Rule 13e-3A but those paragraphs are omitted to avoid repetition.

(a) It shall be unlawful, as a fraudulent, deceptive or manipulative act or practice, for any issuer which has a class of equity securities registered under Section 12 of the Act or which files reports pursuant to Section 15(d) of the Act (the "issuer") or any person controlling, con-

trolled by or under common control with the issuer (an "affiliate"), to enter into any transaction involving a purchase, directly or indirectly, of any equity security of the issuer which does have, or is intended to have, any of the effects described in paragraph (b) hereof unless:

(1) if such transaction is entered into by the issuer, such issuer has a valid business purpose for doing so; and

(2) the terms of such transaction, including any consideration to be paid to any security holder, are fair.

(b) Paragraph (a) of this section shall apply to any transaction which has, or is intended to have, any of the following effects:

(1) compelling any security holder of the issuer to terminate his equity interest in the issuer;

(2) reducing, directly or indirectly, by 25 percent or more; the amount of any class of equity securities of the issuer outstanding prior to the transaction and held beneficially by persons other than the issuer and its affiliates;

(3) causing a class of equity securities of the issuer to be subject to delisting from a national securities exchange;

(4) causing a class of equity securities of the issuer to be eligible for termination of registration pursuant to section 12(g)(4) of the Act;

(5) causing the issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Act as at the beginning of the next fiscal year of the issuer; or

(6) causing a class of equity securities of the issuer which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

(c) paragraph (a) hereof shall not apply to:

(1) transactions between or among affiliates of the issuer not involving the issuer or any security holder of the issuer other than an affiliate;

(2) any transaction involving a purchase of a security for which specific provisions have been made in any instrument creating or governing that security;

(3) transactions by a holding company registered under the Public Utility Holding Company Act of 1935; or

(4) transactions by an investment company registered under the Investment Company Act of 1940.

[FR Doc.75-4610 Filed 2-21-75;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

Internal Revenue Service ART ADVISORY PANEL Notice of Closed Meetings

FEBRUARY 15, 1975.

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a closed meeting of the Art Advisory Panel will be held on March 11 and 12, 1975 beginning at 9:30 a.m. in Room 3313 Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-4928 Filed 2-21-75; 8:45 am]

PRIVATE SCHOOLS

Proposed Revenue Procedure Correction

In FR Doc.75-4391 appearing on page 6991 of the issue for Tuesday, February 18, 1975, Sec. 4.1(c) of the proposed revenue procedure, now reading "Faculty and administrative staff" should read "Faculty and administrative staff".

DEPARTMENT OF DEFENSE

Department of the Army BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of committee. Board of Visitors, United States Military Academy.

Dates of meeting. April 29-May 1, 1975.

Place of meeting. West Point, New York and Washington, D.C.

Time—At West Point. 1000-1700, April 30.
At Washington. 1300-1700, May 1.

Proposed agenda. Inquiry into the morale and discipline, the curriculum, instruction,

physical equipment, fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

Pursuant to section 10(d), P. L. 92-463, the following portions of the Board's meeting are closed to the public for the reasons cited hereunder.

The Superintendent's Presentation to the Board, 1015-1100, April 30

The Commandant's Briefing of the Board, 1315-1530, April 30.

The Executive Session of the Board, 1300-1700, May 1

The above noted portions of the Board's meeting will be concerned with matters listed in 5 U.S.C., section 552b (2) and (6), and discussions at these meetings will require an exchange of opinions which, if written, would fall within 5 U.S.C., section 552(b)(5).

For the Board of Visitors.

EDWIN V. SUTHERLAND,
*Colonel, USA, Executive
Secretary, Board of Visitors.*

[FR Doc.75-4841 Filed 2-21-75; 8:45 am]

DEPARTMENT OF JUSTICE

PRICE BROTHERS CO.

Proposed Consent Judgment in Action to Enjoin Discharge of Pollutants

Correction

In FR Doc. 75-3760, appearing on page 6377 of the issue for Tuesday, February 11, 1975, the penultimate line of the second paragraph is missing. This line should read "United States v. Price Brothers Com-".

Law Enforcement Assistance Administration

DEFENSIBLE SPACE COMMITTEE

Meeting

Notice is hereby given that the Defensible Space Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Friday, March 14, 1975. The meeting will take place at 9:30 a.m. in the 13th Floor Conference Room at the LEAA Central Office Building, 633 Indiana Avenue, NW, Washington, D.C.

Further discussion will be held on the concept of Defensible Space as it relates to private security.

The meeting will be open to the public.

For further information, please contact Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633

Indiana Avenue, NW, Washington, D.C. 20531 (202) 386-3317.

GERALD YAMADA,
*Attorney-Advisor,
Office of General Counsel.*

[FR Doc.75-4892 Filed 2-21-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 49642]

WYOMING

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), McCulloch Gas Processing Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 73 W.,
Sec. 3, 8 $\frac{1}{2}$ NW $\frac{1}{4}$.

The pipeline will convey natural gas within the Jamison-Prong Field to a natural gas processing plant in sec. 3, T. 51 N., R. 73 W., 6th P.M., Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
*Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.75-4842 Filed 2-21-75; 8:45 am]

[Wyoming 49650]

WYOMING

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Phillips Petroleum Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 69 W.,
Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The pipeline will be an extension of the system installed to gather natural gas for the applicant's extraction plant near Douglas, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-4843 Filed 2-21-75; 8:45 am]

National Park Service

[Order No. 2]

**ADMINISTRATIVE OFFICER, VICKSBURG
NATIONAL MILITARY PARK, MISS.**

Delegation of Authority

SECTION 1. Administrative Officer. The Administrative Officer may issue purchase orders not in excess of \$2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. Revocation. This order supercedes Order No. 1 dated March 26, 1963, and published in 28 FR 4679 on May 9, 1963. (National Park Service Order No. 77 (38 FR 7478, as amended; Southeast Region Order No. 5 (37 FR 7721), as amended).

Dated: January 7, 1975.

DANIEL E. LEE,
Superintendent, Vicksburg
National Military Park.

[FR Doc.75-4901 Filed 2-21-75; 8:45 am]

[Order No. 1; Amdt. 1]

CHIEF HISTORIAN, ET AL.

Delegation of Authority

In re: Chickamauga and Chattanooga National Military Park, Fort Oglethorpe, Georgia 30742.

Order No. 1 published in the FEDERAL REGISTER November 29, 1972 (37 FR 25245) is amended as follows:

SEC. 2. Chief Historian. The Chief Historian may issue field purchase orders (SF-44) not in excess of \$500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 3. Unit Manager, Lookout Mountain. The Unit Manager, Lookout Mountain, may issue field purchase orders (SF-44) not in excess of \$500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 4. Chief Park Ranger. The Chief Ranger may issue field purchase orders (SF-44) not in excess of \$500 for

supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 5. Maintenance Supervisor. The Maintenance Supervisor may issue field purchase orders (SF-44) not in excess of \$500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 6. Redelegation. The authority delegated in this Order No. 1, as amended, may not be redelegated.

(National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5, (37 FR 7721) as amended)

Dated: September 19, 1974.

DONALD K. GUTTON,
Superintendent.

[FR Doc.75-4900 Filed 2-21-75; 8:45 am]

Office of the Secretary

[INT DES 75-6]

**PROPOSED INJURIOUS WILDLIFE
IMPORTATION REGULATIONS**

**Availability of Draft Environmental
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Injurious Wildlife Importation Regulations, and invites written comments on or before April 10, 1975.

The proposal, which appears in the proposed rules section of this FEDERAL REGISTER, establishes lists of wildlife species that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or wildlife resources when imported into the United States, and prescribes that importation of any other animals would be injurious to these interests. Injurious species may be imported only under permit.

Copies of the draft statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th & C Streets, N.W., Room 2246, Washington, D.C. 20240.

U.S. Fish and Wildlife Service, Suite 500, 1612 K Street, N.W., Washington, D.C. 20240.

U.S. Fish and Wildlife Service, Regional Office, 730 N.E. Pacific Street, Portland, Oregon 97208.

U.S. Fish and Wildlife Service, Regional Office, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87102.

U.S. Fish and Wildlife Service, Regional Office, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

U.S. Fish and Wildlife Service, Regional Office, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.

U.S. Fish and Wildlife Service, Regional Office, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.

U.S. Fish and Wildlife Service, Regional Office, 10597 West Sixth Avenue, Lakewood, Colorado 80215.

U.S. Fish and Wildlife Service, Alaska Area Office, 813 "D" Street, Anchorage, Alaska 99501.

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the statement should be addressed to the Director (FWS/MNB), Fish and Wildlife Service, Washington, D.C. 20240. Please refer to the statement number above.

Because this is a second draft environmental statement relating to these regulations, necessitated by revision of the original proposal, extensive coordination has already taken place. Therefore the comment period of 45 days will not be extended.

Dated: February 18, 1975.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-4832 Filed 2-21-75; 8:45 am]

**NATIONAL PETROLEUM COUNCIL COM-
MITTEE ON EMERGENCY PREPARED-
NESS**

Subcommittee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council will meet on March 10, 1975, in Room 3580 of the Exxon Building, Houston, Texas at 9 a.m.

The agenda includes the following items:

1. Review and discuss outline of Subcommittee assignments.
2. Review and discuss progress of individual assignments.
3. Discuss any other matters pertinent to the assignment of the Subcommittee.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ms. Fran Hanavan, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone 343-2904.

Dated: February 19, 1975.

C. K. MALLORY,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75-4904 Filed 2-21-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
SHIPPERS ADVISORY COMMITTEE
Notice of Public Meeting

Pursuant to the provisions of section 10(a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on March 11, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: February 20, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-4961 Filed 2-21-75; 8:45 am]

Farmers Home Administration
[Designation Number A142]

KANSAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Kansas:

Allen Douglas

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought June 20 to August 20, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of former Governor Robert B. Docking that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 11, 1975, for physical losses and November 11, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of pro-

posed rule making and invite public participation.

Done at Washington, D.C., this 18th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4920 Filed 2-21-75; 8:45 am]

Soil Conservation Service

[Floodwater Retarding Structure No. 38]

LOWER PLUM CREEK WATERSHED, TEX.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b) (3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Floodwater Retarding Structure No. 38, Lower Plum Creek Watershed, Hays and Caldwell Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include single purpose floodwater retarding structure No. 38.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken before March 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.75-4837 Filed 2-21-75; 8:45 am]

PINE RUN WATERSHED PROJECT, PENN.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR

20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Pine Run Watershed Project, Montgomery County, Pennsylvania, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-PA.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, two floodwater retarding structures and a program of nonstructural measures. Land treatment measures to be installed on approximately 1500 acres include diversions, debris basins, subsurface drains and grassed waterways or outlets. The nonstructural program includes a flood insurance program and the implementation and enforcement of land use and flood plain management ordinances within the authority of the sponsoring local governmental unit.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Box 985,
Federal Square Station, Harrisburg,
Pennsylvania 17108.

Comments concerning the proposed action or requests for additional information should be addressed to Benny Martin, State Conservationist, Soil Conservation Service, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.

Comments must be received on or before April 15, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.75-4838 Filed 2-21-75; 8:45 am]

SHUQUALAK CREEK WATERSHED
PROJECT, MISS.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the

Shuqualak Creek Watershed Project, Noxubee and Kemper Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-3-(D)-MS.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, two floodwater retarding structures and channel work. The channel work consists of 5.2 miles of work on manmade ditches or previously modified channels. It will involve 2.1 miles of channel enlargement and 3.1 miles of channel alignment on channels with ephemeral flow characteristics to provide improved water management on the flood plain which is 72 percent agricultural cropland and grassland.

A limited supply of the draft EIS is available at the following locations:

Soil Conservation Service, USDA

P.O. Box 610, Jackson, Mississippi 39205.

Room 490, Milner Building, 310 S. Lamar Street, Jackson, Mississippi.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before April 11, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 12, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4840 Filed 2-21-75;8:45 am]

SPRING CANYON WATERSHED PROJECT, WYO.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Spring Canyon Watershed Project, Goshen County, Wyoming, USDA-SCS-EIS-WS-(ADM)-74-31-F.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide

for conservation land treatment, one floodwater retarding structure, two grade stabilization structures, and 2,150 feet of reservoir outlet pipeline.

The Final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA

Room 3110, Federal Bldg., 100 East B Street, Casper, Wyoming 82601.

P.O. Box 2440, Casper, Wyoming 82601.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 12, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4839 Filed 2-21-75;8:45 am]

Office of the Secretary

COOPERATIVE FORESTRY RESEARCH ADVISORY COMMITTEE

Intent of Establishment

Notice is hereby given that the Secretary of Agriculture will establish a Cooperative Forestry Research Advisory Committee for the purpose of advising the Secretary and other officials on all aspects of the administration of the Cooperative Forestry Research Program (also known as the McIntire-Stennis Program) established by Pub. L. 87-788. The Secretary has determined that establishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The Chairman of this committee will be the Assistant Secretary for Conservation, Research, and Education, U.S. Department of Agriculture, Washington, D.C. 20250.

This committee will report directly to the Secretary. The committee will meet annually at the call of the Chairman and will terminate two years from the date of its establishment.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons shall be made in writing and must be received by the Assistant Secretary for Conservation, Research, and Education on or before February 25, 1975, to be certain of consideration.

All written submissions made pursuant to this notice will be available for public inspection at the Office of the Assistant Secretary for Conservation, Research, and Education during regular business hours (7 CFR 1.27 (b)).

Dated: February 19, 1975.

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

[FR Doc.75-4919 Filed 2-21-75;8:45 am]

NATIONAL RICE ADVISORY COMMITTEE Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the National Rice Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for rice, production, adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that renewal of this committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Pub. L. 92-463.

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

FEBRUARY 14, 1975.

[FR Doc.75-4864 Filed 2-21-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00381-33-46040. Applicant: Cornell University, Section of Genetics, Development & Physiology, New York State College of Agricultural Sciences, Plant Sciences, Ithaca, N.Y. 14850. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used for research involving various aspects of ultrastructural studies in different organisms.

The main areas of research will be the following:

1. Fine structure of cytoplasmic microfilaments in elongating plants cells, and of P-protein in the sieve elements of phloem;
2. Fate of DNA in differentiating and mature sieve elements;
3. Alterations in chloroplast membranes during cold acclimation of spinach plants;

4. Comparative ultrastructure studies of the ascospore in the wild type and mutant strains of the fungus, *Neurospora crassa*.

The article will be used for educational purposes in the following courses:

(1) Electron microscopy for Biologists—an introductory course in electron microscopy that will include most conventional techniques and the principle of an electron microscope.

(2) Advanced Electron Microscopy for Biologists—a course aimed to familiarize students with advanced techniques, such as freeze-fracturing, autoradiography at the EM level, cytochemistry, high resolution electron microscopy, and nucleic acid visualization, and

(3) Problem Course in Electron Microscopy—an advanced course for which the above two courses are a prerequisite.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00045-33-46040 which was denied without prejudice to resubmission on December 13, 1973 for information deficiencies. In reply to Question 8 in this submission the applicant alleges that the foreign article provides the following specifications that are pertinent to his intended purposes and are not possessed by the most closely comparable domestic instrument or apparatus:

(1) Routine resolution of better than 5 Angstroms;

(2) Low beam current without undue loss of image brightness (which the applicant states is preferred for high resolution electron microscopy because high beam currents can deteriorate the fine architecture of macromolecules and render them useless for high resolution work);

(3) Specimen pump-down time of 6 seconds;

(4) Multiple grid specimen holder, necessary because several specimen grids will be examined by one operator;

(5) Maximum number of photographic frames at one time without any reduction in frame size, and capability to accept more than one camera at a time for greater photographic productivity (capacity);

(6) Fast and simple alignment of the illuminating systems; and

(7) Availability of good service.

At the time the article was ordered, two domestically manufactured electron microscopes were available, the Model ETEM-101 (a relatively simple, low resolution instrument (10Å), manufactured by Elektros Incorporated, and the Model EMU-4C, supplied by the Adam David Company.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 14 and December 17, 1974, that the Model EMU-4C electron

microscope is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of § 701.2(n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) HEW advises that the EMU-4C and the article guarantee equal resolution, viz, 5 Angstroms.

(2) The EMU-4C provides a high intensity grid cap for greater illumination and contrast at high resolution as well as equivalent resolution and illumination to that of the article. We note that at equal illumination specimen damage is equal. Accordingly, HEW advises that low beam current is not established as a pertinent feature.

(3) HEW advises that the specimen change time is a convenience and therefore, is not pertinent.

(4) The EMU-4C has a multiple grid specimen holder.

(5) The specifications for the article attached to this docket states that all 3 cameras can be used in any sequence without breaking the vacuum giving a total load of 106 exposures. The applicant states he ordered the article with the plate camera only. Accordingly, any advantages that might be conferred by 35 and 70 millimeter cameras cannot be considered in our determination of scientific equivalency in accordance with §§ 701.2(d) and 701.6(a)(3) of the regulations. Moreover, HEW advises that the photographic capacity of the article is a convenience and not pertinent.

(6) HEW advises that the fast and simple alignment of the illuminating systems of the article is a convenience and therefore, not pertinent.

(7) HEW also advises that the availability of good service is a convenience and thus, not pertinent.

For the foregoing reasons, we find that the Model EMU-4C electron microscope is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,

Special Import Programs Division.

[FR Doc.75-4893 Filed 2-21-75; 8:45 am]

LAFAYETTE COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00103-33-46040. Applicant: Lafayette College, Easton, Pa. 18042. ARTICLE: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of Article: The article is intended to be used in two major areas of research: host-parasite interrelationships and interactions; cytological effects of exposure to various agents, e.g., herbicides, in both animals and plants. Normal and pathologic invertebrate tissues will be studied with particular emphasis upon developmental stages of parasites and upon the tissues of their host. Another area of study concerns the ultrastructural pathology of the gerbil testis and epididymis after administration of antifertility drugs. A botanical study concerns the fine structure of plant cell organelles treated with herbicides. The article will also be used for educational purposes in the following courses:

General Physiology, Advanced Genetics, Microbiology, Biology of Vascular Plants, Parasitology, Developmental Biology, Independent Study, Thesis (Honors).

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reason: This application is a resubmission of Docket Number 74-00307-33-46040 which was denied without prejudice to resubmission on May 22, 1974 for informational deficiencies. In reply to Question 8 in this submission the applicant alleges the following specifications are pertinent to his intended purposes and are not possessed by the most closely comparable domestic instrument or apparatus:

(1) The image remains centered throughout the magnification range with no further adjustments than changes in beam intensity. This feature includes permitting magnification changes without a polepiece change.

(2) A single condenser lens that yields a resolution of better than 3.4Å. The single condenser lens system, with fewer controls than a double condenser system, offers the great advantage of simplicity of operation for the inexperienced and permits speedy column alignment.

(3) Availability of a eucentric goniometer stage. The goniometer stage allows a full 360° vertical axis and ±60° horizontal rotation while the image remains centered. This stage makes stereophotography without image displacement possible.

(4) A specimen airlock chamber mechanism in which it is almost impossible to jam the specimen holder.

(5) Use of three cameras without breaking the vacuum by simply using a selector switch.

(6) Capacity for accommodating a TV unit for teaching purposes:

(7) Liquid nitrogen anticontamination cold trap, which is important in the examination of biological or other inherently "dirty" specimens.

(8) A single unit that occupies just over 11 square feet. At the time the article was ordered, two domestically manufactured electron microscopes were available, the model ETEM 101, a relatively simple, low resolution instrument (10Å) manufactured by Elektros Incorporated, and the Model EMU-4C, supplied by the Adam David Company.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated December 16, 1974, that the Model EMU-4C electron microscope is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of § 701.2 (n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) The article provides a magnification range of 1500 to 200,000X without a pole-piece change. The EMU-4C provides a magnification range of 1400 to 240,000X without a pole-piece change. HEW advises that a pole-piece change is not involved for equal magnification range; and, in any event, the magnification capability of the article, including the image-centering requirements, is a convenience and, therefore, is not pertinent within the meaning of § 701.2(n) of the regulations.

(2) The EMU-4C provides the option of either a double condenser lens system or a single condenser lens system. Both the EMU-4C and the article provide equivalent guaranteed resolution (5Å). Moreover, HEW advises that this feature is a convenience and, thus, is not pertinent.

(3) The eucentric goniometer stage was not ordered by the applicant with the foreign article. According to §§ 701.2 (d) and 701.6(a) (3) of the regulations, it cannot be considered in the determination of scientific equivalency.

(4) HEW advises that the operation of the specimen airlock chamber of the article is a non-pertinent convenience.

(5) The foreign article was ordered with a plate camera system only. The EMU-4C is available with a plate camera system. Since no additional camera was ordered with the article, the possible use of 3 cameras cannot be considered in the determination of scientific equivalency according to §§ 701.2(d) and 701.6(a) (3) of the regulations. HEW advises that this feature is a non-pertinent convenience.

(6) The TV unit for the article was not ordered with the article and therefore cannot be considered in our determination of scientific equivalency according to §§ 701.2(d) and 701.6(a) (3) of the regulations.

(7) The EMU-4C provides a built in liquid nitrogen anti-contamination device. Moreover, HEW advises that the feature is a non-pertinent convenience.

(8) HEW advises that the smaller space requirement of the foreign article is a non-pertinent convenience.

For the foregoing reasons, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4895 Filed 2-21-75; 8:45 am]

LAMONT-DOHERTY GEOLOGICAL OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00143-56-17500. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Palisades, New York 10964. Article: Recording Current Meters Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of Article: The articles will be used to measure the flow of water near the ocean bottom at a point near the Continental Shelf break in the Ross Sea, Antarctica.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a self-contained instrument which provides the capabilities for recording current speed and direction, water temperature, conductivity (salinity) and internally recording the appropriate data on magnetic tape.

The National Oceanic and Atmospheric Administration (NOAA) advised in its memorandum dated December 23, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NOAA also advised that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4896 Filed 2-21-75; 8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00169-01-86300. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Rheovibron Dynamic Viscoelastometer, DDV-II-C. Manufacturer: Toyo Measuring Instruments Ltd., Japan. Intended use of article: The article is intended to be used in studies of the dynamic viscoelastic response of polymeric biomaterials over a wide temperature range at several fixed frequencies. The article will also be used in the course Chemical Engineering 1067, Polymer Science Laboratory to give graduate students and qualified undergraduates first-hand experience in the synthesis and mechanical characterization of polymeric materials and to introduce them to more commonly used instruments of industrial polymer laboratories.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides capabilities for subjecting high polymer specimens to tensile vibrations at frequencies up to 110 Hertz and for measuring the real and imaginary components of Young's Modulus. The National Bureau of Standards (NBS) advises in its memorandum dated January 31, 1975 that the capabilities described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4898 Filed 2-21-75; 8:45 am]

UNIVERSITY OF HAWAII AT HILO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and

the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00113-33-46040. Applicant: University of Hawaii at Hilo, P.O. Box 1357, Hilo, Hawaii 96720. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used to train students (undergraduate) in the techniques of electron microscopy, to familiarize them with the appearance of biological structures at the ultrastructural level, and to enable them to attempt limited research projects in collaboration with members of the faculty as a part of their training. The organisms to be studied are of marine origin obtainable in Hilo Bay, that will include both normal and pathological specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August, 1973).

Reasons: This application is a resubmission of Docket Number 74-00232-33-46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for the instruction of undergraduates in basic electron microscopy including correlation of identical fields and structures as seen in the light microscope. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms (Å) point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications at 140-60,000x with 140 to 1000x in the normal microscope range which permits an overlap of light and electron microscopy. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the initial application was received were the Model EMU-4C, supplied by Adam David Company and the Model ETEM-101 manufactured by Elektros Incorporated. The Model EMU-4C is a relatively complex instrument designed for the use of an experienced operator which provides low distortion magnifications at 500X and higher. The Model ETEM-101 is a relatively simple low resolution instrument (10Å point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 9, 1975 that for the applicant's intended uses (1) a 60 KV accelerating voltage for adequate illumination (2) a maximum overlap of the optical (microscope) range (140X magnification) and (3)

simplicity and ease of operation are pertinent. HEW also advises that the Model EMU-4C is too complex for the applicant's educational purposes. In addition, HEW advises that the Model ETEM-101 does not provide an equal overlap of the optical magnification range (140X magnification micrographs) or 60 KV accelerating voltage.

We, therefore, find that neither the Model EMU-4C nor the Model ETEM-101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the initial application was received by Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4894 Filed 2-21-75; 8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00108-01-07500. Applicant: Rosentiel School of Marine & Atmospheric Science, University of Miami, 10 Rickenbacker Causeway, Miami, Florida 33149. Article: Microcalorimeter. Manufacturer: Technepour, Canada. Intended use of article: The article is intended to be used to measure the heats of mixing and dilution of electrolyte solutions to the required precision and accuracy (1 cal mol⁻¹).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities of making direct measurements of heats of mixing (when the amounts of the two solutions being mixed are approximately equal) and of making heat measurements over a continuous range of compositions. The National Bureau of Standards (NBS) advises in its memorandum dated January 21, 1975 that the capabilities described above are pertinent to the appli-

cant's intended purposes. NBS also advises that it knows of no domestic calorimeter of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4897 Filed 2-21-75; 8:45 am]

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00170-55-02000. Applicant: University of Washington, Studies in Marine Hydrodynamics, Department of Oceanography, Seattle, Washington 98195. Article: Oceanic Hot Film Anemometer Probe. Manufacturer: Canadian Thin Films Ltd., Canada. Intended use of Article: The article will be used in conjunction with an electronic constant temperature system to study the process of momentum exchange near the density interface of a salt wedge estuary. The objectives to be pursued in the course of these investigations will include determination of the fine scale structure of the turbulent velocity fluctuations, as well as their correlations and their spatial distribution with respect to the density interface.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides resistance to corrosion in seawater. The National Bureau of Standards (NBS) advises in its memorandum dated January 29, 1975 that the capability described above is pertinent to the applicant's intended studies which are to be conducted in a chemically corrosive environment (due to the presence of seawater). NBS further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4899 Filed 2-21-75; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

**Center for Disease Control
OCCUPATIONAL SAFETY AND HEALTH
Request for Information on Certain
Chemical Agents**

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents and recommended occupational health standards on the following substances:

1. Acetylene.
2. Chlorine.
3. Ethylene Dichloride.
4. Fluorine.
5. Formaldehyde.
6. Hydrogen Fluoride.
7. Isopropanol.
8. Methanol.
9. Parathion (ethyl).
10. Phenol.
11. Phosgene.
12. Phosphine.
13. Phosphoric Acid.
14. Phosphorus.
15. Tetrachloroethylene.
16. 1,1,1-Trichloroethane.

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances is requested to submit such information, with accompanying documentation to Acting Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Rockville, MD 20852 within 90 days.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning these substances will be available for public inspection after the development of the respective criteria document.

Dated: February 18, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-4715 Filed 2-21-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY Meeting.

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on March 12-14, 1975, at 9 a.m. local time, at the Sheraton-National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by educational institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public post-secondary vocational education in their

respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92-318.

The meeting shall be open to the public from 9-11 a.m. and from 3-5 p.m. on March 12, and from 9 a.m.-12 noon on March 13 for presentations by representatives of nationally recognized and State agencies which have petitions for recognition pending before the Committee, and for consideration of policy items pertaining to accreditation and institutional eligibility.

Under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and clauses (4) and (6) of subsection (b) of section 552 of Title 5 of the United States Code, the meeting will be closed to the public from 11 a.m.-3 p.m., March 12, and from 1 p.m., March 13 to 2:30 p.m. March 14. Closure of the meeting is to allow a free and frank discussion of the pending petitions for recognition and for renewal of recognition by accrediting and State approval agencies. These petitions typically contain financial information about institutions that has been given in confidence and the Committee, in order to evaluate the performance of the petitioning agencies, may wish to discuss such information. In addition, the petitions may occasionally contain information about the activities of individuals which the Committee believes should be discussed, as they relate to the performance of petitioning agencies, and which, in the judgment of the Committee and the Commissioner, would, if publicly disclosed, result in a clearly unwarranted invasion of the personal privacy of such individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552 (b) (4) and (6). A discussion of the petitioner and the working papers necessarily ranges back and forth from exempt and nonexempt materials, and the exempt portion cannot be separated out during the Committee's deliberation. Records shall be kept of all Committee proceedings, and these will be available in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

Signed at Washington, D.C. on February 10, 1975.

JOHN R. PROFFITT,
*Director, Accreditation and Institutional Eligibility Staff,
Office of Education.*

[FR Doc.75-4888 Filed 2-21-75;8:45 am]

CALIFORNIA

Approval of Application for Title I Audit Appeal

Notice is hereby given that, pursuant to the notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of California and it has met the jurisdictional requirements of section 5 of the Notice es-

establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of November 3, 1966, through June 30, 1970, by the State Education Agency. The amount involved in the subject audit appeal is \$27,988.

The prehearing conference will be held at 10:30 a.m. on March 11, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C. 20202.

Section 7 (c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervenor has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before March 3, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.423, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: February 12, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-4851 Filed 2-20-75; 8:45 am]

TEXAS

Approval of Application for Title I Audit Appeal

Notice is hereby given that, pursuant to the notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of Texas and it has met the jurisdictional requirements of section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of January 1, 1967, through August 31, 1970, by the State Education Agency. The amount involved in the subject audit appeal is \$88,848.

The prehearing conference will be held at 10:30 a.m. on March 27, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings

conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervenor has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before March 17, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.423, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: February 12, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-4850 Filed 2-21-75; 8:45 am]

GUARANTEED STUDENT LOAN PROGRAM Interpretation Regarding Default Claims

Notice is hereby given of an interpretation of section 430(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1080(a)), as it pertains to loans which have been made under the Federal Insured Student Loan Program (FISLP) by institutions of higher education and vocational schools. Because a large number of interested parties, including students, educational institutions, banks and other financial institutions and lenders, might be affected by this interpretation, and because there has apparently been some uncertainty among such parties prior to now regarding the proper interpretation of section 430(a), it is believed that this interpretation should be promptly and broadly disseminated and that publication of this notice in the FEDERAL REGISTER will be a useful means of promoting such dissemination.

The question at issue is: What "amount of loss" will be reimbursed by the Office of Education on default claims properly filed by eligible lenders holding valid loans made by an educational institution, in cases in which either (i) there is an unpaid refund owed by the institution to the student borrower (or to an assignee of the student) or (ii) the student borrower has not been able to complete the academic training for which he obtained the loan, due to the financial failure of the educational institution leading to a termination of the course of study in which the student was enrolled.

Section 430(a) provides that, upon the default of a student borrower on a loan

made under the FISLP Program, the holder of the loan may file a default claim on such loan with the Office of Education and the holder shall be reimbursed for the amount of its loss on such loan. Section 430(a) further states that the amount of the loss shall be deemed to be the amount of the unpaid balance of the principal and interest on the loan, but does not indicate further what legal effect is to be given to defenses or offsets against the loan which would be available to the student borrower. We have consistently viewed the purpose of the program to be to insure the lender against defaults on the part of the student (e.g., his inability to make payments), rather than against defenses which the student has against the loan (e.g., fraud in the making of the loan or a failure of consideration). Consequently, section 430(a) is interpreted to mean that (i), if, as illustrated in statements (1) and (2) below, the unpaid refund is properly considered a payment by the student on the loan, the default claim will be reduced by any amount included therein which is attributable to such refund; and (ii) the termination of the course of study due to the financial failure of the educational institution results in a failure of consideration on the agreement, including the FISLP loan, between the students and the institution, and establishes a defense on the part of the student as to his obligation to repay which is good against the educational institution and, because the loan is not a negotiable instrument, against any subsequent holder of the loan.

The following statements illustrate how this interpretation applies to various fact situations:

1. If the educational institution which made the loan is the holder of the loan at the time of the default, the reimbursement on the default claim will be reduced by any amount included therein which is attributable to an unpaid refund owed to the student by that institution.

(20 U.S.C. 1080(a))

2. If the holder of the loan at the time of the default is an eligible lender other than the educational institution which made the loan, the reimbursement on the default claim will be reduced by any amount included therein which is attributable to an unpaid refund which had become due prior to the date on which the educational institution transferred the loan and proper notice of such transfer was given to the student.

(20 U.S.C. 1080(a))

3. If the holder of the loan at the time of the default is an eligible lender other than the educational institution which made the loan, the reimbursement on the default claim will not be reduced to take account of an unpaid refund which became due after the date on which the institution transferred the loan and the student was given proper notification of the transfer.

(20 U.S.C. 1080(a))

4. If a student is unable to complete the academic session for which he obtained the loan because the educational institution has failed financially leading to a termination of the course of study in which the student was enrolled, and if that educational institution is the holder of the loan at the time of the termination, the reimbursement on the institution's default claim will not be a greater proportion of the total loan than the proportion of the academic session which the student was able to complete.

(20 U.S.C. 1080(a))

5. If a student is unable to complete the academic session for which he obtained the loan, because the educational institution has failed financially leading to a termination of the course of study in which the student was enrolled, and if the holder of the loan at the time of the termination is an eligible lender other than the educational institution, the reimbursement on the holder's default claim will not be a greater proportion of the total loan than the proportion of the academic session which the student was able to complete.

(20 U.S.C. 1080(a)).

As noted above, there has apparently been some uncertainty among interested parties as to the proper interpretation of section 430(a), particularly with respect to the situation covered by statement (5) of the illustration set forth herein. Thus, it is possible that lenders have relied in good faith upon an assumption that the statute would be interpreted differently as it applies to this situation. Consequently, in the exercise of his authority under section 432(a)(6) of the Higher Education Act (20 U.S.C. 1082(a)(6)), the Commissioner has determined that the interests of the program would be best served if statement (5) of this interpretation is implemented only as to loans which are transferred by an educational institution to another eligible lender after February 21, 1975. For loans which have been transferred by an educational institution to an eligible lender (who is not affiliated with or controlled by such educational institution) prior to the date of this Notice, the holder of a valid loan will be reimbursed for the full unpaid balance of a properly filed default claim.

Statements (1), (2), (3) and (4) of this interpretation will be implemented as to all loans, irrespective of the date on which the loan was made or transferred.

It is the intention of the Commissioner and the Secretary of Health, Education, and Welfare to publish, as soon as practicable, regulations which will be consistent with this interpretation and will provide rules and procedures regarding its implementation.

(20 U.S.C. 1080(a) and 1082(a)(6))

Dated: February 21, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc. 75-5053 Filed 2-21-75; 10:31 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-75-307]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to the Community Planning and Development Programs; Nomenclature Changes

To conform to the Housing and Community Development Act of 1974 (Title I of Pub. L. 93-383) the Department is reorganizing its Area Offices to facilitate and improve administration of various programs, particularly those involving Community Planning and Development and Housing Production and Mortgage Credit. In each Area Office the Operations Division is being abolished and its functions with regard to Community Planning and Development programs and functions (except environmental) will now be performed by a new Community Planning and Development Division. In addition, certain other organizational changes are being effected. This reorganization becomes effective upon publication.

Because certain Area Offices have not yet completed the necessary managerial and operating changes, titles and positions existing prior to reorganization are being retained during the transitional period, with all the duties, powers, and authority heretofore conferred upon those positions.

There was published, at 40 FR 6953, Feb. 18, 1975, Redelegation of Authority, a revision of 24 CFR, Part 200, Subpart D, with respect to the programs administered by the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration).

Accordingly, the Redelegations of Authority listed below are changed as follows.

1. In the Redelegation of Authority at 35 FR 15408-09 dated October 2, 1970. Change "Metropolitan Planning and Development," lines 2 and 3 of the heading, to "Community Planning and Development."

a. In section A.III, Change "Assistant Secretary for Metropolitan Planning and Development," lines 6, 7 and 8 to "Assistant Secretary for Community Planning and Development."

b. In section A.V.1., Change "Assistant Regional Administrator for Metropolitan Planning and Development," lines 2-4, to "Assistant Regional Administrator for Community Planning and Development."

c. In section A.V.2., Change "Assistant Secretary or Deputy Assistant Secretary for Metropolitan Planning and Development and Assistant Regional Administrator for Metropolitan Planning and Development," lines 10, 11, 12, 14, 15 and 16, to "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Development," and "Assistant Regional Administrator for Community Planning and Development."

d. In section B., Change "Assistant Regional Administrator for Metropolitan Planning and Development," lines

1-4 to "Assistant Regional Administrator for Community Planning and Development."

e. In section C.1., Change "Assistant Regional Administrator for Community Planning and Management," lines 1-3 to "Assistant Regional Administrator for Community Planning and Development."

f. In section C.2., Change "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Management," and "Assistant Regional Administrator for Community Planning and Management," lines 9, 10, 11, 14, 15, and 16 to "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Development," and "Assistant Regional Administrator for Community Planning and Development."

g. In section D., Change "Director and Deputy Director, Operations Division" in lines 6 and 7 to "Director and Deputy Director, Community Planning and Development Division."

h. In section E., Change "Assistant Regional Administrator for Community Planning and Management," lines 1-3 to "Assistant Regional Administrator for Community Planning and Development."

2. In the Redelegation of Authority at 39 FR 5352-3 dated February 13, 1974:

a. In section B. Change "Director and Deputy Director, Operations Division and Assistant Directors," lines 1, 2, 3, and 5, 6, 7 to "Director and Deputy Director, Community Planning and Development Division."

b. In section C.1., Change "Assistant Regional Administrator for Community Planning and Management," lines 1, 2, and 3 to "Assistant Regional Administrator for Community Planning and Development."

3. In the Redelegation of Authority at 35 FR 16102, 16103, 16104 dated October 14, 1970:

a. In section B., Change "Assistant Regional Administrator(s) for Renewal Assistance and Assistant Regional Administrator for Renewal and Housing Management," lines 1-9, to "Assistant Regional Administrators and Assistant Regional Administrator for Community Planning and Development."

b. In section D., Change "Director and Deputy Director, Production Division," lines 1-4, to "Director and Deputy Director, Community Planning and Development Division."

c. In section E., Change "Program Manager," lines 1-3 to "Director and Deputy Director, Community Planning and Development Division."

d. In section F., Change "Director and Deputy Directors, Production Division and Program Manager," lines 1, 2, and 3, and lines 5, 6, and 7, to "Director and Deputy Director, Community Planning and Development Division."

e. In section G., Change "Relocation Representative(s)," lines 2 and 3 to "Relocation Specialist(s)."

4. In the Redelegation of Authority at 37 FR 5712 dated March 18, 1972:

a. In section A.2., Change "Area Operations Division Director and Deputy Director," lines 1, 2, and 3 to "Director and Deputy Director, Community Planning and Development Division."

b. In section E., Change "Assistant Regional Administrator for Community Development," lines 2, 3, and 4 to "Assistant Regional Administrator for Community Planning and Development."

5. In the Redelegation of Authority at 37 FR 5072, dated March 9, 1972:

a. In section B., Change "Assistant Regional Administrator for Community Development," lines 2 and 3 and 5, 6 and 7 to "Assistant Regional Administrator for Community Planning and Development."

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

Effective date. This delegation of authority is effective on February 24, 1975.

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

[FR Doc.75-4924 Filed 2-21-75;8:45 am]

Federal Disaster Assistance Administration

[FDAA-457-DR; Docket No. NFD-250]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 15, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning about January 31, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Texas to have been adversely affected by this declared major disaster:

The County of:

Nacogdoches

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 18, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-4925 Filed 2-21-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 75-9; Notice 1]

MARMON MOTOR CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Marmon Motor Company of Dallas, Texas, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Marmon manufactured 574 trucks in 1974. It requests an exemption from Standard No. 121 until October 1, 1975. While it is in a position to conform with the standard on the effective date of March 1, 1975, an unexpected decline in sales in late 1974 and early 1975 has left Marmon with a substantial inventory of parts that cannot be used on trucks that comply with Standard No. 121. It estimates that 7 months will be needed to use these parts in production, and it will produce conforming vehicles thereafter. Marmon has over \$116,000 invested in parts which are "totally redundant," and over \$75,000 in rear axles which "may be reworked to compliance." The company's net profit in 1974 was \$162,705 and it anticipates a net loss in 1975 of \$112,091 even assuming the exemption is granted.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Marmon Motor Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: March 6, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (16 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on: February 18, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5020 Filed 2-20-75;5:04 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 25204]

IU INTERNATIONAL CORP., ET AL.

Oral Argument

In the matter of IU International Corporation, IU Forwarding, Inc., and Airborne Freight Corporation.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on March 19, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., February 19, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-4922 Filed 2-21-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

STATE ADVISORY COMMITTEES

Renewal

Pursuant to the authority of the Civil Rights Act of 1957 (42 USC 1975), as amended and the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) and Office of Management and Budget Circular A-63 of March 1974, the Chairman of the Commission has determined that the renewal of the 50 State Advisory Committees and the District of Columbia Advisory Committee is in the public interest in connection with the performance of duties imposed on the Commission by law. The Committees are:

Alabama	Montana
Alaska	Nebraska
Arizona	New Hampshire
Arkansas	New Jersey
California	New Mexico
Colorado	New York
Connecticut	Nevada
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Mississippi	Wyoming
Missouri	

The purposes and objectives of the State Advisory Committees, hereinafter referred to as the Committees, are declared to be to advise the United States Commission on Civil Rights, hereinafter referred to as the Commission, on matters pertaining to denials of the equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice, in the individual States, and to aid the Commission in its statutory ob-

ENVIRONMENTAL PROTECTION AGENCY

[FRL 336-5; OPP-32000/192]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before April 25, 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 alternative available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 25, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/192)

EPA File Symbol 2749-GEG. Aceto Chemical Co., Inc., Agr. Chem. Div., 128-02 Northern Blvd., Flushing NY 11368. BANDIT 2EC INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-

pyridyl) phosphorothioate] 22.5%; Xylene 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 2749-GOA. Aceto Chemical Co., Inc., Agr. Chem. Div. ALACHLOR TECHNICAL HERBICIDE. Active Ingredients: Alachlor (2-Chloro-2,6-diethyl-N-methoxymethyl) acetanilide) 97%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2749-GOI. Aceto Chemical Co., Inc., Agr. Chem. Div. PROMETRYNE TECHNICAL HERBICIDE. Active Ingredients: Prometryne (2,4-bis(isopropylamino)-6-methylmercapto-S-triazine) 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2749-RIO. Aceto Chemical Co., Inc., Agr. Chem. Div. CARBOFURAN 10G INSECTICIDE. Active Ingredients: Carbofuran (2,3-Dihydro-2,2-Dimethyl-7-Benzofuranyl Methylcarbamate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 2749-UNN. Aceto Chemical Co., Inc., Agr. Chem. Div. AMETRYNE TECHNICAL HERBICIDE. Active Ingredients: Ametryne (2-ethylamino-4-isopropylamino-6-methylthio-S-triazine) 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 32427-EE. Allied Services, Div. of Allied Equities Corp., 765 Landess Ave., Milpitas CA 95035. ALLIED SERVICES CHLORATE-BORATE 1-1.3. Active Ingredients: Sodium chlorate 10.2%; Sodium metaborate, anhydrous 13.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 32427-EG. Allied Services, Div. of Allied Equities Corp., 765 Landess Ave., Milpitas CA 95035. ALLIED SERVICES CHLORATE-BORATE 2-.95 Active Ingredients: Sodium chlorate 19.7%; Sodium metaborate, anhydrous 9.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 255-RUT. American Flouride Corp., 17 Huntington Place, New Rochelle NY 10801. ROACH REPELLENT CONCENTRATE EMULSIFIABLE. Active Ingredients: Petroleum Distillate, N-Octyl Bicycloheptene Dicarboximide, 2-Hydroxyethyl N-Octyl Sulfide 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 5481-RIN. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. EDB-85. Active Ingredients: Ethylene dibromide 84.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 5481-RIR. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. FUM-A-CIDE 30. Active Ingredients: Ethylene dibromide 36%; Chloropicrin 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 8612-IG. B & G Co., PO Box 20372, Dallas TX 75220. B & G CYTHION 57 EMULSIFIABLE CONCENTRATE. Active Ingredients: 0,0-Dimethyl Phosphorodithioate of Diethyl Mercaptosuccinate 57.0%; Xylene 38.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 19760-RE. Cardinal Chemical Co., 257 Duchess Turnpike, Poughkeepsie NY 12603. CARDINAL MALATHION ULV CONCENTRATE INSECTICIDE. Active Ingredients: Malathion 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

ligation to serve as a national clearinghouse for civil rights information.

The Commission has established regional offices and directs that the regional offices shall be responsible for providing support services to the Committees. The directors of the regional offices shall be responsible to carry out the obligations and fulfill the responsibilities provided by the Federal Advisory Committee Act of 1972. The directors may delegate the day-to-day responsibilities and duties as appropriate.

The Committees shall be responsible for:

(a) advising the Commission in writing of any knowledge of information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, sex, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination;

(b) advising the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect of equal protection of the laws;

(c) advising the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress;

(d) receiving reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the Committees;

(e) initiating and forwarding advice and recommendations to the Commission upon matters which the Committees have studied;

(f) assisting the Commission in its clearinghouse function and in other matters in which the Commission shall request the assistance of the Committees; and

(g) attending, as observers, any public hearing or conference which the Commission may hold within the State.

The Committee shall meet periodically, as necessary to carry out duly authorized functions.

The Committees shall exist for a period not to exceed two years from the date of the filing of this charter at an estimated annual cost of \$1,350,000.

Copies of the Committees' Charters have been filed with the appropriate committees of Congress, the Office of Management and Budget, and the Library of Congress. Inquiries or comments may be addressed to the Advisory Committee Management Officer, Mr. Isaiah T. Creswell, Jr., Office of Field Operations, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Room 600, Washington, D.C. 20425.

ARTHUR S. FLEMMING,
U.S. Commission on Civil Rights.

FEBRUARY 18, 1975.

[FR Doc. 75-4907 Filed 2-21-75; 8:45 am]

- EPA File Symbol 36147-E. Dadom Chemical Corp., 250 Delawanna Ave., Clifton NJ 07014. "TOUGH-SPA" SWIMMING POOL ALGAEICIDE. Active Ingredients: Alkyl (C14 95%, C12 3%, C16 2%) Dimethyl Benzyl Ammonium Chloride Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM31
- EPA Reg. No. 464-448. The Dow Chemical Co., PO Box 1706, Midland MI 48640. DOW LORSBAN 4E INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 40.7%; Aromatic petroleum derivative solvent 22.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 3040-UN. Edco Chemical Co., Inc., 1048 Key Rd., PO Box 5877, Columbia SC 29202. EDCO SWIMMING POOL ALGAEICIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 40%; Ethanol 8%. Method of Support: Application proceeds under 2(c) of interim policy. PM24
- EPA File Symbol 1941-IN. Elco Manufacturing Co., 111 Third St., Pittsburgh PA 15215. ELCO VEGETATION KILLER EC. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25
- EPA File Symbol 1941-TO. Elco Manufacturing Co., 111 Third St., Pittsburgh PA 15215. ELCO VEGETATION KILLER-15. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25
- EPA File Symbol 7368-GU. Georgia-Pacific, 2425 Malt Ave., Los Angeles CA 90040. GEORGIA-PACIFIC CALCIUM HYPOCHLORITE TABLETS. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34
- EPA File Symbol 2311-RR. Haag Laboratories, Inc., 14010 S. Seeley, Blue Island IL 60406. QAT-1000. Active Ingredients: n-Alkyl 60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31
- EPA File Symbol 12188-G. Holder's Pest Control Co., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S ROACH & ANT SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 12188-U. Holder's Pest Control Co., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S PYRENONE-DIAZINON LIQUID. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%, Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 4822-RUG. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON J-81 HOSPITAL CLEANER—GERMICIDAL. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 4.375%; Octyl decyl dimethyl ammonium chloride 2.187%; Diethyl dimethyl ammonium chloride 1.094%; Didecyl dimethyl ammonium chloride 1.094%; Tetra sodium ethylenediamine tetraacetate 3.600%; Isopropyl alcohol 1.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM31
- EPA File Symbol 2342-LG. Kerr-McGee Chemical Corp., Oklahoma City OK 73125. FASCO METHOMYL BAIT-2 INSECTICIDE. Active Ingredients: Methomyl (S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 34130-G. Leachem Industries, Inc., PO Box 5504, Titusville FL 32780. LEACHEM INDUSTRIES, INC. KILLTEX-G-2 CONCENTRATE ROACH & ANT LIQUID SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM12
- EPA File Symbol 1021-RGUR. McLaughlin Gormley King Co., 8810 Tenth Ave., N, Minneapolis MN 55427. D-TRANS INTERMEDIATE 2051. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 7.28%; Piperonyl butoxide, technical 36.37%; Petroleum distillate 19.99%. Method of Support: Application proceeds under 2(c) of interim policy. PM17
- EPA File Symbol 2831-UO. Napasco International, P.O. Box 1219, Thibodaux LA 70301. MINTEX AEROSOL QUAT REFRESHER & 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 4389-TU. Pacific Chemical, Div. of Pace National Corp., #500 7th Ave., S, Kirkland WA 98033. CHEMPROCID. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31
- EPA File Symbol 10290-EI. Professional Chemical Co., Inc., 4517 Yale, Houston TX 77018. DEEP SOUTH SNAKE KILL. Active Ingredients: Chlorinated Camphene 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM11
- EPA File Symbol 572-EOI. Rockland Chemical Co., Inc., Passaic Ave., West Caldwell NJ 07006. ROCKLAND LAWN WEED KILLER "B". Active Ingredients: Butoxy propyl ester of 2,4-dichlorophenoxy acetic acid 16.35%; Butoxy propyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 7.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM23
- EPA File Symbol 572-EOO. Rockland Chemical Co., Inc., PO Box 204, Caldwell NJ 07006. ROCKLAND PROFESSIONAL DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14
- EPA File Symbol 3743-GUA. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kinstree SC 29556. ROYAL BRAND 34.6% NEMAGON GRANULES. Active Ingredients: 1,2-Dibromo-3-Chloropropane 32.8%; Related Compounds 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM11
- EPA File Symbol 9115-E. Sun-Ray Chemical Co., Industrial Maintenance Products Div., 119 West Jackson, Phoenix, AZ 85003. SUN-RAY CHEMICAL COMPANY HTX GRANULAR GERMICIDAL—CLEANER. Active Ingredients: n-alkyl (C14, C12, C16) dimethyl benzyl ammonium chlorides 3.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM31
- EPA File Symbol 998-REE. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia PA 19124. SUPRO-65 (TOTAL RELEASE AEROSOL CAN). Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 6.5%; Related compounds 0.5%; Petroleum distillates 4.0%; Xylene 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13
- EPA File Symbol 8727-0. Wright Chemical Corp., 1319 W. Wabansia, Chicago IL 60622. WRICO TSL. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM33
- EPA File Symbol 5427-LO. Wright Chemical Corp., 1319 W. Wabansia, Chicago IL 60622. WRICO TLR SLIMICIDE. Active Ingredients: Sodium Dimethyldithiocarbamate 27.6%; Sodium 2-Mercaptobenzothiazole 2.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

REPUBLISHED ITEM

The following item represents a correction to the list of Applications Received published in the FEDERAL REGISTER February 10, 1975 (40 FR 6227).

EPA File Symbol 192-RRL. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL ROSE AND FLOWER DUST. Active Ingredients: . . . 1,1-Bis (p-chlorophenyl)-2,2,2-trichloroethanol 3.00%. . . . Originally published as 1,1-Bis (p-chlorophenyl)-2,2-trichloroethanol.

[FR Doc.75-4932 Filed 2-21-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 741]

COMMON CARRIER SERVICES INFORMATION¹Domestic Public Radio Services Applications Accepted for Filing²

FEBRUARY 18, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

February 18, 1975.

- 21117-CD-P-75 City of Brookings Telephone Department (KAL878) C.P. to change antenna system and replace transmitter operating on 152.69 MHz. located at Grain Terminal Building corner 2nd Avenue and Front Street, Brookings, South Dakota.
- 21117-CD-P-75 Kidd's Communications, Inc. (KMA257) C.P. for additional facilities to operate on 152.15 MHz. at Location #10: 1813 H Street, Bakersfield, California.
- 21119-CD-P-(3)-75 Airtel International, Inc. (KIF650) C.P. for additional facilities to operate on 35.58 MHz. at Loc. #2: 2323 Tyler Road, Shades Mtn., Birmingham, Alabama; same facilities at Loc. #3: 0.25 mi. S. of Wilson Rd. on top of Red Mtn., Birmingham, Alabama; same facilities at Loc. #4: Red Mtn. Ridge, Birmingham, Alabama.
- 21120-CD-P-75 Answerite Professional Telephone Service (KTR989) C.P. to relocate facilities operating on 152.06 MHz. to be located at 800 N. A1A Hwy., Indianalantic, Florida.
- 21121-CD-P-75 Answerite Professional Telephone Service (KUC969) C.P. to relocate facilities operating on 152.24 MHz. to be located at 800 N. A1A Hwy, Indianalantic, Florida.
- 21122-CD-P-75 WJBC Communications Corporation (KRM966) C.P. for additional facilities to operate on 156.70 MHz. to be located at Watterson Towers South, Normal, Illinois.
- 21123-CD-P-75 Edward J. Hughes d/b/a Professional Answering Service (NEW) C.P. for a new 1-way station to operate on 158.70 MHz. to be located at 336 Mt. Hope Avenue, Bangor, Maine.
- 21124-CD-P-75 New England Telephone and Telegraph Company (KCA669) C.P. to relocate facilities and change antenna system operating on 454.575 MHz. located at Asnebumskit Mountain 9000' ESE of Paxton, Massachusetts.
- 21125-CD-AL-(2)-75 Public Telephone Corporation Consent to Transfer of Control from Public Telephone Corporation, TRANSFEROR to Indiana Telephone Corporation, TRANSFEREE. Stations: KSJ803, Batesville, Indiana; KSJ804, Greensburg, Indiana.
- 20379-CD-P-(1)-75 (KKG415) South Central Bell Telephone Company, Shreveport, Louisiana. Amend to change proposed 454.500 and 454.650 MHz. facilities to 454.425 and 454.475 MHz. Also add frequencies 454.525, 454.575 and 454.625 MHz. at site described as 2.5 Miles Northwest of Haughton, Louisiana. All other particulars are to remain as reported on FN #720 dated September 23, 1974.

RURAL RADIO

60281-CR-P-75 The Mountain States Telephone and Telegraph Company (NEW) C.P. for a new rural subscriber station to operate on 459.40 MHz. to be located 9.2 miles northwest of Casper, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

- 2669-CF-P-75 American Telephone and Telegraph Company (KSV32) 3.8 Miles North of Chiefland, Florida. Lat. 29 31 50 N.-Long. 82 49 26 W. C.P. to add frequency 3970V MHz toward Gulf Hammock, Florida on azimuth 159 degrees/28 minutes.
- 2670-CF-P-75 Same (KSV33) 1.1 Miles NE of Gulf Hammock, Florida. Lat. 29 15 41 N.-Long. 82 42 32 W. C.P. to add frequency 4010V MHz toward Chiefland, Florida on azimuth 339 degrees/31 minutes; add 4010H MHz toward Dunnellon, Florida on azimuth 138 degrees/00 minutes.
- 2671-CF-P-75 Same (KSV34) 2.7 Miles South of Dunnellon, Florida. Lat. 29 00 30 N.-Long. 82 27 00 W. C.P. to add frequency 3970H MHz toward Gulf Hammock, Florida on azimuth 318 degrees/08 minutes; add 3970V MHz toward Floral City, Florida on azimuth 161 degrees/45 minutes.
- 2672-CF-P-75 Same (KSV35) 3.6 Miles SW of Floral City, Florida. Lat. 28 42 48 N.-Long. 82 20 23 W. C.P. to add frequency 4010V MHz toward Dunnellon, Florida on azimuth 341 degrees/49 minutes; add 4010V MHz toward Dade City, Florida on azimuth 157 degrees/15 minutes.
- 2673-CF-P-75 Same (KSV36) 1.8 Miles North of Dade, Florida. Lat. 28 24 33 N.-Long. 82 11 44 W. C.P. to add frequency 3970V MHz toward Floral City, Florida on azimuth 337 degrees/20 minutes; add 3970V MHz toward Polk City, Florida on azimuth 109 degrees/48 minutes.
- 2686-CF-MP-75 Michigan Bell Telephone Company (KQA43) 1.3 Miles East and 1.3 Miles North of Pottsville, Michigan. Lat. 42 38 44 N.-Long. 84 42 28 W. Mod. Permit to change polarization from Horizontal to Vertical on frequencies 3770, 3850, 3930 MHz; from Vertical to Horizontal on 3750 and 3830 MHz toward Lansing, Michigan on azimuth 51 degrees/47 minutes.
- 2687-CF-P-75 Same (KQM36) 221 N. Washington Street, Lansing, Michigan. Lat. 42 44 08 N.-Long. 84 33 09 W. Mod. Permit to change polarization from Horizontal to Vertical on frequencies 3730, 3810, and 3890 MHz; from Vertical to Horizontal on 3710 and 3790 MHz toward Pottsville, Michigan on azimuth 231 degrees/54 minutes.
- CORRECTION:**
American Telephone and Telegraph Company. The List of Renewal Applications filed by the above named company, Public Notice dated December 2, 1974, should have included KSH90—Watertown Junction, Wisconsin. File Number: 8992-CF-R-75.
- 2479-CF-P-75 Southwestern Bell Telephone Company (KRR60) 11.5 Miles NE of Russellville off Highway 124, Arkansas. Lat. 35 24 09 N.-Long. 92 59 39 W. C.P. to change antenna system and location; correct emission designator and relocate passive reflector on frequencies 6241.7V and 10835.0V MHz toward Petit Jean, Arkansas via Russellville Passive Reflector.
- 2558-CF-R-75 The Bell Telephone Company of Pennsylvania. (KOC47) Location within the territory of the Grantee. Renewal of Radio Station License (Developmental) expiring March 11, 1975. Term: March 11, 1975 to March 11, 1976.
- 2649-CF-P-75 The Mountain States Telephone and Telegraph Company (KPQ57) 163 North Durbin Street, Casper, Wyoming. Lat. 42 51 01 N.-Long. 106 19 17 W. C.P. to add frequencies 3930V and 4010V MHz toward Casper Junction, Wyoming on azimuth 182 degrees/31 minutes.
- 2650-CF-P-75 Same (WAY20) 2.8 Miles SSE of Casper, Wyoming. Lat. 42 46 17 N.-Long. 106 19 34 W. C.P. to add frequencies 3890V and 3970V MHz toward Casper, Wyoming on azimuth 02 degrees/31 minutes.
- 2663-CF-P-75 American Telephone and Telegraph Company (KIL27) 3.5 Miles South of Hillsboro, North Carolina. Lat. 36 01 32 N.-Long. 79 07 15 W. C.P. to add frequency 4170H MHz toward Browns Summit, North Carolina on azimuth 291 degrees/37 minutes.
- 2664-CF-P-75 Same (KIL28) 0.5 Mile SW of Westover, North Carolina. Lat. 35 47 17 N.-Long. 78 43 35 W. C.P. to add frequency 3730V MHz toward Raleigh, North Carolina on azimuth 97 degrees/32 minutes; add 3730H MHz toward Hillsboro, North Carolina on azimuth 306 degrees/37 minutes.
- 2665-CF-P-75 Same (KJE58) 121 W. Morgan Street, Raleigh, North Carolina. Lat. 35 46-44 N.-Long. 78 38 30 W. C.P. to add frequency 4010V MHz toward Westover, North Carolina on azimuth 277 degrees/35 minutes.
- 2666-CF-P-75 Same (KID63) 51 Ivy Street, Atlanta, Georgia. Lat. 33 45 21 N.-Long. 84 23 10 W. C.P. to add frequency 3750H MHz toward Sawnee Mountain, Georgia on azimuth 21 degrees/31 minutes.
- 2667-CF-P-75 Same (KID64) Sawnee Mountain, 2.0 Miles NW of Cummings, Georgia. Lat. 34 14 18 N.-Long. 84 09 25 W. C.P. to add frequency 3710H MHz toward Atlanta, Georgia on azimuth 201 degrees/39 minutes.
- 2668-CF-P-75 Same (KJC99) 7.5 Miles North of Polk City, Florida. Lat. 29 17 39 N.-Long. 81 50 07 W. C.P. to add frequency 4010V MHz toward Dade City, Florida on azimuth 289 degrees/58 minutes.

[FR Doc. 75-4886 Filed 2-21-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-110]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund¹

FEBRUARY 14, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and pro-

¹Does not consolidate for hearing or disposal of the several matters herein.

cedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund,

as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended sup-

plements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R175-110..	Marathon Oil Co.....	24	16	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	\$1,953	1-15-75		7-15-75	1 26.3730	1 27.1374	
.....do.....	.....do.....	25	21	.....do.....	3,669	1-15-75		7-15-75	1 26.3420	1 27.0615	
.....do.....	.....do.....	55	16	.....do.....	569	1-15-75		7-15-75	1 26.3240	1 27.1291	
.....do.....	.....do.....	90	7	Southern Union Gathering Co. (San Juan County, N. Mex.) (Rocky Mountain Area).	3,297	1-15-75		7-15-75	1 26.3420	1 27.0615	
.....do.....	.....do.....	92	6	.....do.....	9,686	1-15-75		7-15-75	1 26.3240	1 27.1291	
.....do.....	.....do.....	96	12	El Paso Natural Gas Co., (San Juan County, N. Mex.) (Rocky Mountain Area).	319	1-15-75		7-15-75	1 26.3730	1 27.1374	
.....do.....	.....do.....	126	21	Northwest Pipeline Corp. (San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	123	1-15-75		7-15-75	1 26.3730	1 27.1374	
.....do.....	.....do.....	127	.....do.....	.....do.....	123	1-15-75		7-15-75	1 26.3240	1 27.1291	
.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	58	1-15-75		7-15-75	1 26.3420	1 27.0615	
.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	1,874	1-15-75		7-15-75	1 26.3420	1 27.0615	
.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	7	1-15-75		7-15-75	1 26.3731	1 27.1374	

* Unless otherwise stated, the pressure base is 15.025 lb/in².
 1 Subject to Btu adjustment pursuant to opinion No. 658, applicable to wells completed prior to June 1, 1970.
 2 Last filed rate as reflected in Commission order issued June 7, 1974 in docket No. R174-89.

3 Includes tax component of 2.15674 cents for New Mexico School District No. 5.
 4 Rate schedule established by Commission order issued Dec. 31, 1974 in Docket No. G-4547 et al., Atlantic Richfield Co. et al.
 5 Includes tax component of 2.0808 cents for New Mexico School District No. 53.
 6 Includes tax component of 2.1484 cents for New Mexico School District No. 6.

The proposed rate increases of Marathon exceed the applicable area ceiling rate established in Opinion No. 658, and are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-4734 Filed 2-21-75;8:45 am]

[FPC Form No. 16; Docket No. R-472]

REPORT OF SUPPLY AND REQUIREMENTS

Notice of Conference

FEBRUARY 12, 1975.

Pursuant to the agreement reached at the public meeting held on November 18, 1974, in the above-entitled proceeding, notice is hereby given that a meeting of the Staffs of the Federal Power Commission, Federal Energy Administration, and National Association of Regulatory Utility Commissioners will be held on February 24, 1975, at 10 a.m. at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, Room No. 6200. The purpose of this meeting is to formulate expanded data collection forms, which will be noticed by this Commission in a new rulemaking proceeding. The expanded forms will be used to obtain needed cur-

tailment information to aid each agency in meeting its responsibilities to alleviate the adverse effects caused by natural gas curtailments.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5027 Filed 2-21-75;10:21 am]

FEDERAL RESERVE SYSTEM
AMERICAN BANCORPORATION, INC.

Order Approving Acquisition

American Bancorporation, Inc., St. Paul, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act and § 225.4(b) (1) of the Board's Regulation Y, to acquire all of the voting shares of Glasser-American Mortgage Company ("GAMC"), Englewood Cliffs, New Jersey, a proposed new company that would engage in the activities of a mortgage banker, including originating, selling, and servicing mortgage loans for its own account or for the accounts of others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4 (a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 39912). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in sec-

tion 4(c) (8) of the Act (12 U.S.C. 1843 (c) (8)).

Applicant, the fourth largest banking organization in Minnesota, controls five banks with aggregate deposits of \$325 million, representing 2.6 percent of the total deposits in commercial banks in the State.¹ Applicant also engages in such nonbanking activities as personal property leasing, commercial finance, and insurance activities.

GAMC will operate out of an office in Englewood Cliffs, New Jersey, and will primarily serve the metropolitan New York market.² Competing in that market are 115 commercial banking organizations, at least 50 thrift institutions, and over 70 other firms which engage in the origination of mortgages. It would appear that no significant existing or future competition would be eliminated upon approval of the application. Moreover, entry by Applicant on a de novo basis into this field should produce benefits to the public by adding an additional competitor that offers this specialized service.

In its consideration of this application, the Board has examined a covenant not to compete contained in an employment

¹ All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through November 30, 1974.

² The metropolitan New York market includes New York City, all of Nassau, Putnam, Rockland, and Westchester Counties and western Suffolk County in New York, northern Bergen County, and eastern Hudson County in New Jersey, and part of Fairfield County in Connecticut.

agreement between GAMC and its proposed chief executive. The Board finds that the provisions of this covenant are reasonable in scope, duration, and geographic area, and are consistent with the public interest.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the condition set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority.

By order of the Board of Governors,³ effective February 12, 1975.⁴

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 75-4889 Filed 2-21-75; 8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Proposed Acquisition

The First National Bancorporation, Inc., Denver, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain of the assets of The Grand Valley Agency, Grand Junction, Colorado. The proposed acquisition would be made directly by First Denver Insurance Agency, Inc., applicant's wholly-owned subsidiary. Notice of the application was published on November 20, 1974 in *The Daily Sentinel*, a newspaper circulated in Grand Junction, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life insurance and credit

³ Voting for this action: Governor Sheehan, Bucher, Holland, and Coldwell. Voting against this action: Vice Chairman Mitchell. Absent and not voting: Chairman Burns and Governor Wallich.

⁴ Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of Minneapolis.

accident and health insurance in Grand Junction, Colorado at rates established by the State of Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 18, 1975.

Board of Governors of the Federal Reserve System, February 13, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc. 75-4890 Filed 2-21-75; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[75-9]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON GENERAL AVIATION TECHNOLOGY

Meeting

The NASA Research and Technology Advisory Council Panel on General Aviation Technology will meet on March 12-14, 1975, at the NASA Ames Research Center, Moffett Field, California 94035. The meeting will be held in Conference Room 217 of Building 200. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 30 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council Panel on General Aviation Technology serves in an advisory capacity only. The current Chairman is Mr. John W. Olcott. There are 13 members. The following list sets forth the approved agenda and schedule for the March 12-14, 1975 meeting of the Panel on General Aviation Technology. For further information, please contact Mr. Roger L. Winblade, Area Code 202 755-2399.

MAR. 12, 1975

Time	Topic
9 a.m.-----	Welcoming remarks. (Purpose: to officially welcome the members of the General Aviation Technology Panel to their first meeting at the Ames Research Center.)
9:20 a.m.-----	Chairman's report. (Purpose: To summarize action taken at the Nov. 7-8, 1974, meeting of the Research and Technology Advisory Council and to describe the industry input to the NASA authorization hearings.)
10 a.m.-----	Report of the Executive Secretary. (Purpose: To brief the Panel on developments since the last meeting including policy, program and organizational changes, status and content of the fiscal year 1976 budget, fiscal year 1977 and beyond program initiatives, and NASA actions on past Panel recommendations.)
1 p.m.-----	Quiet, clean general aviation turbofan engine (QCGAT) program description. (Purpose: To obtain Panel review and recommendations on NASA program in technology development for QCGAT.)
1:30 p.m.-----	Report on piston engine emissions workshop. (Purpose: To provide the Panel a summary of the results of NASA, FAA, EPA, and industry workshop on emission reduction.)
2 p.m.-----	Hydrogen injection program description. (Purpose: To provide Panel with current status and plans for demonstrating the feasibility of the hydrogen injection concept on aircraft engines.)
2:15 p.m.-----	Langley Research Center status report. (Purpose: To brief the Panel on progress and accomplishments in the general aviation programs at the Langley Research Center since the last meeting.)
3:30 p.m.-----	Business jet noise measurement. (Purpose: To brief the Panel on the current status of the joint NASA/industry program to document business jet noise abatement effectiveness.)
4 p.m.-----	Flight Research Center status report. (Purpose: To brief the Panel on progress and accomplishments in the general aviation programs at Flight Research Center since the last meeting.)
4:15 p.m.-----	Panel summary. (Purpose: To provide an opportunity for comments and clarification of information presented during the day.)

MAR. 13, 1975

Time	Topic
8:30 a.m.-----	Avionics. (Purpose: To brief Panel on current status and progress of the Ames Research Center program in integrated avionics and to propose guidelines for a workshop in the avionics area.)
9:30 a.m.-----	Report on cooling drag reduction workshop. (Purpose: To provide the Panel with a summary of the results of the NASA/industry workshop on engine cooling drag reduction.)
10 a.m.-----	Airfoil optimization. (Purpose: To brief the Panel on the current status, progress and plans for the Ames Research Center program in computerized optimization of airfoils.)
10:45 a.m.-----	Stall/spin avoidance program description. (Purpose: To provide the Panel with a description of the current status, progress and plans for the Ames Research Center program in stall/spin avoidance.)
11:30 a.m.-----	Pilot training and simulation. (Purpose: to obtain Panel comments and recommendations on possible future NASA efforts in the general aviation pilot training and simulation area.)
1 p.m.-----	Tour of facility. (Purpose: To provide the Panel with the opportunity to observe and discuss the most prominent facilities available for use in conducting general aviation related research at the Ames Research Center.)
3 p.m.-----	System and configuration study efforts. (Purpose: To provide the Panel with a description of the accomplishments, capabilities and plans in system studies area at the Ames Research Center.)
4 p.m.-----	Panel summary. (Purpose: To provide an opportunity for comments and clarification of information presented during the day.)

MAR. 14, 1975

8:30 a.m.-----	Member reports and recommendations. (Purpose: To review meeting presentations and to develop final Panel recommendations.)
12 Noon-----	Adjournment.

BOYD C. MYERS,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

FEBRUARY 18, 1975.

[FR Doc.75-4869 Filed 2-21-75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Meeting

FEBRUARY 18, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on March 20 and 21, 1975.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b), and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee,
Management Officer.

[FR Doc.75-4921 Filed 2-21-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT 3)

Hearing for Presentation of Data

The Atomic Safety and Licensing Board, in accordance with the Rules of Practice of the Commission, has inquired and determined the convenience and availability of the parties for the convening of a session of the proceeding for the presentation of data related to stipulation signed by all the parties.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission,¹ that a public session of this proceeding shall convene at 2 p.m. on Monday, March 24, 1975 in the Regency

¹The Nuclear Regulatory Commission is the successor organization to the Atomic Energy Commission as provided by legislation enacted by the Congress in Pub. L. 93-438.

Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, New York 10520, for the purpose of presentation of data related to the stipulation signed by all parties.

Issued: February 18, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-4854 Filed 2-21-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERAGENCY TASK FORCE ON INADVERTENT MODIFICATION OF THE STRATOSPHERE (IMOS)

Meeting

The Federal Interagency Task Force on Inadvertent Modification of the Stratosphere (IMOS) will hold a public meeting on February 27, 1975, from 9 a.m. to 4:30 p.m. in room 5104 at the New Executive Office Building, 726 Jackson Place, 17th Street and Pennsylvania Avenue) NW, Washington, D.C. This Task Force was recently established by the Council on Environmental Quality and the Federal Council for Science and Technology. Its first task will be to study the possible relationship of Freons (fluorochlorohydrocarbons) to future reductions in the ozone content of the stratosphere. The Task Force will prepare a public report in about four months which will (1) summarize atmospheric, medical, and ecological information on the subject, (2) evaluate possible economic impacts and alternatives available to the industry, (3) define potentially applicable authorities under which Federal actions can be taken, and (4) outline the proposed Federal program to resolve the issues.

The Task Force is comprised solely of Federal employees and officers and does not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, the public is invited to attend this meeting as observers. Any persons wishing to attend this open meeting should contact either of the co-chairmen: Ms. Carroll Leslie Pegler, Science and Technology Policy Office, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550, telephone 202/632-7477; or Dr. Warren R. Muir, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006, telephone 202/382-6854. Requests for information about this Task Force and/or the report of the IMOS should also be addressed to Ms. Pegler or Dr. Muir.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 18, 1975.

[FR Doc.75-4903 Filed 2-21-75;8:45 am]

**OFFICE OF MANAGEMENT AND
BUDGET**

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 19, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice 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

OTHER AGENCIES

Appraisal of Impact of Help Communities Help Themselves Program, single-time, community leaders in drug abuse prevention, Human Resources Division, 395-3532

DEPARTMENT OF AGRICULTURE

Forest Service, Survey of Forest Brushfield Projects in the Northwest, single-time, forestry organizations in Northwest, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Longitudinal Manpower Survey Control Card, Questionnaire Activity Record, Dear Friend Letter, Office Induction Form, and Sampling Questionnaire, LMS-1, LMS-2, LMS-3, LMS-9, LMS-20, LMS-21, on occasion participants in manpower administration CETA program, Strasser, A., 395-3880.

**DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE**

Food and Drug Administration, Survey of Physicians on Perception of Prescription Drug Advertising, FDABD 1227, on occasion, physicians, Human Resources Division, 395-3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Multiple-Frame White Corn Survey, annually, white corn growers, Lowry, R. L., 395-3772.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Application, Acceptance, and Reference Reports for French-U.S. Exchange of Scientists, NSF 573, on occasion, exchange scientists, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Field Seed Stocks Survey, annually, seed dealers, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4980 Filed 2-21-75;8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[70-5615]

**AMERICAN ELECTRIC POWER COMPANY,
INC.**

**Proposal To Issue and Sell Common Stock
by Negotiation**

FEBRUARY 14, 1975.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York, 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell up to 10,000,000 additional shares of its common stock, \$6.50 par value ("stock") through a negotiated offering. AEP publicly announced its plans to sell the stock on January 28, 1975, and plans to consummate the sale prior to April 30, 1975, thus exempting the sale from the competitive bidding requirements of Rule 50 under the Act (Holding Company Act Release No. 18646).

Proceeds of the sale of the stock will be used by AEP to repay short-term borrowings and to make investments in its subsidiary companies through capital contributions or purchase of the subsidiaries' common stock. It is expected that at the time of the sale of the stock AEP will have outstanding short-term unsecured indebtedness in an aggregate amount not exceeding \$150,000,000.

Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 1975, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4876 Filed 2-21-75;8:45 am]

[File No. 500-1]

BEKLAND RESOURCES CORP.

Suspension of Trading

FEBRUARY 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bekland Resources Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:45 p.m. (e.s.t.) on February 12, 1975 through midnight (e.s.t.) on February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4870 Filed 2-21-75;8:45 am]

[File No. 500-1]

**EQUITY FUNDING CORPORATION OF
AMERICA**

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of Amer-

ica being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4871 Filed 2-21-75; 8:45 am]

[File No. 81-144]

GULF & WESTERN INTERNATIONAL N.V.

Application and Opportunity for Hearing

FEBRUARY 12, 1975.

Notice is hereby given that Gulf & Western International N.V. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under section 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) Applicant, a Netherland Antilles corporation, is a wholly-owned subsidiary of Gulf & Western Industries, Inc. ("G&W"), a diversified company with numerous subsidiaries. Applicant operates as an overseas financing vehicle for G&W and its subsidiaries.

(2) In 1968, Applicant issued \$50 million, principal amount of 5 percent Guaranteed Sinking Fund Debentures due 1988 (the "Debentures").

(3) The Debentures are convertible into shares of G&W common stock and all obligations of Applicant under the Debentures, including the obligation to pay principal and interest, are fully guaranteed by G&W.

(4) Since Applicant's Debentures were listed on the New York Stock Exchange in 1968, there has hardly been any trading in the Debentures.

(5) The Debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the Debentures are registered with both the New York Stock Exchange and the Commission.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that a trading market in its Debentures is unlikely to become sufficiently significant; and that since the Debentures are guaranteed by and convertible into common stock of G&W, it is the reports of G&W filed pursuant to Section 13 of the 1934 Act and not those of Applicant in which Debenture holders and investors would be primarily interested.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than March 10, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4877 Filed 2-21-75; 8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in

the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4872 Filed 2-21-75; 8:45 am]

[70-5619]

SOUTHERN COMPANY AND SOUTHERN SERVICES, INC.

Proposal To Place Lien; Exception From Competitive Bidding

FEBRUARY 14, 1975.

Notice is hereby given that the Southern Company ("Southern"), Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and Southern Services, Inc. ("SSI"), a wholly-owned non-utility subsidiary, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(b) of the Act and Rules 45 and 50 (a) (5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SSI, which conducts business as a service company for the Southern system, maintains its offices in a building in Birmingham, Alabama. Construction costs of the building were financed through indebtedness incurred pursuant to Commission authorization. (See Holding Company Act Release No. 17780, November 27, 1972). The currently outstanding principal amount of such indebtedness is \$11,640,000. In order to prepay this indebtedness, SSI proposes to place a first mortgage on its office building to secure a loan for \$12,000,000.

It is proposed that the mortgage loan will be for a term of 35 years, will bear interest at 9 3/4 percent per annum, and will be payable in equal annual installments of \$1,210,800. SSI will have the option to prepay the loan at any time at the principal amount thereof plus a 10 percent premium if prepaid in years one through five, 7 percent in years six through ten, 3 percent in year eleven, and thereafter at a premium declining at the rate of 1/2 of 1 percent each year to a minimum of 1 percent if prepayment is made in the fifteenth year or thereafter. It is expected that the proposed arrangements will afford the mortgage lender a right of first refusal to provide permanent financing for any expansion of the office building.

The application-declaration states that SSI solicited proposals from other lenders, including an insurance company, four mortgage bankers and two

NOTICES

realtors. The various financial institutions were invited to develop both mortgage and sale/leaseback proposals. In all, seven mortgage and eleven sale/leaseback proposals were received and evaluated by SSI. On the basis of various relevant factors, the applicants-declarants have determined that the proposal herein set forth is the most economical and advantageous to Southern and SSI. Accordingly, SSI requests that the proposed transaction be excepted from the competitive bidding requirements of Rule 50 pursuant to clause (a) (5) thereof in as much as the proposed transaction does not lend itself as a practical matter to competitive bidding, and because the procedures employed by SSI in soliciting competitive proposals assured the maintenance of competitive conditions.

As an inducement for the proposed loan to SSI, Southern proposes to unconditionally guarantee the performance by SSI with respect to SSI's obligations under the mortgage.

The fees, commissions and expenses incurred and to be incurred in connection with the proposed transactions will aggregate \$199,000, which includes a \$120,000 commission payable to Brooks, Harvey & Co., Inc., an associate of Morgan Stanley & Co. Incorporated, to obtain a loan commitment upon the terms hereinbefore described. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 11, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be addressed personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4878 Filed 2-21-75;8:45 am]

[70-5620]

**SOUTHERN ELECTRIC GENERATING CO.
Proposal To Issue and Sell Notes to Banks**

FEBRUARY 14, 1975.

Notice is hereby given that Southern Electric Generating Company ("SEGCO"), P.O. Box 2641, Birmingham, Alabama 35291, a public-utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

SEGCO proposes to issue and sell short-term notes to banks from time to time on or prior to December 31, 1975, in an aggregate amount outstanding at any one time or not in excess of \$10,000,000. The notes to banks will be dated on the date of borrowing, will mature in not more than nine months, will bear interest at a rate per annum not to exceed 125 percent of the prime rate in effect at the lending bank, and will be prepayable, in whole or in part, without penalty or premium. The names of the lending banks, the maximum amount to be borrowed from each, and a statement regarding compensating balances are to be furnished by amendment.

It is stated that the proceeds from the bank notes will be used by SEGCO to reimburse its treasury for expenditures in connection with the financing of certain pollution control facilities, to pay at maturity from time to time outstanding bank notes incurred for such purpose, and for other corporate purposes. It is further stated that, unless otherwise authorized by the Commission, any bank notes of SEGCO outstanding after December 31, 1975, will be reduced to an amount equal to or less than the 5 percent exemption provided by section 6(b) of the Act from the proceeds of the sale of pollution control revenue bonds (See File No. 70-5534).

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$5,000. It is represented that the proposed bank notes are subject to the jurisdiction of the Alabama Public Service Commission, the State commission of the State in which SEGCO is organized and doing business; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1975, request in writing that

a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4879 Filed 2-21-75;8:45 am]

[File No. 500-1]

**SPEED EQUIPMENT WORLDS OF
AMERICA, INC.**

Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Speed Equipment Worlds of America, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (e.s.t.) on February 11, 1975, through midnight (e.s.t.) on February 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4873 Filed 2-21-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4874 Filed 2-21-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4875 Filed 2-21-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Change in Starting Time of Meeting

The March 4, 1975, meeting of the Standards Advisory Committee on Coke Oven Emissions, announced in the FEDERAL REGISTER on Friday, February 7, 1975, (40 FR 5829) will begin at 9 a.m. instead of 10 a.m. as originally announced.

This change was agreed to by the Committee at a public meeting on February 12, 1975, in order to provide more time for public presentations which are scheduled for that day.

In all other respects, the details of the February 7, 1975, Notice of Meeting remain the same. Any questions may be addressed to: Ms. Jeanne Ferrone, U.S. Department of Labor, Committee Management Office, 1726 M Street, NW, Room 200, Washington, D.C. 20210. Phone: (202) 961-3181.

Signed in Washington, D.C. this 18th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4905 Filed 2-21-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 704]

ASSIGNMENT OF HEARINGS

FEBRUARY 19, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 116519 Sub 22, Frederick Transport Limited, application dismissed.

MC 73165 Sub 350, Eagle Motor Lines, Inc., application dismissed.

MC-C-8501, Short Freight Lines, Inc. and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates, now assigned March 4, 1975, at Lansing, Mich., postponed indefinitely.

MC 139508, Air Brook Limousine, Inc., now being assigned April 9, 1975 (2 days) at Newark, N.J. in a hearing room to be designated later.

MC 107012 Sub 196, North American Van Lines, Inc., now being assigned April 10, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133931 Sub 4, M. Pollon, Inc., dba Marine Guard Service, now being assigned April 23, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 143, Nationwide Carriers, Inc., now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 72243 Sub 44, The Aetna Freight Lines, Inc., now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139089, Freeport Transport, Incorporated, now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139913, Foster's Freight, Inc., now being assigned May 19, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8436, Connecticut Limousine Service, Inc., v. Hyman Levine dba Hy's Livery Service, now being assigned April 15, 1975 (2 days) at Hartford, Connecticut, in a hearing room to be designated later.

F.D. 27773, Missouri Pacific Railroad Company—Merger—The Texas and Pacific Railroad Company and Chicago & Eastern Illinois Railroad Company and F.D. 27774, Missouri Pacific Railroad Company—Securities now being assigned April 15, 1975, at St. Louis, Mo. in a room to be later designated.

MC-C-8416, H. J. Moran, dba Singing River Motor Freight—Investigation and Revocation of Certificate of Registration, now being assigned April 16, 1975 (2 days) at Jackson, Miss.; in a hearing room to be designated later.

MC 115300 Sub 2, Charles Simmons, Sr., dba Hilton Head Truck Lines, now being assigned April 21, 1975 (1 wk) at Columbia, South Carolina, in a hearing room to be designated later.

MC 130247 Colpitts Travel Agency of Rhode Island, now being assigned April 15, 1975, at Providence, Rhode Island, in a hearing room to be later designated.

I & S No. M-28239, Restructured LTL Rates, January 1975, Central & Southern Territory, now assigned March 4, 1975, at Washington, D.C., is postponed to March 25, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129291 Sub 8, McDaniel Motor Express, Inc., now being assigned April 21, 1975 (1 week) at Columbus, Ohio; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4909 Filed 2-21-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 13, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 6, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 114019 (Sub-No. E387), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Siblek (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products, between those points in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 21 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Illinois-Michigan State line on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

No. MC 114019 (Sub-No. E388), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, meat products and meat by-products, and frozen edible articles distributed by meat packing-houses* as described in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, from points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts to Bismarck, Salt Lake City, Utah, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E389), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between points in Wisconsin and Iowa on the one hand, and, on the other, Sparrows Point and Baltimore, Maryland, New York, and points within 30 miles thereof, points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, points in West Virginia and points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to its junction with Pennsylvania Highway 53, thence Pennsylvania Highway 53 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. Restriction: The authority above is restricted to the transportation of the commodities described therein when moving from, to or between paper or paper products, manufacturing plants or warehouses, or other facilities of such plants, and when moving from, to or between warehouses, and wholesale, retail or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities or such plants. The purpose of this filing is to eliminate the gateways of Gary, Indiana, and Hamilton, Ohio.

No. MC 114019 (Sub-No. E391), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, between Sparrows Point and Baltimore, Maryland, New York, New York and points within 30 miles of

New York, New York, points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pennsylvania, points in West Virginia on and south of U.S. Highway 50, and points in Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Missouri on, west and south of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with U.S. Highway 24, thence over U.S. Highway 24 to the Kansas-Missouri State line. (2) Between Sparrows Point and Baltimore, Maryland, New York, New York, and points within 30 miles of New York, New York, points in those parts of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pennsylvania, points in West Virginia and those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 11, thence over U.S. Highway 11 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Minnesota. Restriction: The authority in (1) and (2) above is restricted to the transportation of the commodities described therein when moving from, to or between paper or paper products, manufacturing plants or warehouses, or other facilities of such plants, and when moving from, to or between warehouses, and wholesale, retail or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities or such plants. The purpose of this filing is to eliminate the gateways of Hamilton, Ohio, and Muscatine, Iowa.

No. MC 114019 (Sub-No. E392), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard and pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or resin base), *conduits, creosote in packages, eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos or felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar or cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos, and coal tar paint, roofing paper, paving joints,*

cement pipe containing asbestos fiber, roofing pitch, asphalt paving planks asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives.

(A) From Sparrows Point and Baltimore, Maryland, New York, and points within 30 miles of New York, points in those parts of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17 to the New York-Pennsylvania State line, points in Pennsylvania, and those in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to junction with U.S. Highway 21, thence along U.S. Highway 21 to points in Wisconsin and Iowa. (B) from Sparrows Point and Baltimore, New York, and points within 30 miles of New York, points in those parts of New Jersey, Delaware and Maryland which are located within 30 miles of Philadelphia, Pennsylvania, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to its junction with New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21.

Thence along New York Highway 21 to junction New York Highway 17, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Ohio State line, and extending along Pennsylvania Highway 65 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to its junction with Interstate Highway 76, thence over Interstate Highway 76 to its junction with Pennsylvania Highway 326, thence over Pennsylvania Highway 326 to the Pennsylvania-Maryland State line, to points in Illinois on, and north and west of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 80 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Michigan State line, and those points in Missouri on, north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to its junction with Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Whiting, Indiana.

No. MC 114019 (Sub-No. E393), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000

S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glen Falls, N.Y., to points in Illinois, Indiana, the Lower Peninsula of Michigan, Wisconsin, Iowa, Minnesota, Missouri, Nebraska, Kansas, those points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Spring Grove, Pa., and East Liverpool, Ohio.

No. MC 114019 (Sub-No. E394), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale or retail food business houses*, and in connection therewith equipment materials and supplies used in the conduct of such business, from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in those parts of New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, and in Pennsylvania, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Gary, Ind.

No. MC 114019 (Sub-No. E395), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Sterling, Colorado Beef Packers at or

near Sterling, Colo., and the facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., to (a) those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 104 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, (b) those points in Kentucky on and east of Interstate Highway 65, (c) points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Illinois-Indiana State line, and (d) Bowling Green, Ky., and Nashville, Tenn. The purpose of this filing is to eliminate the gateways of Hammond and Jeffersonville, Ind., and Union City, Ohio.

No. MC 114019 (Sub-No. E397), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and closures therefor and accessories therefor, and paper cartons* used in the packing and shipping of glass articles from Richmond, Ind., to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., and Cass, Clay, Henry, Jackson, Johnson, Lafayette, Pettis, Ray, and Saline Counties, Mo., which are within 88 miles of Kansas City, Mo. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 114019 (Sub-No. E398), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 in mechanically refrigerated vehicles, from Sioux City, and Des Moines, Iowa, and Omaha, Nebr. to points in Delaware (except Wilmington), Maine, Maryland (except Baltimore), New Hampshire, Vermont, Virginia, West Virginia, Pennsylvania (except Philadelphia and those on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line), and those in Kentucky on and east of a line beginning at the Indiana-Kentucky State line and extending along

Kentucky Highway 55 to the junction of U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and those in Ohio on, south, and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 25 to the junction of Ohio Highway 29, thence along Ohio Highway 29 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E399), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 Coffeyville, Kans., to points in Maine, New Hampshire, Vermont, Delaware (except Wilmington), Maryland (except points on and west of U.S. Highway 15), points in West Virginia and Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Pittsburgh and West Alexander, Pa.

No. MC 114019 (Sub-No. E403), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 commodities in bulk), in tank vehicles, and hides, in mechanically refrigerated vehicles, from Mason City, Iowa to Cincinnati, Ohio and those points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E405), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics, dry*, in containers, from Delaware City,

Delaware, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of the facilities of Owens-Illinois Glass Company, at or near Gas City, Indiana.

No. MC 114019 (Sub-No. E406), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories* therefore, and *paper cartons* used in the packing or shipping of glass containers, from Winchester, Indiana, to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, and points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line, and extending along Iowa Highway 22 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of the facilities of Anchor Hocking Glass Corporation at or near Gurnee, Illinois.

No. MC 114019 (Sub-No. E422), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard and pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or resin base), *conduits, creosote in packages, eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos or felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar or cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos, and coal tar paint, roofing paper, paving joints, cement pipe containing asbestos fiber, roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*, from those points in Ohio on and south of U.S. Highway 40, to points in Wisconsin, the Upper Peninsula of Michigan, points in that part of Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 19 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction U.S. Highway 54, thence along U.S.

Highway 54 to the Illinois-Missouri State line, points in that part of Illinois north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 114019 (Sub-No. E423), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities in bulk, between those points in Ohio south of U.S. Highway 40, on the one hand, and, on the other, Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Wheeling, West Virginia.

No. MC 114019 (Sub-No. E424), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 148, thence along Ohio Highway 148 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 556, thence along Ohio Highway 556 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction unnumbered highway to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Wheeling, West Virginia, and Akron, Ohio.

No. MC 114211 (Sub-No. E620), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in Iowa on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the

Kansas-Oklahoma State line extending along Oklahoma Highway 34 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment a special handling, and further restricted against the transportation of commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, and Beatrice, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E621), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in Wyoming, on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along Interstate 35 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and further restriction against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Nassau, Minnesota.

No. MC 114211 (Sub-No. E622), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts* thereof, from points in Illinois, to points in that part of Nevada on and west of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along Wyoming Highway 116 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Idaho-Montana State line and to points in that part of California on and north of a line beginning at the Pacific Ocean extending along Interstate Highway 80 to the California-Nevada State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E623), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery and contractors' equipment and supplies*, from points in Illinois, to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along Wyoming Highway 116 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Idaho-Montana State line, points in that part of California on and north of a line beginning at the Pacific Ocean extending along Interstate Highway 80 to the California-Nevada State line, points in that part of Nevada on and west of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E624), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from points in that part of Wyoming on, north and west of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 387, thence along Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 287, thence along Wyoming Highway 287 to junction Interstate Highway 80, thence along Interstate 80 to Wyoming 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line to points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to the Missouri-Arkansas State line and to points in Indiana, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling restricted against the transportation of those commodities and described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, and Ft. Dodge and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E625), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in that part of Wyoming on and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction Wyoming Highway 120, thence along Wyoming 120 to the Wyoming-Montana State line, on the one hand, and, on the other, points in Illinois and points in that part of Iowa on and east of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 237, thence along Iowa Highway 237 to junction Iowa Highway 60, thence along Iowa Highway 60 to the Minnesota-Iowa State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E626), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in Wyoming, on the one hand, and, on the other, points in Illinois and points in that part of Iowa on and south of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E627), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459) from points in that part of Kansas on and south of a

line beginning at the Kansas-Missouri State line extending along Kansas Highway 116 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, to points in that part of Oregon on and south of a line beginning at the Pacific Ocean extending along Oregon Highway 42 to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Oregon Highway 66, thence along Oregon Highway 66 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 140 thence along Oregon Highway 140 to junction Oregon Highway 39 thence along Oregon Highway 39 to the Oregon-California State line, to points in that part of California on and west of a line beginning at the Oregon-California State line extending along California Highway 139 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 395.

Thence along U.S. Highway 395 to the California-Nevada State line, to points in that part of Nevada on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, to points in that part of Arizona on and west of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, and to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 21 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 180, thence along U.S. Highway 180 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Claremore, Oklahoma.

No. MC 114211 (Sub-No. E628), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, and accessories and attachments* (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer*

Extension-Oil Field Commodities, 74 M.C.C. 459, from points in Idaho, Oregon, Washington and Montana to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 280 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along Interstate Highway 10 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 26, thence along Alabama Highway 26 to the Alabama-Georgia State line, to points in that part of North Carolina on and south of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 76 to Wilmington, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 301 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, and to points in Florida. The purpose of this filing is to eliminate the gateway of Canton, South Dakota, Claremore, Oklahoma, and points in Kansas.

No. MC 114211 (Sub-No. E629), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in that part of Iowa on, north and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Missouri-Kansas line extending along Kansas State Highway 96 to junction U.S. Highway 160, thence along U.S. Highway 160, to junction U.S. Highway 54, thence along U.S. Highway 54 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Beatrice, Nebraska.

No. MC 114211 (Sub-No. E630), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Nebraska on and west of a line

beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 61 to the Kansas-Nebraska State line, to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 69, to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Oklahoma Highway 10, thence along Oklahoma Highway 10 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and points in that part of Arkansas on and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 27 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 19, thence along Arkansas Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E631), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural shredders, agricultural sprayers, scalpels, row shields, corn cribs, (knocked down), and attachments and parts* for said shredders, sprayers, scalpels, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150, to junction Iowa Highway 149, thence along Iowa Highway 149, to junction U.S. Highway 63, thence along U.S. Highway 63, to junction U.S. Highway 34, thence along U.S. Highway 34, to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in Pennsylvania, New York (except Kings, Queens, Nassau and Suffolk Counties), and points in that part of Ohio on and east of a line beginning at Cleveland, Ohio extending along Ohio Highway 14 to junction U.S. Highway 62, thence along U.S. Highway 62, to junction Ohio Highway 45, thence along Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Oelwein, Iowa.

Mo. MC 114211 (Sub-No. E632), filed June 4, 1974. Applicant: WARREN

TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and south of a line beginning at the Kansas-Oklahoma State line extending along Kansas Highway 179 to junction Kansas Highway 14, thence along Highway 14 to junction Kansas Highway 61, thence along Kansas Highway 61, to junction U.S. Highway 50, thence along U.S. Highway 50, to junction U.S. Highway 56, thence along U.S. Highway 50-56, to junction Kansas Highway 99, thence along Kansas Highway 99, to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 59, thence along U.S. Highway 59, to Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebraska, and points in Iowa.

No. MC 114211 (Sub-No. E633), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 385 to the Colorado-Nebraska State line, to points in Illinois, Missouri, Indiana, Ohio, Michigan, points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35, to the Kansas-Oklahoma State line, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277, to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 35, thence along Interstate Highway 35 to the United States-Canada Boundary line, with no transportation for compensation on return except as otherwise authorized. Restriction: Restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling and further restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities, 74 M.C.C. 459*. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska.

No. MC 114211 (Sub-No. E642), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which because of size or weight requires the use of special equipment, between Grand View, Mo., on the one hand, and, on the other, points in North Dakota, Minnesota, and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 6, thence along Illinois Highway 6 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E643), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements*, the transportation of which, because of size or weight, requires special equipment, from Lincoln, Nebr., to points in Wisconsin, Illinois, Indiana, Ohio, Michigan; to points in that part of Minnesota on and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; and to points in that part of Missouri on, south, and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Missouri Highway 139, thence along Missouri Highway 139 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 north to the Iowa-Missouri State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E644), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and*

parts for agricultural implements, from Maize, Kans., to points in that part of North Dakota on, north, and east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 1 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line; to points in that part of Minnesota on, north, and east of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Minnesota-Wisconsin State line; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis.; and to points in that part of Michigan on and north of a line beginning at Charlevoix, Mich., extending along Michigan Highway 32 to Alpena, Mich. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E645), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Lincoln, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and points in that part of South Dakota on, north, and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line; and points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa

Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Illinois State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E646), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements*, from Tonkawa, Okla., to points in Minnesota, Wisconsin, Michigan; points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 18, thence along Illinois Highway 18 to the Illinois-Indiana State line; and points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Okla.

No. MC 114211 (Sub-No. E647), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Baxter Springs, Kans., to points in that part of North Dakota on and north of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line; to points in that part of Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 2 to the Minnesota-North Dakota State line; to points in that part of Wisconsin on and north of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 2 to the Wisconsin-Minnesota State line; and to points in that part of Michigan on and north of a line beginning at Sault Ste. Marie, Mich., extending along U.S. Highway 2 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 41, thence along U.S. Highway

41 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E648), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, and *parts thereof*, from Green Isle, Minn., to points in Washington, Oregon, California, Nevada, Idaho; to points in that part of Montana on north, and west of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; to points in that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line extending along Colorado Highway 789 to junction U.S. Highway 6/24, thence along U.S. Highway 6/24 to junction U.S. Highway 6/24 to junction U.S. Highway 6/50, thence along U.S. Highway 6/50 to the Utah-Colorado State line; to points in that part of Wyoming on and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; to points in that part of Utah on and west of a line beginning at the Colorado-Utah State line extending along U.S. Highway 50 to junction Utah Highway 128, thence along Utah Highway 128 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line; and to points in that part of Arizona on, west, and south of a line beginning at the Arizona State line extending along U.S. Highway 163 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Arizona Highway 264, thence along Arizona Highway 264 to the Arizona-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E649), filed June 4, 1974. Applicant: WARREN

TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment, from Green Isle, Minn., to points in Louisiana, and to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line (except Las Cruces, Deming, and Lordsburg); to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 60 to junction Interstate Highway 27, thence along Interstate Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-Oklahoma State line (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso); to points in that part of Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 1 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 14, thence along Mississippi Highway 14 to junction U.S. Highway 49W, thence along U.S. Highway 49W to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line; and to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Iowa; Beatrice and Tulsa, Okla.

No. MC 114211 (Sub-No. E669), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Maize, Kans., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E670), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Wa-

terloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, from Grand View, Mo., to points in that part of Texas on and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 180 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 163, thence along Texas Highway 163 to junction U.S. Highway 90, thence along U.S. Highway 90 to Del Rio, Tex., and to points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada Boundary line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E671), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities the transportation of which because of size or weight requires the use of special equipment), from Independence, Mo., to points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to the Texas-New Mexico State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa and El Paso), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Tulsa, Okla., and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E672), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Grand View, Mo., to points in North Dakota, Minnesota, and to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along

Interstate Highway 90 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction South Dakota Highway 87, thence along South Dakota Highway 87 to the South Dakota-Nebraska State line, and to points in that part of Wisconsin on, north and west of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 18 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Des Moines and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E673), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Armstrong, Iowa, to points in Oklahoma, and points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction Kansas Highway 20, thence along Kansas Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 63, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E754), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof when moving incidental to and in the same vehicle with said commodities (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Commodities*, 74 M.C.C. 459 from Valley, Nebraska, to points in Louisiana, Florida, to points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line extending along Interstate Highway 95 to junction North

Carolina Highway 41, thence along North Carolina Highway 41 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 78 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Interstate Highway 95, thence along Highway 95 to the South Carolina-North Carolina State line, to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 72 to junction Alternate U.S. Highway 72.

Thence along Alternate U.S. Highway 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 67, thence along Alabama Highway 67 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line, to points in that part of Mississippi on and south of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 72 to the Mississippi-Alabama State line, to points in that part of Arkansas on and south of a line beginning at the Tennessee-Arkansas State line extending along U.S. Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, and to points in that part of Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 64 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska and Claremore, Oklahoma.

No. MC 114211 (Sub-No. E907), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, tractor attachments, and parts of tractors and tractor attachments when moving in mixed loads with commodities specified above, between the port of entry

at El Paso, Tex., on the one hand, and, on the other, points in Minnesota, Iowa, and Illinois, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans., and points in Iowa.

No. MC 114211 (Sub-No. E910), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), equipment designed for use in conjunction with farm tractors, and parts thereof, from points in Wyoming to points in that part of Minnesota on and south of a line beginning at the Minnesota-Canada International Boundary line, thence along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-South Dakota State line, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-Wisconsin State line, and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 2 to the Wisconsin-Michigan State line, and to points in that part of Michigan on and east of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 2 to Lake Michigan, with no transportation for compensation on return except as otherwise authorized restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., Fargo, N. Dak., and points in South Dakota.

No. MC 114211 (Sub-No. E920), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing equipment*, from points in Arizona to points in Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E980), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Manchester, Iowa, to points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, Martin City, Mo., and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E1015), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Armstrong, Iowa to points in New Mexico and Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E1043), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from Thief River Falls, Minn., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1044), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from Thief River Falls, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1046), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Barnesville, Minn., to points in Colorado, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateways of points in Iowa, Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E1055), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's repre-

sentative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Armstrong, Iowa to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 115322 (Sub-No. E31), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Louisiana, Mississippi (except points in Tunica, Tate, De Soto, Marshall, Union, Prentiss, Tishomingo, Alcorn, Tippah, and Benton Counties), and Alabama (except those points on and in an area bounded by a line beginning at the Alabama-Mississippi State line at U.S. Highway 72, thence along U.S. Highway 72 and Alternate 72, to Town Creek, Ala., thence north along Alabama Highway 101 to U.S. Highway 72, thence along U.S. Highway 72 to Interstate Highway 65, thence along Interstate Highway 65 to the Tennessee-Alabama State line, thence west and south along the Alabama State line to points of beginning. The purpose of this filing is to eliminate the gateway of South Carolina.

No. MC 115322 (Sub-No. E38), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined in the Appendix to the report in *Modification of Permits-Packhouse Products*, 48 M.C.C. 628, in vehicles equipped with mechanical refrigeration, from points in Tennessee on and west of Interstate Highway 75 to Wilmington, Del., Baltimore, Md., North Bergen, Newark, Hoboken, and Jersey City, N.J., New York and Brooklyn, N.Y., Philadelphia, Pa., Richmond, Norfolk, and Smithfield, Va. The purpose of this filing is to eliminate the gateway of Clinton, N.C.

No. MC 115322 (Sub-No. E39), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Alabama (except points in Lauderdale, Colbert, Lawrence, Limestone, Madison, Jackson, De Kalb, Marshall, Morgan, and Franklin Counties), to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode

Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC 115322 (Sub-No. E46), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and south of Florida Highway 40 to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC 115322 (Sub-No. E68), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Eastport, N.Y., to points in South Carolina (except points on and east of South Carolina Highway 41). The purpose of this filing is to eliminate the gateway of Tennessee (except Nashville).

No. MC 117344 (Sub-No. E21), filed May 26, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except coal spray oil), in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 27 and on and north of State Route 32 within 100 miles of Cincinnati, Ohio, to points in Kentucky west of a line beginning at Elizabethtown and extending west along U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State line (except those in Jefferson County, Ky.). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119702 (Sub-No. E3) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER January 27, 1975. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* which are petroleum products, in bulk, in tank vehicles, from the facilities of Illinois Road Contractors, Inc., in Pike County, Ill., to points in Michigan and Wisconsin (except anhydrous ammonia, from such

plant sites to points in Wisconsin). The purpose of this filing is to eliminate the gateway of the facilities of Agrico Chemical Co., near Pekin, Ill. The purpose of this correction is to correct the "E" number, previously published as E5.

No. MC 126489 (Sub-No. E1), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Dry feed ingredients* (except salt and salt products and except cotton seed products), from points in Texas on and east of U.S. Highway 83 to points in Nebraska, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E6), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Texas on and north of Interstate Highway 40, to points in Mississippi on or north of a line beginning at the Arkansas-Mississippi State line, thence along Mississippi Highway 6 to Tupelo, Miss., thence along Mississippi Highway 78 to the Mississippi-Alabama State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans., and Van Buren, Ark.

No. MC 126489 (Sub-No. E8), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Dallam, Sherman, Hansford, Ochiltree, and Lipscomb Counties, Tex., to points in that part of Missouri on and south of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to intersection with Missouri Highway 72, thence along Missouri Highway 72 to the Missouri-Illinois State line and to points in Mississippi (except Washington and Adams Counties, Miss.), with no transportation for compensation on return unless otherwise authorized. The purpose of this filing is to eliminate the gateways of Wichita, Kans., and Van Buren, Ark.

No. MC 126489 (Sub-No. E10), filed June 4, 1974. Applicant: GASTON FEED

TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and urea), from Carthage, Mo., to points in Louisiana (except Caddo and Bossier Counties, La.), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E15), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and urea), from Carthage, Mo., to points in New Mexico and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E17), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients*, except salt and urea, from Wichita, Kans., to points in Louisiana and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E18), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and dry feed ingredients*, except salt and urea, from McPherson, Kans., to points in Louisiana and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E19), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTERS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients*, except salt and urea, from Kansas City, Kans., to points in Louisiana (except Caddo and Bossier Parishes, La.), points in Missis-

issippi and points in Eddy, Luna, and Hidalgo Counties, N. Mex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-4911 Filed 2-21-75; 8:45 am]

[No. MC-19157 (Sub-No. 17)]

**MCCORMACK'S HIGHWAY
TRANSPORTATION, INC.**

Extension of Direct Authority

Order. At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 11th day of February 1975.

It appearing, that by application filed February 2, 1973, as amended, and as published in the Federal Register of March 8, 1973, McCormack's Highway Transportation, Inc., of Schenectady, N.Y., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of radioactive material, new and spent, radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment, restricted against the transportation of commodities in bulk, in tank vehicles, between points in Rowan County, Ky., and Barnwell County, S.C., on the one hand, and, on the other, points in 27 States and the District of Columbia;

It further appearing, that by order entered July 22, 1974, the Commission, Review Board Number 3, granted applicant a 5-year limited term certificate authorizing the transportation (1) of radioactive waste materials, from points in 27 States and the District of Columbia to points in Rowan County, Ky., and specified facilities in Barnwell County, S.C., and (2) of empty radioactive material shipping containers, from the above-described destination points to points in 27 States and the District of Columbia, subject to a condition;

It further appearing, that on September 16, 1974, protestant Tri-State Motor Transit Company, filed a petition for reconsideration of the Review Board's grant to the extent it authorizes service from and to points in Barnwell County, S.C., and moves that the proceeding be set for oral hearing, and applicant filed a reply thereto on September 20, 1974;

It further appearing, that by petition filed September 16, 1974, applicant requests modification of the grant of authority made so as to change the designation of a portion of the involved area from "points in Rowan County, Ky." to "points in Fleming County, Ky." inasmuch as the radioactive burial facility from and to which applicant seeks authority actually lies in Fleming County, Ky., approximately 1 mile from the

Rowan County line, and protestant filed a reply thereto on October 8, 1974; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration on the present record, solely for the limited purposes set forth below.

It is further ordered, That the said order entered herein on July 22, 1974, to the extent it is inconsistent with the result reached herein, be, and it is hereby, vacated and set aside.

It further appearing, that the evidence submitted in support of the application establishes a need for applicant's service; that there is sufficient evidence of traffic moving from and to the disposal facilities of Nuclear Engineering Company, Inc.; that the involved burial site is located in a rural area difficult to fix in location and susceptible of error; that inasmuch as the evidence establishes that the involved burial site is the only radioactive disposal facility in Kentucky, present protestants were not misled by the presentation of applicant's evidence; that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as modified and as described in this order, a notice of the authority as modified will be published in the FEDERAL REGISTER and issuance of a certificate withheld for a period of 30 days from the date of such publication, during which period any proper party in interest not presently a party to this proceeding may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced; and that the evidence submitted in the form of verified statements in support of the application amply warrants the grant of authority set forth below; and good cause appearing therefor:

We find on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of radioactive waste material (except in bulk, in tank vehicles) from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to the disposal facilities of Nuclear Engineering Company, Inc., in Fleming County, Ky., and to the disposal facilities of Chem-Nuclear Systems, Inc., in Red Oak Township, Barnwell County, S.C., and (2) of empty radioactive material shipping containers from the destination points described in (1) above to points in the origin territory specified in (1) above; that applicant is fit, willing, and able properly to perform

such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the grant of authority herein and applicant's existing authority which it duplicates shall be construed as conferring only a single operating right; that a certificate authorizing such operation should be granted, subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date thereof and subject to the condition described in the immediately preceding appearing paragraph; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; and that the application in all other respects should be denied.

It is further ordered, That said application and petition for modification except to the extent granted herein, be, and they are hereby, denied.

It is further ordered, That protestant's petition for reconsideration be, and it is hereby, denied, for the reason that the findings of Review Board Number 3, except to the extent vacated and modified herein, are in accordance with the evidence and applicable law.

It is further ordered, That upon compliance by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the Federal Register of a notice of the authority actually granted by this order.

It is further ordered, That unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-4914 Filed 2-21-75; 8:45 am]

[No. MC-139207]

McNABB-WADSWORTH TRUCKING CO.

Contract Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 6th day of February 1975.

It appearing, that by application filed October 9, 1973, as published in the FEDERAL REGISTER, Harold F. McNabb and

J. D. Wadsworth, Jr., a partnership, doing business as McNabb-Wadsworth Trucking Company, of Kingsport, Tenn., sought a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of glass and glass products, from Kingsport and Greenland, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc., of Kingsport, Tenn.; and that, after McNabb-Wadsworth Trucking Company was substituted as applicant by order of July 9, 1974, of Commissioner Gresham, applicant seeks, as shown by its initial verified statement, to transport crated glass and glass products, not exceeding 108 inches in height, over irregular routes, from Kingsport and Greenland to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and its commercial zone;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant A. J. Metler Hauling & Rigging, Inc., a motor common carrier, has submitted a verified statement in opposition to the application; and that applicant has filed a rebuttal argument by counsel;

It further appearing, that applicant holds no permanent authority from this Commission; that it is engaged in interstate dump truck operations, transporting sand and gravel within an 80-mile vicinity of Kingsport, and presently serves shipper in contract carrier service in the transportation of the commodities involved herein under temporary authority; that it has main offices and terminal facilities at Kingsport, operates a fleet of 19 dump trucks in its sand and gravel operations, and has a fleet of 6 tractors and 7 trailers available to provide the service proposed herein, with planned increases of 6 additional open top trailers for use in that service; that it is willing to assign all of its over-the-road tractors and trailers to the use of the supporting shipper and proposes to return equipment to its terminal through transportation of exempt commodities and trip-leasing to authorized carriers; and that applicant submitted financial data;

It further appearing, that the supporting shipper, ASG Industries, Inc., manufactures glass products which are primarily used in residential and commercial construction; that its facilities pertinent herein are located at Kingsport and Greenland; that it submitted volume data to respective States, such data actually consisting of minimum volumes of traffic shipped, so as to minimize any disclosures which would betray trade secrets as to specific volume of sales to any city or customer; that shipper also submitted a list of cities to which it has made shipments or will make shipments; that plant expansions and additions have increased ASG's ef-

iciency and sales capacity and shipper expects to maintain its projected annual growth of approximately 15 percent for the next several years; that, accordingly, it anticipates a substantial increase in volume of glass products from the facilities involved herein; that shipper has received satisfactory service from protestant Metler in the transportation of "uncrated glass products exceeding 108 inches in height," which are transported by Metler's specially designed lowboy sling-pack trailers, equipment not used by applicant; that shipper's glass is loaded and unloaded by crane, requiring open top trailers; that it avers that existing carriers have not been able to meet shipper's needs; and that it supports applicant in its amended application for common carrier authority;

It further appearing, that protestant Metler is a motor common carrier authorized, as here pertinent, to transport flat glass from points in Hawkins County (embracing Greenland) and Kingsport, to the destination area involved herein; that it also holds common carrier authority to transport (1) uncrated flat glass, (2) crated flat glass which, because of size or weight, requires the use of special equipment, and (3) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities authorized in (1) and (2) above, from Nashville to points in the Eastern United States; that protestant maintains office and terminal facilities at Knoxville, as well as a small terminal facility at Kingsport; that it submitted an equipment list; that it offers a complete heavy hauler and specialized service; that protestant suggested to applicant that imposition of a restriction against transportation of the crated commodities exceeding 108 inches in height would protect Metler's interest and still permit applicant to handle the supporting shipper's traffic; and that Metler indicates that should the suggested restriction be accepted by the Commission, it would withdraw its opposition to the contract carrier application;

If further appearing, that protestant Metler has specially designed glass trailers with a double drop-frame construction and specially engineered and designed supports for handling uncrated glass of all sizes and crated glass of extremely large dimensions, particularly exceeding 108 inches in height; that it is important to Metler that it retain flat glass traffic handled for ASG on these units, since they are so uniquely designed for the transportation of flat glass that they cannot easily accommodate any back-haul traffic of other types of lading; that during August, September, and October 1973, protestant transported 83 shipments of flat glass totaling 3.32 million pounds and generating \$50,141 in revenue for the supporting shipper from and to points in all of the six States involved herein; that it provided a list of shipments as to respective States and projected traffic for a period of a complete year based upon the three month totals, yielding 332 shipments weighing 13.3 million pounds and amounting to

\$200,565 in revenue; and that in view of applicant's decision to seek common carrier authority in lieu of contract carrier authority, protestant requests that any authority granted herein be restricted to the transportation of traffic originating at Kingsport and Greenland in order to protect Metler's flat glass authority from Nashville, fearing diversion of traffic if applicant is able to interline with other carriers holding authority from Nashville to the two origin points;

It further appearing, that in rebuttal applicant avers that the Commission has consistently resisted encumbering grants of authority with restrictions against joinder or interline unless a protestant specifically demonstrates that it would be materially and adversely affected by such service, and Metler has not established such an effect; and that it has not been shown that an interline from Nashville to the origin-points herein is operationally feasible or desirable;

It further appearing, that the evidence of record indicates that there has been a prima facie showing of need for the proposed service; that the sole remaining protestant seeks only to have certain restrictions imposed, (1) the restriction regarding a maximum height of 108 inches for the commodities, and (2) a restriction to the transportation of traffic originating at the two origins; that protestant's interest which it avers will be protected by imposition of restriction (2) above is limited to (a) uncrated flat glass, (b) crated flat glass which, because of size or weight, requires the use of special equipment, and (c) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities in (a) or (b); and that in view of the commodity descriptions, the fact that protestant presented no data regarding specific traffic from Nashville, and the entire circumstances of this proceeding, we believe that a restriction to the transportation of traffic originating at the two origin points is not warranted by the evidence;

It further appearing, that while the restriction against transportation of commodities in excess of 108 inches in height is of the type generally not favored, we believe that the restriction should be imposed herein; that, further, since applicant originally sought to serve a particular shipper, we believe that the origin point herein should be the shipper's facility (which will still allow interlining on shipper's premises with its permission); and that, since it is possible that other parties which have relied upon the notice of the application as published (seeking contract carrier authority) may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest

may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, that the evidence of record in support of the application warrants the grant of authority set forth below and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of crated glass and crated glass products, not exceeding 108 inches in height, from the facilities of ASG Industries, Inc., at Kingsport and at Greenland, Tenn., to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and points in its commercial zone; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be granted, subject to the condition in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, a certificate be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4913 Filed 2-21-75; 8:45 am]

[Notice 236]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 24, 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 before March 17, 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-75576. By order of February 11, 1975, the Motor Carrier Board approved the transfer to Neal R. Wentling and Dorothy E. Wentling, a partnership, doing business as Leaman Trucking Company, 125 East Cumberland Street, Lebanon, Pa. 17042 of the operating rights in Certificate No. MC-84801 issued July 28, 1950, to Mary M. Leaman, same address, Lebanon, Pa., authorizing the transportation of manufactured or fabricated iron and steel articles, other than machinery, from Lebanon, Pa., to Baltimore, Md., Washington, D.C., points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey north of the northern boundaries of Burlington and Monmouth Counties, N.J., and fertilizer and spray materials, from Baltimore, Md., to Lebanon, Pa.

No. MC-FC-75521. By order entered February 11, 1975, the Motor Carrier Board approved the transfer to Robin Express, Inc., Long Island City, N.Y., of the operating rights set forth in Permit No. MC-127538 (Sub-No. 2), issued January 9, 1967, to Rolinthon Trucking, Inc., Astoria, N.Y., authorizing the transportation of cutlery, flatware, kitchen utensils and component parts thereof, (other than gold or silver-plated), between points in the New York, N.Y., Commercial Zone as defined by the Commission, on the one hand, and, on the other, the plant site of Regent-Sheffield, Ltd., at East Farmingdale, N.Y., limited to a transportation service to be performed under a continuing contract, or contracts with Regent-Sheffield, Ltd., of East Farmingdale, N.Y. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for applicants.

No. MC-FC-75652. By order of February 11, 1975, the Motor Carrier Board

approved the transfer to Jack T. Tucker, Texas City, Texas, of Certificate of Registration No. MC-121457 (Sub-No. 1) issued July 28, 1964 to Carter Swint, doing business as Carter Swint Company, Houston, Texas, evidencing a right to engage in transportation in interstate commerce as described in specialized motor carrier's permanent Certificate of Convenience and Necessity No. 5537, Docket No. 9820, issued November 8, 1974 by the Railroad Commission of Texas. Joe G. Fender, 802 Houston, 1st Savings Bldg., Houston, Texas 77002, attorney for applicants.

No. MC-FC-75656. By order entered February 11, 1975 the Motor Carrier Board approved the transfer to Capitol City Riggers, Inc., Morristown, Ind., of Certificate of Registration No. MC-120596 (Sub-No: 1), issued January 8, 1964, to Cardinal Realty & Investments, Inc., Indianapolis, Ind., evidencing a right to engage in transportation in interstate or foreign commerce of heavy machinery, contractors' equipment, tanks, boilers, smokestacks, requiring special equipment and rigging, between points in Indiana. Richard E. Alkman, Jr., 1200 Merchants Bank Bldg., Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-75662. By order of February 13, 1975, the Motor Carrier Board approved the transfer to William H. Kies, Jr., Easton, Pa., of the operating rights in Certificate No. MC-62324 issued January 14, 1963 to W. Harold Kies, doing business as Harry M. Kies, Easton, Pa., authorizing the transportation of various commodities from, to and between specified points and areas in Pennsylvania, New Jersey, and New York. Thomas P. Stitt, 46 South Fourth St., Easton, Pa., 18042, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4910 Filed 2-21-75; 8:45 am]

[No. MC-119285 (Sub-No. 3)]

YELLOW CAB, INC.**Extension of Rolling Mill Rolls Permit**

Order. At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 5th day of February 1975.

It appearing, that by application filed August 13, 1973, as amended,¹ Yellow Cab, Inc., of Lima, Ohio, seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of rolling mill rolls, and equipment, materials, and supplies used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), between

Lima, Ohio, on the one hand, and, on the other, points in Illinois, Michigan, Pennsylvania, New York, and Kentucky, under a continuing contract or contracts with Teledyne Ohio Steel, of Lima, Ohio, and (2) of molds, sub-assemblies, and equipment, materials, and supplies used in the manufacture of molds and sub-assemblies (except commodities in bulk and commodities requiring special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Kentucky, Illinois, Wisconsin, and Pennsylvania, under a continuing contract or contracts with Rawls Division—National Standard Company, restricted in (1) and (2) above to the transportation on any one vehicle at one time of shipments weighing in the aggregate not more than 14,000 pounds from one consignor at one location to one consignee at one location;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestants Lattavo Bros., Inc., Associated Truck Lines, Inc., Interstate Motor Freight System, J Miller Express, Inc., separately, and Jones Transfer Company and W & W Express, Inc., jointly, all motor common carriers, have filed verified statements in opposition to the application; and that applicant and shipper Teledyne have filed statements and applicant also filed argument in rebuttal;

It further appearing, that applicant, as particularly pertinent, is a motor contract carrier performing an express parcel service similar to that sought herein for two other shippers; that applicant proposes to perform an emergency or expedited service involving direct delivery with no stopoffs and no consolidation of shippers' freight with other freight; that it would perform this service on a 7-day-a-week, 24-hour-a-day basis on 15 minutes notice, and, if required, will deliver a commodity outbound from Lima, wait while service is performed on the item, and redeliver to Lima; that it operates 17 pieces of equipment including 3 taxi cabs, 8 station wagons, 3 pick-up trucks, 1 van truck, and 2 small straight trucks; and that it has submitted safety and financial data;

It further appearing, that Teledyne and Rawls, the supporting shippers herein, both express a need for an emergency type service involving almost immediate response to calls for service (within 1 hour for Teledyne and 15 minutes for Rawls), direct service from origin to destination on a 7-day-a-week, 24-hour-a-day basis in small vehicles; that both shippers feel that common carriers cannot or will not provide this service and have conducted the operations described herein in private carriage; and that both shippers will continue to use the services of existing common carriers for their normal transportation needs;

It further appearing, that Teledyne, of Lima, is a manufacturer of rolling mill rolls utilized by the aluminum and steel industry; that it needs an expedited inbound transportation service for various

¹ Applicant amended its application in its initial verified statement restrictively except insofar as it seeks authority to move sub-assemblies for a named shipper. This portion of the amendment broadens the application and will be discussed infra.

items such as replacement parts for its machines, reinforcing rods, refractories, and alloys when equipment breaks down or supplies run low to avoid costly plant shutdowns which in the past have lasted two or three days when shipper had to rely upon the services of motor common carriers; that shipper also must be capable of providing an emergency type service for its customers, involving either the shipment of new rolling mills outbound, or the pickup of a rolling mill at an aluminum or steel mill for reworking at its Lima facilities and return to the customer; that shipper has indicated representative points and annual emergency tonnage inbound and outbound for the traffic involved; and that normally Teledyne ships its products in truckload quantities, but occasionally, to meet a customer's urgent need it must be able to provide the service described herein;

It further appearing, that Rawls at its plant at Lima produces equipment used in the manufacture and retreading of tires, and production of wire mill equipment, which it sells to tire manufacturers, retread shops and its sister divisions; that Rawls needs an emergency type service for inbound and outbound shipments of the commodities sought; that for example, it makes expedited shipments outbound to its sister divisions to insure continued production, or sometimes must ship various parts to machine shops to be reworked and returned for assembly into a finished product, or on occasion picks up items at customer plants for repair at Lima and reshipment to the customer, in which case Rawls requires the driver to wait at its Lima facilities while the particular item is reworked; and that while Rawls does not indicate the exact volume moving in such service, it does state that such shipments may vary between 1 pound and 20,000 pounds in a 6-month period with an average shipment weighing 200 pounds;

It further appearing, that protestant Associated holds authority to transport general commodities (with the usual exceptions) between numerous points in Illinois, Indiana, Michigan, Ohio, and western Pennsylvania, and to and from Louisville, Ky., over a network of regular routes; that it maintains a terminal at Lima and operates 1,347 pieces of power equipment and 2,424 trailers of various sizes and types; that it submits a list of shipments involving the sought commodities transported for both supporting shippers within the scope of this application (except for a shipment for Teledyne to an Indiana point) in January and February 1974, from which it derived a total of \$800.37 in revenue; that it anticipates diversion of such traffic if this application is granted; that Associated offers an exclusive use type service which entitles shipper to individual use of a trailer, and expeditious movement to destination; that it points out that neither shipper has ever used this type of "express" service and questions the need for such service; and that it states it knows of no emergency temporary or temporary authority granted for such

service within the 7 months preceding its verified statement;

It further appearing, that protestant J. Miller represents that it can transport the commodities sought in part (1) of the application between Lima, on the one hand, and, on the other, points in western Pennsylvania and western New York, and Ashland, Ky., and those commodities sought to be transported for Rawls, between Lima, on the one hand, and, on the other, points in western Pennsylvania and Ashland; that it operates 129 flat-bed or lowboy trailers which it maintains are suitable for transporting the involved traffic; that its nearest terminals would be at Cleveland and Ironton, Ohio, 150 or more miles from Lima; that protestant now transports traffic of the type involved herein and argues that normal traffic which it moves for Teledyne would be subject to diversion by a grant of the sought authority; that protestant believes that the emphasis by applicant and shippers on the "emergency" service is a mere make-weight argument to bolster the application; and that protestant argues that shippers have submitted insufficient evidence of a need for service;

It further appearing, that protestant Interstate is authorized to transport principally general commodities over regular routes between numerous points in the States sought by combining various grants of authority and observing gateways; that it operates a large fleet of equipment and maintains a terminal at Lima; and that it offers an expedited, direct, single line service to those points it is authorized to serve, but does not indicate that it would wait while an item was being repaired or its hours of operation;

It further appearing, that protestant Jones is authorized to transport general commodities over regular routes primarily between Cleveland, Ohio, and Flint, Mich.; that in connection with W & W, which it operates under temporary authority from this Commission, it can serve all points in Ohio and numerous points in Michigan by observing a Toledo, Ohio gateway; that protestants maintain several terminals in northern Ohio, none of which is in proximity to Lima, and together operate over 1,000 trailers; and that protestants argue that an emergency service not offered by common carriers is not required and that the amount of traffic involved does not warrant the grant of authority to another competitor;

It further appearing, that protestant Lattavo, by tacking its own authority at Cleveland with that acquired from Crown Cartage & Storage Company, can transport general commodities, with the usual exceptions, between Lima, on the one hand, and, on the other, points in western Pennsylvania, and also, as pertinent, iron and steel articles, contractors' and builders' supplies and equipment and building and construction materials (except commodities in bulk), between Lima, on the one hand, and, on the other, specified points in western Pennsylvania; that it operates a large

fleet of equipment; that its nearest terminal is located over 100 miles from Lima at Canton, Ohio; that protestant does not show it normally offers the type of service proposed by applicant, but questions applicant's intention and ability to perform such a service because of the wide area sought and the high 14,000 pound weight restriction; and that protestant states that despite regular solicitation on its part, neither shipper has called upon it for service;

It further appearing, that applicant filed a rebuttal statement and argument in which it maintains that the service proposed is specially tailored to meet both shippers' distinct needs which common carriers are unable to satisfy; that it has in fact provided this service for other shippers, and that it does not desire to compete with common carriers and owns no tractor-trailer units; and that Teledyne filed a rebuttal statement in which it argued that because of the emergency nature of the shipments involved it is impossible to project accurately tonnages or customer locations, but that there has been a need for a specialized, expedited, express service for small volumes which common carriers have not provided;

It further appearing, that we believe applicant and shippers' evidence is sufficient to establish a prima facie case, cf. *Twin City Freight, Inc. v. United States*, 360 F. Supp. 709, 712-713 (D. Minn. 1972); and that inasmuch as applicant will serve only a limited number of persons (shippers) and here will provide service within one hour of a call from either shipper, 7 days-a-week, 24 hours-a-day, will wait at the destination for a return shipment of the same item, and will otherwise perform a personalized service in small vehicles designed to meet the distinct needs of the shippers for an expedited, emergency or express service, the service proposed is contract carriage under the second alternative criterion of section 203(a)(15) of the Interstate Commerce Act;

It further appearing, that considering the evidence in light of the criteria of section 209(b) of the Act reveals: (1) that applicant would be serving only four shippers, an acceptable showing under the first criterion; (2) that the demand for the involved service, although not regular or scheduled, exists and appears to be reasonably consistent, compare *Steele Tank Lines, Inc., Extension—Potash*, 113 M.C.C. 118 (1971); that such service is highly personalized, and distinctly different from the normal freight service provided by common carriers; (3) that since the service proposed is designed to replace an undesirable private carriage operation, since protestants have not transported any of the emergency traffic involved, and since those protestants presently participating in shippers' normal traffic movements will continue to do so according to shippers' sworn testimony, the protestants should not be seriously adversely affected and should suffer no diversion of traffic currently enjoyed; (4) that, because it is not now handling any of the

involved traffic, a denial of the authority sought would not have an adverse effect on applicant, but a denial would deprive shipper of a valuable service, which is designed to meet its distinct transportation needs and which service is not or cannot be provided by protestants, either individually or collectively, because of limited territorial authority or because of the nature of the services they offer; and (5) that shipper's changing requirements do not appear to be a significant factor herein;

It further appearing, that although the application as published in the FEDERAL REGISTER indicates that concerning Rawls Division-National Standard Company applicant originally sought authority to transport only molds and equipment, materials and supplies used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), applicant actually seeks authority by the amendment in its initial verified statement, and the evidence of record submitted by Rawls demonstrates a need for applicant to transport sub-assemblies and equipment, materials, and supplies used in the manufacture thereof (with exceptions); and that accordingly, the grant of authority should be so framed;

It further appearing, that a weight restriction of 14,000 pounds would not serve to protect existing authorized carriers to any major extent, would be difficult to enforce, and would serve solely to make the operations of applicant more difficult and therefore less efficient; that the Commission has in the past deleted such restriction from grants of authority, finding it to be administratively undesirable because it serves only the negative purpose of limiting the efficiency of a carrier's operations, compare No. MC-119285 (Sub-No. 2). *Yellow Cab, Inc., Petition for Modification of Permit* (not printed), decided by Review Board Number 2 on February 22, 1974; and that such a restriction will not be imposed herein;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of

proper notice of the authority described in the findings in this order, a notice of the authority, actually granted will be published in the FEDERAL REGISTER; and that issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, that otherwise a balancing of the evidence under the statutory criteria demonstrates that the benefits of the proposed service to shipper clearly outweigh any adverse effects, real or potential, which protestants might suffer; and that the evidence warrants the grant of authority set forth below which has been phrased to conform with current Commission practice, and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of rolling mill rolls, and equipment, materials and supplies used in the manufacture thereof (except commodities in bulk and commodities the transportation of which requires special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Michigan, Pennsylvania, New York, and Kentucky, under a continuing contract or contracts with Teledyne Ohio Steel, of Lima, Ohio, and (2) (a) of molds, (b) of sub-assemblies, and (c) of equipment, materials, and supplies used in the manufacture of molds and of sub-assemblies (except commodities in bulk and commodities the transportation of which requires special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Kentucky, Illinois, Wisconsin, and Pennsylvania, under a continuing contract or contracts with Rawls Division-National Standard Company, of Lima, Ohio, will be con-

sistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate permit should be issued subject to the condition described in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act, with the Commission's rules and regulations thereunder, and with the requirements established in *Contracts of Contract Carriers*, 1 M.C.C. 628 (49 CFR Part 1053), within the time specified in the next succeeding paragraph, a permit be issued to applicant authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4912 Filed 2-21-75; 8:45 am]