

# federal register

February 3, 1975—Pages 4891-5125

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

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**federal register**

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FEDERAL REGISTER

Table of Effective Dates and Time Periods—February 1975

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of F.R. publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
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# presidential documents

## Title 3—The President

PROCLAMATION 4344

# International Clergy Week in the United States

*By the President of the United States of America*


## A Proclamation

In a world plagued by violence and suffering, clergymen of all denominations help lead the human family to the "peace of God, which passeth all understanding." In a time of difficult choices and moral questioning, they point the way to the higher values of conduct.

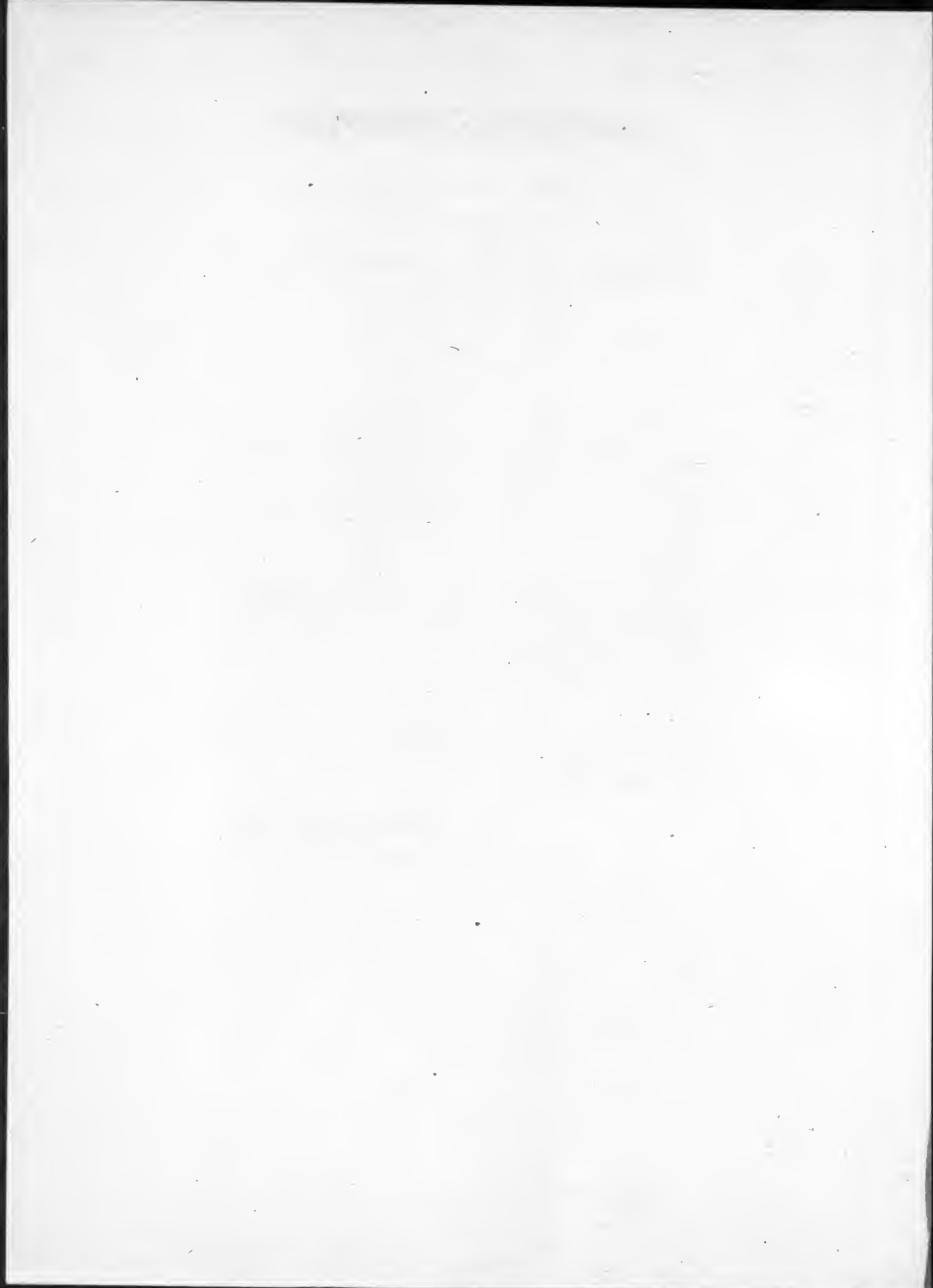
As God's ministers on earth, practicing the human virtues of charity, humanity and compassion, they bring us closer to each other and nearer to our Creator.

NOW, THEREFORE, in recognition of the spiritual and special guidance of the clergy in our Country and throughout the world, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week of February 2, 1975, as International Clergy Week in the United States. I call upon our people to honor these servants of God and man through appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.



[FR Doc.75-3187 Filed 1-31-75;9:47 am]





## PROCLAMATION 4345

Amending Proclamation No. 4313  
of September 16, 1974, to Extend  
the Application Period of the  
Program for the Return of Viet-  
nam Era Draft Evaders and  
Military Deserters

*By the President of the United States of America*

A Proclamation

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict.

Upon careful review of the progress of this program, I believe that many of those persons who could benefit from this program are only now learning of its application to their cases. Therefore, I am extending the date by which all applications must be received.

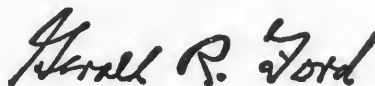
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is amended as follows:

SECTION 1. Paragraph (i) of Section 1 is amended to read as follows:

“presents himself to a United States Attorney before March 1, 1975.”

SEC. 2. The first paragraph of Section 2 is amended by striking out the date “January 31, 1975,” after the words “offenses directly related thereto if before” and inserting in place thereof “March 1, 1975.”

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.



[FR Doc.75-3234 Filed 1-31-75;12:03 pm]



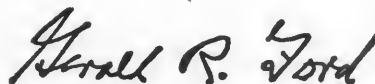
## EXECUTIVE ORDER 11837

**Amending Executive Order No. 11803 of September 16, 1974, To  
Extend the Period for Application for Clemency Board Review of  
Certain Convictions and Military Service Discharges**

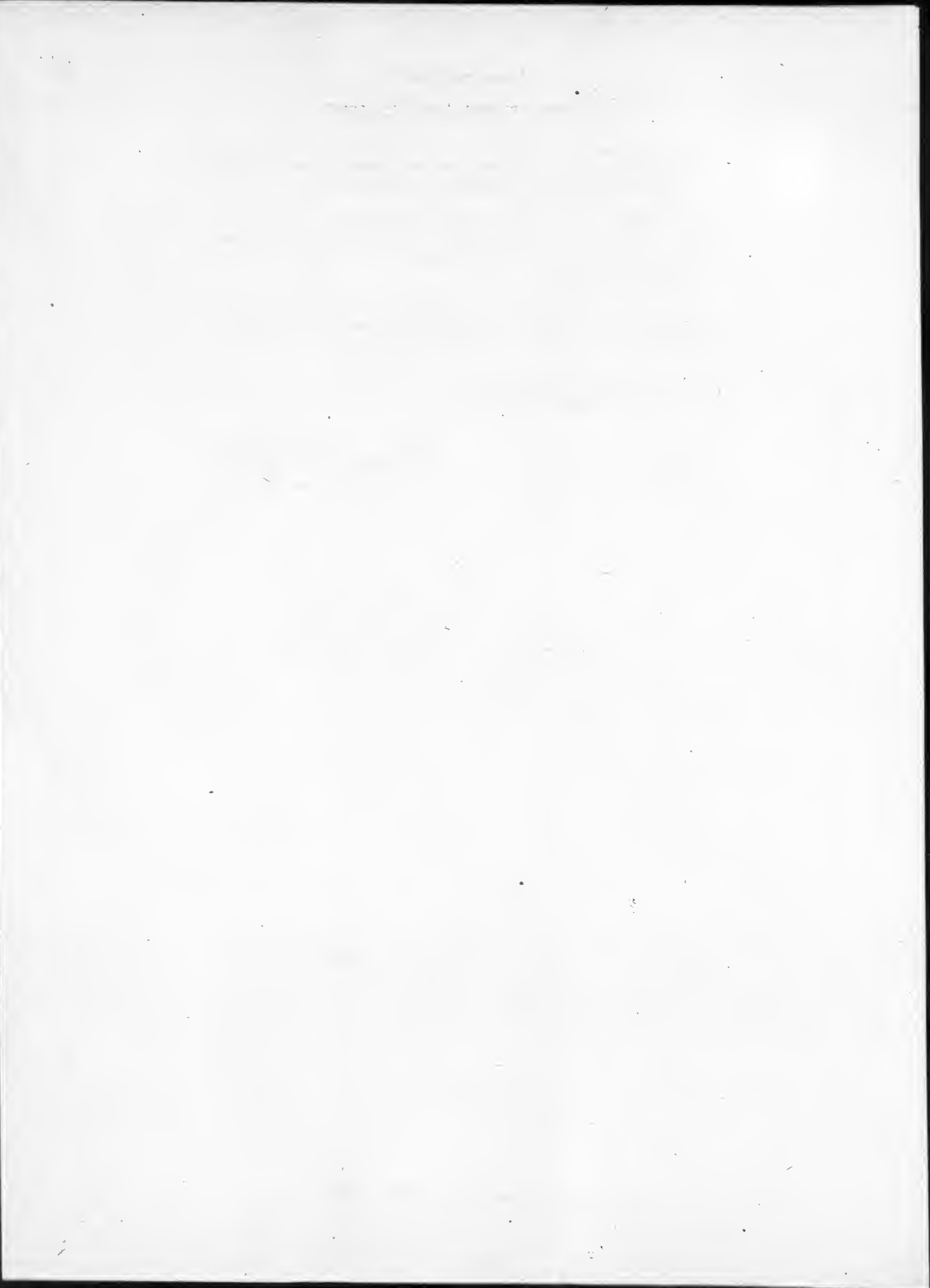
By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, Section 2 of Executive Order No. 11803 of September 16, 1974, is hereby amended as follows:

By striking out the date "January 31, 1975," after the words "apply for Executive clemency prior to" and inserting in place thereof "March 1, 1975,".

THE WHITE HOUSE,  
*January 30, 1975.*



[FR Doc.75-3235 Filed 1-31-75;12:03 pm]



# 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 1—General Provisions

### CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

#### CFR CHECKLIST

##### 1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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

#### CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	\$1.10
2 [Reserved]	
3	3.15
3A 1973 Compilation	2.40
4	1.75
5	3.55
6 (Rev. Feb. 1, 1974)	4.45
7 Parts:	
0-45	4.65
46-51	3.45
52	4.80
53-209	5.10
210-699	4.10
700-749	3.55
750-899	2.35
900-944	3.60
945-980	1.80
981-999	2.00
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9	4.75
10 Parts 0-199	3.90
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12 Parts:	
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17	\$5.10
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400-end	6.30	6-9	5.15
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1 (§§ 1.170-1.300)	3.05	100-199	5.30
1 (§§ 1.301-1.400)	2.36	200-499	3.15
1 (§§ 1.401-1.500)	2.90	500-end	3.65
1 (§§ 1.501-1.640)	3.35	46 Parts:	
1 (§§ 1.641-1.850)	3.65	1-29	2.05
1 (§§ 1.851-1.1200)	4.40	30-40	2.05
1 (§ 1.1201-end)	5.70	41-69	3.86
2-29	2.70	70-89	2.05
30-39	2.85	90-109	1.90
40-169	4.40	110-139	1.90
170-299	5.90	150-165	3.70
300-499	2.95	166-199	2.55
500-599	3.15	200-end	6.20
600-end	1.40	47 Parts:	
27	1.30	20-69	5.20
CFR Unit (Rev. as of July 1, 1974):		80-end	6.05
28	\$2.20	48 [Reserved]	
29 Parts:		49 Parts:	
0-499	4.50	1-99	1.90
500-1899	5.50	100-199	7.20
1900-end	9.90	1000-1199	3.40
30	5.65	1300-end	2.75
31	4.35	50	3.80
32 Parts:			
1-8	5.95		
9-39	4.05		
40-399	4.85		
400-589	4.10		
590-699	1.95		
700-799	5.65		
800-999	4.40		
1000-1399	1.70		
1400-1599	3.05		
1600-end	1.65		
32A	3.35		
33 Parts:			
1-199	4.85		
200-end	3.65		
34	1.10		
35	3.25		
36	2.70		
37	1.75		
38	5.90		
39 (Rev. Aug. 1, 1974)	4.45		
40 Parts:			
0-49	2.20		
50-99	7.80		
100-end	5.25		

## Title 7—Agriculture

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

#### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Commuted Traveltime Allowances

The purpose of this amendment is to amend the list of commuted traveltime allowances, 7 CFR Part 354, Overtime Services Relating to Imports and Exports, and to consolidate all existing amendments into one list for the convenience of the user. Since the last amendment (November 22, 1974, 39 FR 40957), commuted traveltimes have been established for additional points. Therefore, this amendment adds Indianapolis, Indiana, served from Frankfort and from Franklin; Bridgeport (Monsanto) and Deepwater (Penns Grove), New Jersey, served from Wilmington, Delaware; and Syracuse, New York, within the metropolitan area.

## RULES AND REGULATIONS

Pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 (37 FR 6327, 6505, 10554) the administrative instructions appearing at 7 CFR 354.2, as amended, March 1, July 26, October 7, and November 22, 1974, (39 FR 7923, 27299, 35999, and 40937) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are set forth below:

Commuted traveltime allowances

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
<b>Alabama:</b>			
Chickasaw.....	Mobile.....		2
Mobile.....	.....	1	
Undesignated ports.....	Mobile.....		3
<b>Alaska:</b>			
Anchorage.....	.....	1	
Seward.....	Anchorage.....		6
Undesignated ports.....	do.....		3
<b>Arizona:</b>			
Davis-Monthan AFB, Tucson.....	Nogales.....		4
Douglas.....	.....	1	
Do.....	Nogales.....		5
Nogales.....	.....	1	
Phoenix.....	.....	2	
Do.....	Nogales.....		6
Do.....	Tucson.....		5
San Luis.....	.....	2	
Tucson.....	.....	1	
Do.....	Nogales.....		3
Yuma International Airport.....	.....	1	
Undesignated ports.....	Nogales.....		3
<b>Arkansas:</b>			
Blytheville AFB.....	.....	1	
Dardanelle.....	Little Rock.....		3
Fort Smith.....	do.....		6
Little Rock.....	.....	1	
Little Rock AFB.....	.....	1	
Pine Bluff.....	Little Rock.....		2
Undesignated ports.....	Memphis, Tenn.....		3
<b>Bahamas: Nassau.....</b>			
Bermuda: Ferry Beach.....	.....	1	
<b>California:</b>			
Andrade.....	Calexico.....		2
Antioch.....	San Francisco.....		4
Burbank.....	Los Angeles.....		3
Calexico.....	.....	1	
Camp Pendleton, USMC, Oceanside.....	San Diego.....		3
Castle AFB.....	Merced.....		1
El Segundo.....	Los Angeles.....		2
El Toro MCAS.....	do.....		3
George AFB.....	do.....		4
Gillespie Field.....	San Diego.....		1
Hamilton AFB, Novato.....	Travis AFB.....		3
Imperial Beach NAS.....	San Diego.....		1
Los Angeles (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport).....	.....	2	
March AFB.....	Los Angeles.....		4
Martinez.....	San Francisco.....		3
Mather Field AFB.....	Travis AFB.....		3
McClellan AFB.....	do.....		3
Moffett Field NAS, Sunnyvale.....	San Francisco.....		3
North Island.....	San Diego.....		1
Norton AFB.....	Los Angeles.....		4
Ontario.....	do.....		3
Pittsburg.....	San Francisco.....		4
Port Chicago.....	do.....		8
Redwood City.....	do.....		2
Richmond.....	do.....		3
Rodeo.....	do.....		3
Sacramento.....	.....	1	
Do.....	Travis AFB.....		2
Sacramento Metropolitan Airport.....	do.....		3
San Diego (including Mexican border at San Ysidro; Brown, Gillespie, and Lindbergh Fields, Imperial Beach, North Island, Miramar, and Naval and Civilian Maritime within the San Diego Unified Port District).....	.....	2	
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport).....	.....	2	
Seal Beach.....	Los Angeles.....		2
Stockton.....	.....	1	
Do.....	Travis AFB.....		3

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Location covered	Served from—	Metropolitan area	
		Within	Outside
Tecate.....	San Diego.....		2
Travis AFB.....	San Diego.....	1	
Vallejo.....	San Francisco.....		2
Undesignated ports.....	San Diego, Los Angeles, or San Francisco.....		3
<b>Colorado:</b>			
Denver (including Stapleton International Airport).....	Denver.....	2	
Ent AFB (Peterson Field).....	Denver.....		5
<b>Connecticut:</b>			
Bradley Field, Windsor Locks.....	Boston, Mass.....		6
Do.....	Warwick, R.I.....		6
Bradley International Airport, Windsor Locks.....	Hadley, Mass.....	1	
Do.....	Groton.....		2
Bridgeport.....	Wallingford.....		3
Do.....	Warwick, R.I.....		2
Do.....	Windsor Locks.....		6
Do.....	Windsor Locks.....		3
Groton (including New London).....	Groton.....	1	
New Haven.....	Wallingford.....		2
Do.....	Warwick, R.I.....		1
Do.....	Windsor Locks.....		6
Do.....	Windsor Locks.....		2
New London.....	Warwick, R.I.....		4
Windsor Locks.....	Wallingford.....		3
Undesignated ports.....	do.....		3
<b>Delaware:</b>			
Claymont.....	Wilmington.....		1
Delaware City.....	do.....		2
Dover.....	do.....	1	
Wilmington (including marine terminal and airport).....	do.....	1	
Wilmington.....	Philadelphia, Pa.....		3
Undesignated ports.....	Dover.....		3
<b>District of Columbia:</b>			
Washington, D.C. metropolitan area (including Arlington, Alexandria, and Dulles International Airport, Va.; Andrews AFB, Md.; and Washington Navy Yard).....		2	
<b>Florida:</b>			
Apalachicola.....	Pensacola.....		6
Boca Grande.....	Tampa.....		5
Eglin AFB.....	Pensacola.....		3
Fort Lauderdale.....	do.....	1	
Fort Myers.....	Tampa.....		5
Fort Pierce.....	West Palm Beach.....		3
Jacksonville.....	do.....	2	
Key West.....	do.....	1	
Marathon.....	Key West.....		2
McCoy AFB.....	Tampa.....		4
Melbourne.....	Port Canaveral.....		2
Miami.....	do.....	2	
Panama City.....	Pensacola.....		5
Patrick AFB.....	do.....	1	
Pensacola.....	do.....	1	
Do.....	Mobile, Ala.....		3
Port Canaveral.....	do.....	1	
Port Everglades.....	do.....	1	
Port St. Joe.....	Pensacola.....		6
St. Petersburg.....	do.....	2	
Sanford NAS.....	Tampa.....		5
Tampa.....	do.....	2	
West Palm Beach.....	do.....	1	
Undesignated ports.....	Jacksonville, Miami, Port Canaveral, or Tampa.....		3
<b>Georgia:</b>			
Atlanta.....	do.....	2	
Brunswick.....	Savannah.....		4
Columbus.....	Atlanta.....		4
Macon.....	do.....		4
Marietta.....	do.....		2
St. Mary's.....	Jacksonville, Fla.....		3
Savannah.....	do.....	2	
Undesignated ports.....	Atlanta or Savannah.....		3
<b>Hawaii:</b>			
Barbers Point NAS.....	Honolulu.....		2
Hilo.....	do.....	1	
Honolulu.....	do.....	2	
Kaunapali, Lahaina, Maui.....	Kahului, Maui.....		2
Kahului, Maui.....	do.....	1	
Do.....	Honolulu.....		4
Kaneohe MCAS.....	do.....		2
Keauau.....	Hilo.....		1
Keahole.....	do.....	1	
Keauhou.....	Keahole.....		2
Lihue, Kauai.....	do.....	2	
Do.....	Honolulu.....		5
Schofield barracks, Wahiawa, Oahu.....	do.....		2
Undesignated ports.....	Hilo, Honolulu, or Keahole.....		3
<b>Illinois: Chicago.....</b>			
<b>Indiana:</b>			
Indianapolis.....	Chicago, Ill.....		5
Do.....	Frankfort.....		3
Do.....	Franklin.....		2
Iowa: Des Moines.....	Chicago, Ill.....		6
Kentucky: Louisville.....	Cleveland or Toledo, Ohio.....		5

## RULES AND REGULATIONS

Location covered	Served from—	Metropolitan area	
		Within	Outside
<b>Louisiana:</b>			
Barksdale AFB, Shreveport.....	Baton Rouge.....		6
Baton Rouge.....	.....	1	
Buras.....	New Orleans.....		4
Burnside.....	Baton Rouge.....		2
Convent.....	do.....		2
Donaldsonville.....	do.....		3
England AFB, Alexandria.....	do.....		4
Geismar.....	do.....		2
Lake Charles.....	Port Arthur, Tex.....		3
Morgan City.....	New Orleans.....		4
New Orleans.....	.....	2	
Ostrica.....	New Orleans.....		4
Plaquemine.....	Baton Rouge.....		2
Port Allen.....	.....	1	
St. James.....	Baton Rouge.....		3
Venice.....	New Orleans.....		4
Points on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, La.; any point below Chalmette, La., on the east bank; and Belle Chasse, La., and points to and including Port Sulphur on the west bank.....	.....		3
Undesignated ports.....	Baton Rouge or New Orleans.....		3
<b>Maine:</b>			
Bangor.....	.....	1	
Bath.....	Portland.....		2
Brunswick NAS.....	do.....		2
Bucksport.....	Bangor.....		2
Cousins Island.....	Portland.....		1
Eastport.....	Bangor.....		6
Kittery.....	Portland.....		3
Portland.....	.....	1	
Searsport.....	Bangor.....		2
Undesignated ports.....	Bangor or Portland.....		3
<b>Maryland:</b>			
Aberdeen Proving Ground.....	Baltimore.....		3
Annapolis.....	do.....		3
Baltimore.....	.....	3	
Cambridge.....	Baltimore.....		4
Salisbury.....	do.....		4
Undesignated ports.....	Andrews AFB, Dover, Del., or Dulles International Airport, Va.....		3
For other points in Maryland, see D.C. listing.			
<b>Massachusetts:</b>			
Boston.....	.....	3	
Fall River.....	Warwick, R.I.....		3
New Bedford.....	do.....		4
Otis AFB.....	do.....		5
Plymouth.....	do.....		4
Sandwich.....	do.....		5
Westover AFB, Chicopee.....	Boston.....		6
Do.....	Hadley.....		1
Woods Hole.....	Warwick, R.I.....		6
Undesignated ports.....	do.....		3
<b>Michigan:</b>			
Bay City.....	Detroit.....		5
Detroit (including Detroit Metropolitan Airport, Inkster).....	.....	3	
Monroe.....	Detroit.....		3
Muskegon.....	do.....		3
Do.....	Kalamazoo.....		6
Port Huron.....	Detroit.....		4
Saginaw.....	do.....		5
South Haven.....	do.....		6
<b>Minnesota:</b>			
Duluth.....	.....	1	
Minneapolis-St. Paul.....	.....	2	
Silver Bay.....	Duluth.....		3
<b>Mississippi:</b>			
Greenville.....	.....	1	
Do.....	Memphis, Tenn.....		5
Guilford.....	Mobile, Ala.....		4
Kessler AFB.....	do.....		4
Natchez.....	Baton Rouge, La.....		5
Do.....	Brookhaven.....		4
Pascagoula.....	Mobile, Ala.....		3
Vicksburg.....	Baton Rouge, La.....		6
Do.....	Florence.....		3
Undesignated ports.....	Mobile, Ala.....		3
<b>Missouri:</b>			
Kansas City.....	Chicago, Ill.....		6
Kansas City International Airport.....	.....	2	
St. Louis.....	.....	2	
Do.....	Chicago, Ill.....		6
St. Louis International Airport.....	.....	2	
<b>Montana:</b>			
Butte International Airport.....	Billings.....		6
Do.....	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hours).....	2	
<b>Nebraska: Omaha.....</b>			
<b>Nevada:</b>			
Las Vegas.....	.....	1	
Reno.....	.....	1	
<b>New Hampshire:</b>			
Pease AFB.....	Portland, Maine.....		3
Portsmouth.....	do.....		3



RULES AND REGULATIONS

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Location covered	Served from—	Metropolitan area	
		Within	Outside
Undesignated ports.....	Rouses Point, N.Y.....		3
New Jersey:			
Atlantic City.....	Philadelphia, Pa.....		3
Bridgeport (Monsanto).....	Wilmington, Del.....	1	
Burlington.....	Philadelphia, Pa.....		3
Deepwater (Penns Grove).....	Wilmington, Del.....		1
Lakehurst NAS.....	McGuire AFB.....		2
McGuire AFB.....	Philadelphia, Pa.....		3
McGuire AFB, Wrightstown.....		2	
Paulsboro.....	Philadelphia, Pa.....		3
Trenton.....	McGuire AFB.....		3
New Mexico:			
Albuquerque.....		1	
Holloman AFB, Alamogordo.....	El Paso, Tex.....		4
Undesignated ports.....	do.....		3
New York:			
Buffalo.....		2	
Chateaugay (including Churubusco and Cannon Corners), Jamaica, Long Island.....	Rouses Point.....		2
Lewiston.....	Buffalo.....		2
Massena.....	Ogdensburg.....		2
Do.....	Rouses Point.....		4
New York.....		3	
Niagara Falls.....	Buffalo.....		2
Ogdensburg.....		1	
Do.....	Rouses Point.....		5
Oswego.....	Buffalo.....		6
Plattsburgh.....	Rouses Point.....		2
Rochester.....	Buffalo.....		4
Roosevelt Town.....	Ogdensburg.....		2
Do.....	Rouses Point.....		4
Rouses Point (including Champlain).....		1	
Syracuse.....	Buffalo.....	1	
Do.....	Buffalo or Rouses Point.....		6
Undesignated ports.....			3
North Carolina:			
Camp Lejeune.....	Wilmington.....		3
Charlotte.....	Monroe.....		2
Do.....	Wilmington.....		6
Cherry Point.....	New Bern.....		2
Do.....	Wilmington.....		4
Elizabeth City.....	Morehead City.....		6
Do.....	Norfolk, Va.....		3
Morehead City.....		1	
Do.....	New Bern.....		2
Do.....	Wilmington.....		4
New River MCAS, Jacksonville.....	do.....		2
Pope AFB.....	do.....		4
Seymour-Johnson AFB.....	do.....		3
Sunny Point Army Terminal, Southport.....	do.....		2
Wilmington.....		1	
Undesignated ports.....	New Bern, Monroe, Morehead City, or Wilmington.....		3
Ohio:			
Akron.....	Cleveland.....		2
Cincinnati.....	Toledo.....		6
Cleveland.....		2	
Columbus.....	Cleveland.....		6
Do.....	Maryville.....		2
Fairport Harbor.....	Cleveland.....		2
Lockbourne AFB.....	do.....		6
Loralne.....	do.....		2
Toledo.....		2	
Do.....	Detroit, Mich.....		3
Undesignated ports.....	Cleveland or Toledo.....		3
Oregon:			
Astoria.....		1	
Do.....	Portland.....		5
Coos Bay (including North Bend).....		1	
Newport.....	Coos Bay.....		5
Fort Westward.....	Astoria.....		2
Portland.....		2	
Westport.....	Astoria.....		2
Undesignated ports.....	Astoria, Coos Bay, or Portland.....		3
Pennsylvania:			
Chester.....	Philadelphia.....		3
Do.....	Wilmington, Del.....		1
Erie.....	Buffalo, N.Y., or Cleveland, Ohio.....		4
Do.....	Meadville.....		3
Greater Pittsburgh International Airport.....	Cleveland, Ohio.....		6
Do.....	Hollidaysburg.....		6
Do.....	Meadville.....		4
Do.....	Pittsburgh.....	2	
Harrisburg International Airport.....	Carlisle.....		2
Do.....	Philadelphia.....		5
Do.....	Schuylkill Haven.....		3
Do.....	University Park.....		4
Marcus Hook.....	Philadelphia.....		3
Do.....	Wilmington, Del.....		1
Philadelphia.....		3	
Do.....	Wilmington, Del.....		3
Tullytown.....	Philadelphia.....		3
Puerto Rico:			
Aguadilla.....		1	
Arecibo.....	San Juan.....		4
Isabela.....	Ramey AFB.....		1

## RULES AND REGULATIONS

Location covered	Served from—	Metropolitan area	
		Within	Outside
Mayaguez.....	do.....		2
Ramey AFB (Including Borinquen Airport)	do.....		2
Roosevelt Roads NAS.....	do.....	1	
Do.....	do.....	1	
San Juan.....	San Juan.....		3
Rhode Island:		2	
Davisville NSD.....	Boston, Mass.....		4
Do.....	Warwick.....		3
Melville.....	do.....		3
Newport.....	Boston, Mass.....		3
Do.....	Warwick.....		5
Portsmouth.....	do.....		4
Providence.....	Boston, Mass.....		4
Do.....	Warwick.....		4
Quonset Point.....	Boston, Mass.....		2
Do.....	Warwick.....		4
Saunderstown.....	do.....		3
Tiverton.....	do.....		3
Warwick.....	do.....		4
Undesignated ports.....	Warwick.....	1	
South Carolina:			3
Beaufort.....	Charleston or Savannah, Ga.....		3
Charleston.....	do.....	2	
Columbia.....	do.....		4
Georgetown.....	do.....		3
Greenville-Spartanburg Airport, Columbia.....	do.....		6
McEntire NG Air Base, Eastover.....	do.....		4
Myrtle Beach AFB.....	do.....		4
Shaw AFB, Sumter.....	do.....		4
Undesignated ports.....	do.....		3
Tennessee:			4
Knoxville.....	Atlanta, Ga.....		1
Memphis.....	do.....	1	
Nashville.....	do.....	1	
Do.....	Memphis.....		6
Undesignated ports.....	Atlanta, Ga.....		5
Do.....	Memphis.....		3
Texas:			1
Alamo.....	Hidalgo.....		2
Aransas Pass.....	Corpus Christi.....		3
Barbours Cut.....	Houston.....		3
Bayport.....	do.....		3
Baytown.....	do.....		2
Beaumont.....	Port Arthur.....		2
Brownsville.....	do.....	1	
Carswell Field, Fort Worth.....	Dallas-Fort Worth Regional Air- port.....		3
Corpus Christi.....	do.....	1	
Corpus Christi NAS.....	Corpus Christi.....		1
Dallas.....	do.....	1	
Dallas (Including Love Field).....	Dallas-Fort Worth Regional Air- port.....		1
Dallas-Fort Worth Regional Airport.....	do.....	1	
Do.....	Denton.....		2
Do.....	Waxahachie.....		3
Del Rio.....	do.....	1	
Donna.....	Hidalgo.....		2
Dyess AFB.....	Abilene.....	1	
Eagle Pass.....	do.....	1	
Edinburg.....	Hidalgo.....		2
El Paso.....	do.....	1	
Fabens.....	El Paso.....		2
Falcon Heights.....	Roma.....		1
Freeport.....	Galveston or Houston.....		3
Galveston.....	do.....	1	
Do.....	Houston.....		4
Gregory.....	Corpus Christi.....		1
Harbor Island.....	do.....		2
Harlingen.....	Brownsville.....		2
Hidalgo.....	do.....	1	
Do.....	Brownsville.....		3
Houston (except Houston Intercontinental Airport)	do.....	2	
Houston Intercontinental Airport.....	do.....	3	
Kelly AFB.....	San Antonio.....		2
La Feria.....	Hidalgo.....		2
Laredo.....	do.....	1	
Love Field.....	Waxahachie.....		2
Do.....	Denton.....		2
McAllen.....	Hidalgo.....		1
Meacham Field.....	Dallas-Fort Worth Regional Airport.....		2
Mercedes.....	Hidalgo.....		2
Mission.....	do.....		1
Orange.....	Port Arthur.....		2
Pharr.....	Hidalgo.....		1
Point Comfort.....	do.....	1	
Do.....	Corpus Christi.....		5
Port Arthur.....	do.....	1	
Port Isabel.....	Brownsville.....		2
Port Lavaca.....	Corpus Christi.....		4
Presidio.....	do.....	1	
Progreso.....	do.....	1	
Do.....	Brownsville or Hidalgo.....		2
Randolph AFB.....	San Antonio.....		2
Rio Grande City.....	Roma.....		1
Rockport.....	Corpus Christi.....		2
Roma.....	do.....	1	
Do.....	Hidalgo.....		3
Do.....	Brownsville.....		5
Do.....	Laredo.....		4

Location covered	Served from—	Metropolitan area	
		Within	Outside
San Antonio.....	Hidalgo.....	1	1
San Juan.....	Galveston.....	1	1
Texas City.....	Hidalgo.....	2	2
Weslaco.....	Houston.....	3	3
Undesignated ports.....			
Vermont:			
Albany.....	Rouses Point, N.Y.....	1	2
St. Albans (including Highgate Springs and Morse Line).....	do.....		3
Undesignated ports.....	do.....		
Virgin Islands:			
Alexander Hamilton Airport, St. Croix.....		1	1
Charlotte Amalie, St. Thomas.....		1	1
Christiansted, St. Croix.....		1	1
Frederiksted, St. Croix.....		1	1
Virginia:			
Dulles International Airport.....	Baltimore, Md.....	3	3
Newport News.....		2	2
Norfolk.....		2	2
Quantico MCAS.....	Andrews AFB, Md., or Dulles International Airport.....	3	3
Undesignated ports.....	Andrews AFB, Md., Dulles International Airport, Newport News, or Norfolk.....	3	3
For other points in Virginia, see D.C. listing.			
Washington:			
Anacortes.....	Blaine.....	3	3
Do.....	Seattle.....	5	5
Ault Field.....	Blaine.....	4	4
Do.....	Seattle.....	5	5
Bellingham.....	Blaine.....	5	5
Do.....	Seattle.....	6	6
Bangor NSD.....	do.....	4	4
Blaine.....		1	1
Cherry Point.....	Blaine.....	1	1
Do.....	Seattle.....	6	6
Edmonds.....	do.....	2	2
Everett.....	do.....	3	3
Ferndale.....	Blaine.....	2	2
Do.....	Seattle.....	6	6
Fort Lewis.....	McChord AFB.....	1	1
Grays Harbor.....	Astoria, Ore.....	3	3
Do.....	McChord AFB.....	4	4
Do.....	Seattle.....	6	6
Kalama.....	Portland, Ore.....	3	3
Longview.....	Astoria or Portland, Ore.....	3	3
Lynden.....	Blaine.....	2	2
McChord AFB.....		1	1
Do.....	Seattle.....	3	3
Olympia.....	McChord AFB.....	2	2
Do.....	Seattle.....	3	3
Paine Field.....	do.....	3	3
Point Wells.....		2	2
Port Angeles.....	McChord AFB or Seattle.....	6	6
Port Townsend.....	Seattle.....	4	4
Raymond.....	Astoria, Ore.....	2	2
SEA TAC Airport.....		2	2
Do.....	McChord AFB.....	2	2
Seattle.....		2	2
Snohomish County Airport.....	Seattle.....	2	2
Sumas.....	Blaine.....	2	2
Tacoma.....	McChord AFB.....	2	2
Do.....	Seattle.....	3	3
Vancouver.....		2	2
Willapa Bay.....	Astoria, Ore.....	2	2
Do.....	McChord AFB.....	4	4
Do.....	Seattle.....	6	6
Undesignated ports.....	Astoria or Portland, Ore., or McChord AFB, or Seattle.....	3	3
Wisconsin:			
Green Bay.....	Milwaukee.....	6	6
Kenosha.....	do.....	2	2
Milwaukee.....		2	2
Racine.....	Milwaukee.....	2	2
Superior.....	Duluth, Minn.....	1	1
Undesignated ports.....	Duluth, Minn., or Milwaukee.....	3	3
Temporary detail: Any inspection point to which an employee may be temporarily detailed.....		1	1

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

[Navel Orange Reg. 336, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 24-30, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended and Marketing Order No. 907.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 336 (40 FR 3573). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

(b) Order, as amended. The provisions in paragraph (b) (1) (i), (ii), and

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary

to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing revision shall become effective on February 3, 1975, when it shall supersede 7 CFR 354.2, as amended, March 1, July 26, October 7, and November 22, 1974. (39 FR 7923, 27299, 35999, 40937).

Done at Washington, D.C., this 27th day of January, 1975.

T. G. DARLING,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs.

[FR Doc.75-2847 Filed 1-31-75;8:45 am]

(iii) of § 907.636 (Navel Orange Regulation 336) (40 CFR 3573) are hereby amended to read as follows:

- "(i) District 1: 1,290,000 cartons;
- "(ii) District 2: 180,000 cartons;
- "(iii) District 3: 30,000 cartons."

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

Dated: January 29, 1975.

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

[FR Doc.75-3013 Filed 1-31-75;8:45 am]

**Title 8—Aliens and Nationality**

**CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

**PART 100—STATEMENT OF ORGANIZATION**

**Miscellaneous Amendments**

*Correction*

In FR Doc. 1923 appearing at page 3407 in the issue of January 22, 1975, § 100.4(d), the last listing in Sector No. 7—Havre, Mont., now reading, "Whitefish, Mont. (Roosville, Mont.);" should read, "Wolf Point, Mont. (Plentywood, Mont.)."

**Title 9—Animals and Animal Products**

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

**SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS**

**PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS**

**Countries Declared To Be Free of Rinderpest and Foot-and-Mouth Disease**

*Statement of considerations.* The purpose of these amendments is to add Finland to the list of countries declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a) (2) and to the list of countries in § 94.11(a) which are declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a) (2) but which may export meat and animal products to the United States under restrictions only, because of their proximity to, or exchange of commerce, with rinderpest and/or foot-and-mouth disease infected countries. A review of documents submitted by Finnish authorities and an on site inspection made by a Veterinary Services inspector have confirmed that Finland is free of rinderpest and foot-and-mouth disease. Additionally, the third sentence of § 94.11(a) is amended to clarify the fact that the requirements of that section are applicable to all countries listed in the first sentence of that section as free of said diseases. Accordingly, Part 94 is hereby amended as follows:

**§ 94.1 [Amended]**

1. Section 94.1(a) (2) is amended by adding thereto the name of "Finland," after the reference to "Canada."

**§ 94.11 [Amended]**

2. Section 94.11 is amended by adding thereto the name of "Finland," after the reference to "Bahama Islands."

3. The third sentence of section 94.11 (a) is amended to read as follows: Therefore, meat of ruminants or swine, and other animal products, and ship stores, airplane meals, and baggage containing such meat or animal products originating in the free countries listed in this section shall not be imported into the United States unless the following requirements in addition to other applicable requirements of this Chapter III are met.

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

*Effective date.* The foregoing amendments shall become effective January 28, 1975.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of rinderpest and foot-and-mouth disease, they must be made effective immediately to be of maximum benefit to affected persons.

Insofar as the amendments clarify § 94.11, they do not effect a substantive change from the manner in which the regulations have heretofore been administered, and they should be made effective promptly in order to be of maximum benefit in informing the public of the applicable policy.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 28th day of January, 1975.

J. M. HEJL,  
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-3074 Filed 1-31-75;8:45 am]

**Title 12—Banks and Banking**

**CHAPTER II—FEDERAL RESERVE SYSTEM**

**SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS**

**Changes in Rates**

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for

the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	7½	Jan. 6, 1975
New York.....	7½	Jan. 10, 1975
Philadelphia.....	7½	Jan. 6, 1975
Cleveland.....	7½	Do.
Richmond.....	7½	Do.
Atlanta.....	7½	Jan. 13, 1975
Chicago.....	7½	Jan. 10, 1975
St. Louis.....	7½	Do.
Minneapolis.....	7½	Do.
Kansas City.....	7½	Jan. 24, 1975
Dallas.....	7½	Jan. 6, 1975
San Francisco.....	7½	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	7½	Jan. 6, 1975
New York.....	7½	Jan. 10, 1975
Philadelphia.....	7½	Jan. 6, 1975
Cleveland.....	7½	Do.
Richmond.....	7½	Do.
Atlanta.....	7½	Jan. 13, 1975
Chicago.....	7½	Jan. 10, 1975
St. Louis.....	7½	Do.
Minneapolis.....	7½	Do.
Kansas City.....	7½	Jan. 24, 1975
Dallas.....	7½	Jan. 6, 1975
San Francisco.....	7½	Do.

(b) The rates for advances to member banks for prolonged periods and in significant amounts under section 10(b) of the Federal Reserve Act and § 201.2 (e) (2) of Regulation A are:

Federal Reserve Bank of—	Special rate	Effective
Boston.....	9	Jan. 6, 1975
New York.....	9	Jan. 10, 1975
Philadelphia.....	9	Jan. 6, 1975
Cleveland.....	9	Do.
Richmond.....	9	Do.
Atlanta.....	9	Jan. 13, 1975
Chicago.....	9	Jan. 10, 1975
St. Louis.....	9	Do.
Minneapolis.....	9	Do.
Kansas City.....	9	Jan. 24, 1975
Dallas.....	9	Jan. 6, 1975
San Francisco.....	9	Do.

3. Section 201.53 is revised to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal

Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston.....	10	Jan. 6, 1975
New York.....	10	Jan. 10, 1975
Philadelphia.....	10	Jan. 6, 1975
Cleveland.....	10	Do.
Richmond.....	10	Do.
Atlanta.....	10	Jan. 13, 1975
Chicago.....	10	Jan. 10, 1975
St. Louis.....	10	Do.
Minneapolis.....	10	Do.
Kansas City.....	10	Jan. 24, 1975
Dallas.....	10	Jan. 6, 1975
San Francisco.....	10	Do.

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, January 24, 1975.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.75-2858 Filed 1-31-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-EA-32]

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

Alteration of Control Zone and Transition Area

On page 44037 of the FEDERAL REGISTER for December 20, 1974, the Federal Aviation Administration published a proposed rule which would alter the Philadelphia, Pa., Control Zone (39 FR 416) and Transition Area (39 FR 565).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. March 27, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 22, 1975.

JAMES BISPO,  
Acting Director,  
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 39°52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 266° bearing to a 016° bearing from the airport; within 2.5 miles each side of the Philadelphia International Airport Runway 27R ILS local-

izer course, extending from the localizer to 6.5 miles east; within 2 miles each side of the Philadelphia International Airport Runway 9R ILS localizer course, extending from the 5-mile radius zone to 2 miles east of the OM; within 2.5 miles each side of the New Castle, Del. VORTAC 055° radial, extending from the 5-mile radius zone to 18.5 miles northeast of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39°52'23" N., 75°14'58" W. of Philadelphia International Airport, Philadelphia, Pa.; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing from the airport to a 058° bearing from the airport; within 6.5 miles south and 4.5 miles north of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa. VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W. of Bridgeport Airport, Bridgeport, New Jersey; within 2 miles each side of the Woodstown, N.J. VORTAC 350° radial, extending from the 5.5-mile radius area to the Woodstown, N.J. VORTAC.

[FR Doc.75-2989 Filed 1-31-75; 8:45 am]

[Airspace Docket No. 75-SO-6]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gainesville, Ga., transition area.

The Gainesville transition area is described in § 71.181 (40 FR 441). In the description, an extension predicated on the 216° bearing from Gainesville RBN is designated as "9.5 miles southeast and 4.5 miles northwest of the bearing." Since the procedure turn will be changed to the northwest side of the 216° bearing, effective February 20, 1975, it is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 20, 1975, as hereinafter set forth.

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

" \* \* \* 9.5 miles southeast and 4.5 miles northwest \* \* \* " is deleted and " \* \* \* 9.5 miles northwest and 4.5 miles southeast \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.75-2991 Filed 1-31-75; 8:45 am]

[Airspace Docket No. 74-SO-115]

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

Designation of Transition Area

On December 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44037), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Craig AFB Aux. (Vaiden), Ala., transition area.

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

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

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

CRAIG AFB AUX. (VAIDEN), ALA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Craig AFB Aux. #1 (Vaiden), Ala. (latitude 32°30'35" N., longitude 87°23'06" W.); within 2.5 miles each side of the extended centerline of Runway 16, extending from the threshold to 10.5 miles north of the threshold.

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

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.75-2992 Filed 1-31-75; 8:45 am]

[Airspace Docket No. 74-SO-101]

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

Redesignation of Federal Airways

On December 3, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 41855) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airways V-11, V-47 and V-178.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Department of the Air Force objected to the proposed realignment of V-47, stating that the Little Rock, Ark., to Malden, Mo., segment would conflict with a high altitude

penetration procedure to Little Rock AFB, and that the Malden to Cunningham, Ky., segment would conflict with a high altitude penetration procedure to Blytheville, Ark., AFB. The Memphis Air Route Traffic Control Center (ARTCC) will provide procedural separation between en route aircraft on V-47 and aircraft executing the conflicting high altitude penetration procedure to Little Rock AFB. The Memphis ARTCC and Blytheville AFB have agreed upon adjustments to the conflicting Blytheville AFB high altitude penetration procedure which will provide lateral clearance between en route aircraft on V-47 and aircraft executing any high altitude penetration procedure to Blytheville AFB. All other comments received were favorable.

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

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

1. In V-11 "Cunningham, Ky., including an E alternate;" is deleted and "Cunningham, Ky.; including an E alternate; and a W alternate via INT Dyersburg 006° and Cunningham 224° radials;" is substituted therefor.

2. In V-47 "From Evansville, Ind., Nabbs, Ind.;" is deleted and "From Little Rock, Ark.; via Walnut Ridge, Ark.; Malden, Mo.; Cunningham, Ky.; Evansville, Ind.; Nabbs, Ind.;" is substituted therefor.

3. V-178 is amended to read as follows: "From Vichy, Mo.; Farmington, Mo.; Cape Girardeau, Mo.; Cunningham, Ky.; including a north alternate from Farmington to Cunningham via INT Farmington 115° and Cunningham 306° radials; and also a south alternate from Farmington to Cunningham via INT Farmington 145° and Cunningham 267° radials; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W.Va."

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

Issued in Washington, D.C., on January 28, 1975.

GORDON E. KEWER,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 75-2090 Filed 1-31-75; 8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

### SUBCHAPTER F—POLICY STATEMENTS [Reg. PS-62, Amdt. 41]

#### PART 399—STATEMENTS OF GENERAL POLICY

##### Deceptive Practices in Advertising Group Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 29, 1975.

By notice of proposed rule making, PSDR-39,<sup>1</sup> the Board invited comment on a proposal to amend Part 399 of the regulations (14 CFR Part 399) to codify a

<sup>1</sup> April 29, 1974, FR 15309, Docket 26658.

policy which would regard as an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act, the advertising of prices involved in Group Inclusive Tours (GIT's), unless the advertisement includes a clear statement of the total tour price.

The proposed draft rule would also require that where a GIT advertisement includes a statement of the applicable air fare, the total tour price must be stated in print at least as large as the separate statement of the air fare, and with equal prominence. As indicated in the Explanatory Statement accompanying PSDR-39, the Board's purpose in proposing this policy statement was to eliminate deceptive and misleading advertising of GIT's. In addition, the Board sought to remedy the apparently unfair competitive advantage enjoyed by the sellers of GIT's over Inclusive Tour Charter (ITC) operators as a result of such advertising.

Pursuant to the notice of proposed rulemaking, the Board received comments from British Airways, Continental Air Lines, Inc., and Trans World Airlines, Inc., from the National Air Carrier Association representing five supplemental air carriers,<sup>2</sup> from a group of four tour operators,<sup>3</sup> from the American Automobile Association, the American Society of Travel Agents, other independent travel agents,<sup>4</sup> from the Consumer Affairs Unit of the City of Syracuse, and from individual members of the public. With the exceptions noted below, all of these comments support the proposed policy statement. On consideration of all of the comments, the Board has determined to adopt the proposed rule with some modifications, and, except as modified, to make final the findings and conclusions on which it was based. All requests for other amendments contained in the comments are denied.

1. *Statement of the Applicable Air Fare.* NACA and some of the tour operators contend that the proposed rule should prohibit any separate statement of the air fare, at least as long as that prohibition continues to apply to ITC's. They state that GIT's and ITC's are marketed in "head to head" competition, and they urge that since ITC operators are prohibited from separate advertising of an air fare component, the failure to adopt a similar prohibition with respect

<sup>2</sup> Operators of ITC's are specifically required by § 378.12 of the Board's Special Regulations to include only the total tour price, without stating the cost of component parts. 14 CFR § 378.12.

<sup>3</sup> Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

<sup>4</sup> Identical comments have been filed on behalf of Anne Storch International—ASTI Tours, Inc., Touragent International, Inc., and Golden Holiday Tours, Inc., and Vacation Ventures, Inc.

<sup>5</sup> AITS, Inc. and Beacon Hill Travel Service, Inc.

to the sale of GIT's will continue to enable the latter to enjoy an unfair competitive advantage.

We have determined to make final our tentative conclusion that there is no reason to prohibit separate statement of the air fare in the case of GIT advertisements. Nor do we believe that we should impose an unwarranted restriction on the sale of GIT's for the sole purpose of achieving total conformity with our rules governing ITC's. The purpose of this rulemaking is not to impose identical conditions on the marketing of GIT's and ITC's, but rather to eliminate deceptive advertising of GIT's and to remove the unfair advantage over ITC's which such deceptive advertising may produce.

Viewed wholly apart from the question of competition vis-a-vis ITC's, we think it clear that there is no deception involved in permitting a GIT advertisement to include a separate statement of the air fare component, as reflected in the applicable air carrier tariff on which the total package price is based. Since there is clearly nothing intrinsically wrong with advertising a lawful fare, we would be justified in prohibiting such advertisement in connection with GIT's only if there were overriding considerations of achieving complete equality between the sale of GIT's and ITC's. We do not believe that such considerations exist here, because the differences in the concept and legal status of these two types of group transportation preclude complete equality in our regulatory treatment of their respective marketings.

Obviously, GIT's and ITC's are to some degree competitive and may be advertised in the same publications. Some similar problems of misleading advertisements have arisen. But, unlike the GIT package, which is constructed around a lawful filed fare applicable to an individual seat on scheduled service, the ITC package price is not constructed upon an individual fare set forth in a tariff; rather, the ITC operator charts space, and he himself prices the tour charter on a single-factor basis. Thus, the statement of a separate "air fare" for ITC's could only be done on an arbitrary basis, and, as we pointed out when we originally imposed this prohibition, the statement of an arbitrarily arrived at "component" fare would actually misinform the public.<sup>6</sup>

2. *Disclosure of Total Tour Price.* British Airways contends that the proposed requirement that the total tour price be stated as a single amount is more restrictive than necessary to eliminate misleading GIT advertising. Basically, the

<sup>6</sup> SPR-32, October 14, 1969, pp. 12-13.

We are not persuaded by the contention of ASTI and other tour operators that separate statement of a GIT-air fare should be prohibited because it is not a "true fare" in that it is subject to "adjustment" if conditions circumscribing its availability are not met. Problems of adjustment can arise whether the fare is shown separately or included in the total tour price. Examination of the conditions under which the fare is applicable are beyond the scope of this rulemaking.

argument is that since the same GIT air fare may apply to a number of tours included in a single brochure or other advertisement, we should not require that the total tour price be stated for each such tour, but rather should permit the GIT air fare to be stated separately from the prices of the various land packages to which it applies. Under this method of advertising, the prospective passenger obtains the total tour price by adding two component prices. Such separate listing of a range of alternative land packages which the passenger himself pairs with the applicable air fare is said to be the least confusing method of GIT presentation. Moreover, British Airways asserts, a requirement that the total tour price be stated in a single sum would interfere with promotional efforts during periods when the carrier is awaiting Board approval of newly filed tariffs, and would thus be particularly burdensome during a period of rapidly escalating air fares.<sup>7</sup>

As we explained in our notice of proposed rulemaking, the type of advertisement we seek to prohibit is that which misleads the public as to the actual total price of GIT tours. Our objective is to insure the prospective passenger clear and correct information of total tour costs, and it was for this purpose that the requirement of a single-sum statement was proposed. On consideration of the matters raised by British Airways and the various methods of GIT advertising, we have concluded that the desired objective may be adequately achieved in the manner suggested by this carrier. As long as the applicable air fare and the cost of the land package are the only two components of the total tour price, and both are clearly stated, albeit separately, we do not believe that merely requiring the reader to perform the simple addition of two prices in itself renders a tour advertisement misleading or deceptive. We are therefore modifying the proposed rule to permit this alternative style of advertising.

Thus, instead of requiring that the total tour price be stated as a single amount, as proposed, the rule which we are adopting will require only that the total tour price be clearly disclosed. It should be noted that where the two component prices are separately stated, we would not regard the total tour price as clearly disclosed unless the prices of both components are prominently displayed, along with a clear indication to the reader that the component prices must be added. On the other hand, where the total tour price is shown as a single amount, but the advertisement also includes a separate statement of the air fare, we would not regard the total tour price as clearly disclosed unless it is printed in type at least as large as, and displayed with equal prominence as, the air fare.

<sup>7</sup> The carrier states that its practice has been to produce, but not distribute, brochures showing the cost of land packages with a statement that the air fare is extra. After approval, the new fare has then been inserted on the inside brochure cover.

3. **Taxes.** There remain for consideration only questions raised by the comments with respect to the type of specific charges which must be included in the total tour price. Clarification has been requested by ASTA concerning so-called port or airport head taxes, and by Continental concerning security charges. It has been the Board's view that port and airport taxes are an essential part of the cost of the tour and should be included in the total price of ITC's. We see no reason to reach a different conclusion in determining the true total price of GIT's. Similarly, we endorse Continental's understanding that security charges should be included in the total tour cost.<sup>8</sup>

The within rule will become effective 60 days after issuance, thus applying to all advertising as of April 1, 1975. We recognize, however, that current brochures or other circulars which do not meet the standards here adopted may have been printed and placed in circulation prior to the issuance of this rule. In these circumstances, our policy statement would contemplate a reasonable, good faith effort to distribute corrective price lists to the brochure recipients prior to the specified effective date.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective April 1, 1975, as follows:

1. Amend the Table of Contents by adding § 399.84 to the table, as amended, to read in pertinent part as follows:

Subpart G—Policies Relating to Enforcement

Sec. 399.84 Unfair or deceptive practice of air carrier, foreign air carrier or ticket agent in advertising group inclusive tour without clear disclosure of total tour price.

2. Add a new § 399.84 to read as follows:

§ 399.84 Unfair or deceptive practice of air carrier, foreign air carrier or ticket agent in advertising group inclusive tour without clear disclosure of total tour price.

(a) It is the policy of the Board to consider the practice of an air carrier, foreign air carrier or ticket agent of advertising a group inclusive tour involving a scheduled flight in air transportation, to be an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act,

<sup>8</sup> Apart from their objections to the proposed policy statement, ASTI and the other tour operators in this group ask that the Board prohibit GIT advertisements in which the name of the carrier is more evident than that of the tour operator, a prohibition which has been proposed with respect to ITC's by SPDR-36. This question is outside the scope of the present rulemaking proceeding and will be dealt with in connection with the separate but identical petitions for rulemaking filed in Dockets 26834, 26835 and 26836.

unless such advertisement clearly discloses the total tour price.

(b) For the purposes of paragraph (a), above, "total tour price" means the total amount of money to be paid by the tour participant for the group inclusive tour, exclusive of options.

(Sections 204, 401, 402, 403, 404, 411, 416(a) and 1002 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 768 (as amended by 74 Stat. 445), 760, 769, 771 and 788; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1381, 1386, and 1482)

Effective: April 1, 1975.

Adopted: January 29, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-3069 Filed 1-31-75;8:45 am]

Title 15—Commerce and Foreign Trade  
CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,  
DEPARTMENT OF COMMERCE

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Bituminous Coal Exports

Revision of the "Export Administration Regulations" to discontinue the monitoring of bituminous coal exports and anticipated exports.

The purpose of this issuance is to announce discontinuance of the monitoring program over the export of bituminous coal as of 5 p.m. e.s.t. January 28, 1975. Consequently, the last weekly report to be submitted on Form DIB-6006P will include bituminous coal export contracts and shipments for the week ending at the close of business on January 24, 1975.

The FEDERAL REGISTER of November 15, 1974 announced that the Department of Commerce was establishing a monitoring system to provide accurate and timely information on exports and contracts for export of bituminous coal. The monitoring program was initiated coincident with a walkout of coal miners and forecasts of a long strike that might have had a serious adverse effect on the domestic economy.

The strike has been settled for over a month and recent statistics indicate that mine production and inventories have returned to virtually normal levels. In view of these developments and the fact that the normal ratio between domestic production and export volume has been reestablished, the need for export monitoring of bituminous coal no longer exists.

§ 376.3 [Deleted]

Accordingly, § 376.3 of the "Export Administration Regulations" is deleted.

Effective date of action: 5 p.m. e.s.t. January 28, 1975.

RAUER H. MEYER,  
Director, Office of  
Export Administration.

[FR Doc.75-2995 Filed 1-31-75;8:45 am]

Title 24—Housing and Urban Development  
 CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

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

[Docket No. R-75-272]

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

On August 12, 1974, the Department of Housing and Urban Development's final regulations, relating to the insurance of supplemental loans to finance the purchase and installation of fire safety equipment necessary to meet the fire safety requirements of the Department of Health, Education, and Welfare for providers of services under Titles XVIII and XIX of the Social Security Act for nursing homes and intermediate care facilities, were published in the FEDERAL REGISTER.

Section 232.535 is being amended to substitute \$10,000 for \$5,000 as the minimum principal obligation for this program. The minimum principal amount for this program was originally related to the maximum amount for loans to be insured under section 2(b) of Title I of the National Housing Act, which amount was \$5,000 at the time the final regulations were originally published. It was believed that the Title I program rather than the section 232(i) program would be a more effective program for loans under \$5,000. The section 232(i) program would then be used for loans above \$5,000. When the Housing and Community Development Act of 1974 amended section 2(b) of Title I to increase the maximum loan amount for that program from \$5,000 to \$10,000, it created an overlap of \$5,000 between the existing § 232.535 minimum loan amount and the new Title I maximum loan amount. This amendment to § 232.535 eliminates that overlap by increasing to \$10,000 the minimum loan amount available under the section 232(i) program. We consider that proc-

shorten the processing time for participation in the program, advance processing under the section 232(i) programs for loans of less than \$10,000 would be too expensive for the borrower.

Section 232.560(a) is being amended to provide an automatic mechanism for keeping the maximum interest rate for this program at  $\frac{1}{4}$  of 1 percent above the maximum FHA interest rate established under § 207.7(a) of the regulations. When the section 232(i) program was originally implemented, the maximum interest rate was set at  $\frac{1}{4}$  of 1 percent above the rate established for other HUD programs such as section 207 because it was believed that such an interest rate was necessary to interest lenders in the program, i.e. to meet the mortgage market. The section 232(i) rate will be keyed, by the amended regulations, to the section 207 regulatory rate. This, in effect, serves as a finding that the market rate for section 232(i) will generally be  $\frac{1}{4}$  percent above section 207 and will eliminate the need for a separate finding when interest rates are changed in the future.

Section 232.565 presently provides that the principal amount of the loan shall not exceed the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation with the additional requirement that the sum of prior liens against the property and the fire safety loan shall not exceed ninety percent of the Commissioner's estimate of the value of the project upon completion of installation of the fire safety equipment. Section 232.565 is being amended to provide that the principal amount of the loan shall not exceed the lower of the Commissioner's estimate of the cost of the safety equipment including the cost of installation, or an amount supported by the residual income as determined by the Commissioner. This change substitutes the concept of "residual income" for "value" in determining the maximum loan amount. By using residual income, which directly relates to the ability of a project to generate the income to meet mortgage payments, rather than value, which relates more closely to selling price, the need for an appraisal of the project is eliminated, thereby shortening the processing time for an application.

Since the amendments to §§ 232.535 and 232.560(a) are technical changes and

since the amendment to § 232.565 will be effective and public procedure are not necessary and good cause exists for making these amendments effective on publication.

Accordingly, Part 232 is amended as follows:

1. Section 232.535 is revised as follows:

§ 232.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of \$100, and the minimum principal obligation shall be \$10,000.

2. Section 232.560, (a) is revised as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not be in excess of  $\frac{1}{4}$  of 1 percent above the maximum FHA interest rate established under § 207.7(a) of the regulations.

3. Section 232.565 is revised as follows:

§ 232.565 Maximum loan amount.

The principal amount of the loan shall not exceed the lower of the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation, or the amount supported by the residual income, which is the amount of net income remaining after payment of all existing debt service requirements and deduction of the proprietary earnings, as determined by the Commissioner. The cost of installation may include the cost of such other work to be performed on the project necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner to enhance the fire safety of the project, and such costs incidental to installation as may be approved by the Commissioner. (Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

*Effective date.* This amendment will be effective on February 3, 1975.

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

[FR Doc. 75-2998 Filed 1-31-75; 8:45 am]



CHAPTER X—FEDERAL INSURANCE ADMINISTRATION,  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-461]

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	San Mateo	Pacifica, city of	Jan. 29, 1975. Emergency	June 28, 1974		
Indiana	Wayne	Hagerstown, town of	do	Apr. 12, 1974		
Kentucky	Butler	Unincorporated areas	do			
Do	Bath	Salt Lick, town of	do	June 7, 1974		
Massachusetts	Worcester	Douglas, town of	do	do		
Do	Middlesex	Pepperell, town of	do	Aug. 2, 1974		
New Jersey	Passaic	North Halendon, borough	do	May 3, 1974		
New York	Oneida	Oriskany, village of	do	Feb. 22, 1974		
North Carolina	Columbus	Tabor City, town of	do	June 7, 1974		
Ohio	Cuyahoga	Pepper Pike, city of	do	Apr. 5, 1974		
Texas	Tarrant	Colleyville, city of	do	May 10, 1974		
Wisconsin	Jackson	Hixton, village of	do	May 17, 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: January 23, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-2915 Filed 1-31-75; 8:45 am]

[Docket No. FI-462]

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
Iowa	Humboldt	Humboldt, city of	Jan. 28, 1975. Emergency	Apr. 5, 1974		
Minnesota	Hennepin	Independence, city of	do	May 28, 1974		
Nebraska	Dawson	Gothenburg, city of	do	May 3, 1974		
Tennessee	Weakley	Martin, city of	do	Mar. 1, 1974		
Texas	McLennan	Woodway, city of	do	Jan. 23, 1974		
Virginia	Accomack	Wachapreague, town of	do	Aug. 30, 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: January 23, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-2916 Filed 1-31-75; 8:45 am]

[Docket No. FI-463]

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
Connecticut	Fairfield	Ridgefield, town of	Jan. 24, 1975. Emergency	Sept. 13, 1974		
Illinois	McHenry	Island Lake, village of	do.	Mar. 8, 1974		
Massachusetts	Worcester	Northbridge, town of	do.	July 26, 1974		
Nevada	Lyon	Yerington, city of	do.	Jan. 8, 1974		
New York	Onesida	Floyd, town of	do.	Aug. 9, 1974		
North Carolina	Washington	Unincorporated areas (including Creswell, town of, and Roper, town of)	Jan. 24, 1975	June 14, 1974		
Ohio	Cuyahoga	Parma Heights, city of	Jan. 24, 1975. Emergency	Mar. 22, 1974		
Pennsylvania	Allegheny	Braddock Hills, borough of	do.	May 10, 1974		
Do.	Lancaster	Pequea, township of	do.	July 26, 1974		
Do.	Washington	McDonald, borough of	do.	May 31, 1974		
Do.	Bucks	Langhorne, borough of	do.	do.		
Do.	Allegheny	Crescent, township of	do.	do.		
Do.	Westmoreland	Penn, township of	do.	do.		
Texas	Tarrant	Westworth Village, village of	do.	Mar. 8, 1974		
Virginia	Wise	Pound, town of	do.	June 14, 1974		
Do.	Russell	Lebanen, town of	do.	May 10, 1974		
West Virginia	Greenbrier	Rupert, town of	do.	June 21, 1974		
Wyoming	Sublette	Pinedale, town of	do.	Apr. 5, 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: January 17, 1975.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.75-2917 Filed 1-31-75; 8:45 am]

**Title 28—Judicial Administration**  
**CHAPTER I—DEPARTMENT OF JUSTICE**  
[Order No. 591-75]

**PART 15—DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES ARISING OUT OF THEIR OPERATION OF MOTOR VEHICLES**

**Defense of Certain Suits Against Federal Employees**

Existing Justice Department regulations set forth certain procedures to be followed in connection with the Department's defense of civil actions against federal employees arising out of their operation of motor vehicles in the scope of their employment. This order extends those regulations to apply to suits against certain employees of the Veterans Administration and the Public Health Service for damages arising out of their medical services within the scope of their employment. This order also deletes a provision which limited applicability of the regulations to civil actions commenced as a result of incidents occurring on or after March 21, 1962. That provision is now obsolete.

By virtue of the authority vested in me by 5 U.S.C. 301, 28 U.S.C. 509, 510 and 2679 (b)-(e), 38 U.S.C. 4116 (a)-(d), and 42 U.S.C. 233 (a)-(e), Part 15 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The caption for Part 15 is revised to read:

**PART 15—DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES**

2. The first sentence of § 15.1 is revised to read as follows:

**§ 15.1 Expeditious delivery of process and pleadings.**

Any Federal employee against whom a civil action or proceeding is brought for damages to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Federal Government or on account of the employee's performance of medical care, treatment, or investigation in the scope of his office or employment with the Public Health Service or the Veterans Administration Department of Medicine and Surgery (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, to his immediate superior or to whoever is designated by the head of his department or agency to receive such papers, forthwith. \* \* \*

3. The first sentence of § 15.3 is revised to read as follows:

**§ 15.3 Removal and defense of suits.**

Authority is hereby delegated to the several United States Attorneys to make the certification provided for in 28 U.S.C. 2679(d), 38 U.S.C. 4116(c), and 42 U.S.C. 233(c) with respect to civil actions or proceedings brought against Federal employees in their respective districts. \* \* \*

**§ 15.4 [Reserved]**

4. Section 15.4 is obsolete and is deleted.

Dated: January 24, 1975.

WILLIAM B. SAXBE,  
Attorney General.

[FR Doc.75-3049 Filed 1-31-75; 8:45 am]

**Title 29—Labor**  
**CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS**

**Colorado Plan; Level of Federal Enforcement**

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under and approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter,

a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Colorado operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Colorado has met the following conditions for operational status:

(1) Enactment of the Colorado enabling legislation, "an Act Implementing the Federal Occupational Safety and Health Act of 1970," (hereinafter referred to as the Colorado Act) (House Bill No. 1396, Chapter 265 of the Session Laws of Colorado, 1973) which became effective on July 7, 1973;

(2) Adoption under Colorado Revised Statutes, section 3-16-2, of general industry and construction standards contained in 29 CFR Parts 1910 and 1926, as temporary State standards on March 1, 1974. These standards were readopted as temporary State standards on May 30, 1974. On September 1, 1974, the State adopted as permanent standards all general industry and construction standards which were then contained in 29 CFR Parts 1910 and 1926 except Federal maritime standards covered by 29 CFR 1910.13 through 1910.16;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely twenty safety inspectors and five health inspectors as of November 27, 1974;

(4) Operation since March 1, 1974, of a review and appeals system before the Industrial Commission of Colorado providing the mechanism for employers and employees to contest enforcement actions and/or abatement periods. The appeals are processed in accordance with rules of procedure promulgated by the Industrial Commission which became effective on October 31, 1974.

(5) State enforcement since March 1, 1974, of the State standards described in (2) above, monitored under 29 CFR Part 1954, including an onsite evaluation conducted on November 26 and 27, 1974.

(b) In addition, the State has provided under its plan for:

(1) Occupational accident and illness recordkeeping and reporting by employers covered under the plan (CRS 80-1-18);

(2) Responding to complaints filed with the Colorado Department of Labor and Employment for violations of the prohibition against discrimination by employers against employees for exercising their rights under the Colorado Act (CRS 80-2-2);

(3) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective November 27, 1974, and incorporated as part of the Colorado plan has been entered into between James Shaffer, Executive Director of the Colorado Department of Labor and Employment, and

Curtis A. Foster, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926 whenever Colorado occupational safety and health standards are in effect and operational.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16 which issues have been specifically excluded from coverage under the plan; and investigations and inspections for the purposes of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fall in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of November 27, 1974, Subpart M of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.192 is amended to read as follows:

**§ 1952.192 Level of Federal enforcement.**

Pursuant to § 1902.20(b) (1) (iii) and § 1954.3 of this chapter under which an agreement has been entered into with Colorado, effective November 27, 1974, and based on a determination that Colorado is operational in issues covered by the Colorado occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Colorado shall have adopted equivalent standards in accordance with

Subpart C of 29 CFR Part 1953; Standards in 29 CFR 1910.13 through 1910.16 which issues have been specifically excluded from coverage under the Colorado plan; and investigations and inspections for the purpose of the evaluation of the Colorado plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Colorado.

(Secs. 8(g)(2), 18, Pub. L. 91-506, 84 Stat. 1600, 1608 (29 U.S.C. 267(g)(2), 667))

Signed at Washington, D.C. this 28th day of January 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 75-3020 Filed 1-31-75; 8:45 am]

Title 32—National Defense  
CHAPTER I—OFFICE OF THE  
SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 286—AVAILABILITY TO THE PUBLIC  
OF DEPARTMENT OF DEFENSE INFORMATION

PART 296—PUBLICATIONS OF PROPOSED  
AND ADOPTED REGULATIONS AFFECTING  
THE PUBLIC

Public Participation Procedures

The Deputy Secretary of Defense has approved Part 296. This Part is added to Chapter I of Title 32 of the Code of Federal Regulations in response to a recommendation from the Administrative Conference of the United States that the Department of Defense voluntarily adopt procedures for public participation in rulemaking having direct and substantial public impact. Under the "military function" exemption of 5 U.S.C. 553(a.) (1) the Department of Defense is excused from the statutory requirement of issuing notices of proposed rulemaking, but hereby imposes a regulatory requirement for public notice and opportunity for public comment in appropriate circumstances.

§ 286.5 [Deleted]

1. In Part 286, § 286.5 is deleted.
2. Part 296 is added to read as follows:

Sec.	
296.1	Purpose.
296.2	Cancellation.
296.3	Applicability and scope.
296.4	Policy.
296.5	Proposed regulations.
296.6	Publication in the FEDERAL REGISTER of adopted regulations and other matters.
296.7	Petitions.
296.8	Effective date and implementation.

AUTHORITY: The provisions of this Part are issued under 10 U.S.C. 125.

§ 296.1 Purpose.

This Part:

- (a) Establishes a policy and procedure by which the Department of Defense

will invite the comments of the public on those of its proposed regulations and other types of rulemaking as described hereafter which originate within the Department of Defense as a requirement of general applicability and future effect designed to implement, interpret, or prescribe law or policy, or practice or procedure requirements of a component. This requirement applies to those regulations which constitute the authority for actions having a substantial and direct impact on the public when consistent with other responsibilities of the Department for the efficient and responsible conduct of public business.

(b) Implements the provisions of 5 U.S.C. 552 relating to the kinds of regulations that must be published in the FEDERAL REGISTER after they are adopted.

#### § 296.2 Cancellation.

32 CFR 286.5 is hereby superseded and cancelled.

#### § 296.3 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereinafter referred to singularly as a "DoD Component" or collectively as "DoD Components").

(b) These provisions are applicable to those directives, instructions, regulations, policy memoranda, manuals, and other forms of rulemaking (hereinafter referred to as "regulations") that have a substantial and direct impact on the public. Only a regulation which must be published in the FEDERAL REGISTER after its adoption in accordance with 5 U.S.C. 552 (as implemented in § 296.6 of this Part) comes within the requirement that it be evaluated to determine whether it will have the substantial and direct impact on the public that warrants an invitation for public comment prior to its adoption. An implementation by a subordinate component of a regulation adopted by a component at a higher level within the Department of Defense is not deemed to "originate" a requirement of general applicability and future effect, and, therefore, does not fall within the scope of the obligation to invite public comment on its provisions.

(c) The determination by the component originating a regulation shall be final and conclusive in determining whether a regulation or a proposed regulation comes within the purview of this Part. Consideration shall be given, however, to the definition of "rulemaking" found in 5 U.S.C. 551 as it relates to the requirements of 5 U.S.C. 553 in making this determination.

(d) The requirement for inviting public comment on a proposed regulation shall not be deemed applicable to any proposed regulation coming within one or more of the following exemptions or exceptions to the rulemaking procedures set forth in 5 U.S.C. 553.

(1) Any matter pertaining to a military or foreign affairs function of the United States which has been determined under the criteria of an Execu-

tive Order or statute to require a security classification in the interests of national defense or foreign policy.

(2) Any matter relating to (i) agency management, (ii) agency personnel, or (iii) public contracts (e.g., the Armed Services Procurement Regulation), including nonappropriated fund contracts.

(3) Any matter involving (i) interpretative rules, (ii) general statements of policy, or (iii) rules of agency organization, procedure, or practice.

(4) Any situation in which the DoD Component for good cause finds that inviting public comment on a proposed regulation is (i) impracticable, (ii) unnecessary, or (iii) contrary to the public interest, and incorporates in the adopted regulation that determination and its basis.

(e) Exceptions to the requirement in 5 U.S.C. 552 for publication in the FEDERAL REGISTER of adopted regulations for the guidance of the public shall be made in accordance with guidance provided in 32 CFR 286.8.

#### § 296.4 Policy.

(a) It is the policy of the Department of Defense to encourage the maximum practicable participation of the public in the formulation of regulations having a substantial and direct impact on the public, and to inform the public fully through publication in the FEDERAL REGISTER of all adopted regulations intended for public guidance.

(b) A proposed regulation which would originate a Department of Defense policy having a substantial and direct impact on the public should be published, along with a notice of purpose and authority, in the FEDERAL REGISTER in order to invite public comment within a designated time at least 30 days prior to its intended adoption. This policy should be followed even though the proposed regulation may come within one or more of the exceptions or exemptions to the requirement for pre-publication of proposed rules described in § 296.3(d)(2) (i) and (ii), (3) and (4), unless it is determined by the DoD Component as a matter within its sole and exclusive prerogative that the employment of the exception or exemption is appropriate to satisfy a significant and legitimate interest of the DoD Component or the public.

(c) After their adoption, all regulations for the guidance of the public shall be published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552, even though they may come within one or more of the exemptions described in 32 CFR 286.8, if no significant and legitimate interest of the DoD Component or public precludes such publication. This policy extends to some adopted regulations for the guidance of the public which were not the subject of notice and public comment.

#### § 296.5 Proposed regulations.

(a) The general notice of a proposed regulation shall be published in the FEDERAL REGISTER in accordance with the guidance contained in the "Federal

Register Handbook on Document Drafting" (GSA), whenever that regulation would have a substantial and direct impact on the public or any significant portion of the public, unless it comes within one or more of the exceptions or exemptions previously set forth in § 296.3(d).

(b) The notice shall include:

(1) A statement of the purpose and objective of the proposed regulation;

(2) Reference to the legal authority under which the regulation is proposed; and

(3) The terms or substance of the proposed regulation.

(c) Whenever the originating DoD Component finds that notice and pre-publication of a proposed regulation for public comment are impracticable, unnecessary, or contrary to the public interest, it shall incorporate that finding and a brief statement of its reasons in the adopted regulation, or it may adopt and publish in the FEDERAL REGISTER a separate regulation excepting or exempting categories of regulations for any of these reasons, with an explanation of the basis for excepting or exempting each particular category. Separate regulations for this purpose shall be promulgated by the procedures for proposed rules whenever this falls within the requirements of paragraph (a).

(d) Following the publication of notice and the proposed regulation in the FEDERAL REGISTER, the DoD Component shall give all interested persons an opportunity to participate in the rulemaking through the submission of written data, views, or arguments. An opportunity for oral presentation will normally not be provided, but may as a matter within the sole and exclusive prerogative of the component be extended where it is found to be in the interest of the DoD Component or the public. After careful consideration of all relevant matter presented, the component shall incorporate in the adopted regulation a concise general statement of its basis and purpose. A preamble to the adopted regulation may be published in the FEDERAL REGISTER to explain the relationship of the adopted rule to the proposed rule, including the nature and effect of public comments.

#### § 296.6 Publication in the Federal Register of adopted regulations and other matters.

Subject to the exemptions set forth in 32 CFR 286.8:

(a) Each DoD Component shall publish in the FEDERAL REGISTER an informative, current description for the guidance of the public, of where, how, and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER a DoD Component shall consider the fundamental objective of informing all interested persons of how to deal effectively with the component.

(b) Information to be published in the FEDERAL REGISTER shall include:

(1) Descriptions of the central and field organization of the component con-

cerned, and the established places at which, the employees or members of the armed forces from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(2) The procedures by which a DoD Component conducts its business with the public, both formally and informally.

(3) The rules of procedure which must be followed, the description of forms which must be completed, or the source from which forms may be obtained, and instructions on the scope and content of papers, reports, examinations required to be submitted pursuant to such rules of procedures, as adopted by the component.

(4) Directives, instructions, regulations, manuals, policy memoranda, statements of general policy, or interpretation of general applicability adopted by the agency, and other substantive rules of general applicability affecting the public.

(c) With the approval of the Director of the FEDERAL REGISTER, the requirement for publication in the FEDERAL REGISTER (1 CFR, Part 51, 37 FR 23614, Nov. 4, 1972) may be satisfied by reference in the FEDERAL REGISTER to other publications reasonably available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full text material required to be published by 5 U.S.C. 552.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association or architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

(d) It is incumbent upon each component to review all information of the type described in paragraph (b) of this section, to ensure that it is published on an up-to-date basis in the FEDERAL REGISTER, including every amendment revision, or repeal. No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by the foregoing provisions of § 296.6 unless he has actual and timely notice of the content of that material.

§ 296.7 Petitions.

Each component shall accord any interested person the right to petition for the issuance, amendment, or repeal of a regulation that originates or would origi-

inate, for the Department of Defense or that component, a policy, requirement, or procedure coming within the scope of § 296.5. Any such petition shall be given full and prompt consideration by the component charged with the responsibility for issuing such a regulation. The petitioner shall be advised in writing of the disposition, and the reason for the disposition, of any written petition for the issuance, amendment, or repeal of a regulation. The official responsibility for disposition of the petition may at his absolute discretion, grant the petitioner a right to appear for the purpose of supporting his petition if this is compatible with the orderly conduct of public business.

§ 296.8 Effective date and implementation.

This Part becomes effective on February 1, 1975, but is applicable only to the regulations promulgated under the authority of a component after April 1, 1975. Two copies of implementing regulations shall be forwarded to the General Counsel of the Department of Defense on or before April 1, 1975.

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

JANUARY 29, 1975.

[FR Doc.75-2997 Filed 1-31-75; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Negotiated Procurement under the Buy Indian Act

On February 1, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3072) stating that the Department of Health, Education, and Welfare is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3-4.57, Negotiated Procurement under the Buy Indian Act. The amendment provides policy on purchasing from Indians under the negotiating authority of the Buy Indian Act (25 U.S.C. 47) whenever practicable.

Interested persons were invited to submit written data, views, and comments within 30 days after publication. Comments were received from the Department of the Interior and the United States Commission on Civil Rights related primarily to the requirement that a firm be 100-percent owned by Indians in order to qualify as an Indian firm. The relaxation of that requirement, as suggested by the Commission on Civil Rights, has been rejected in order to avoid the substantial enforcement problems that have arisen in that regard in the past. The authority to authorize a deviation from the 100-percent requirement has, however, been vested in the Area Directors rather than in the Director, Office of Contracts and Grants,

Health Services Administration. The Department of the Interior suggestion that a rigid 100-percent requirement in that regard be imposed is not deemed to be mandated by the Buy Indian Act. The definitive regulations provide a flexibility in that regard that is designed to give maximum effect to the preferences provided for Indians in the law.

The suggestions that the term "joint venture" be specifically defined have been rejected as unnecessary to protect Indian firms and as restricting opportunities for encouraging the expansion and development of Indian firms.

The definitive regulations specify that their application is limited to procurement by the Indian Health Service, U.S. Public Health Service, and the requirement for a certification of individual Indians has been omitted as being unnecessary. Other amendments of a minor editorial nature have been made. The text of the new subpart, modified where appropriate to reflect the comments of interested parties, reads as follows:

1. Contents of Part 3-4 are amended to add a new Subpart 3-4.57.

Subpart 3-4.57—Negotiated Procurement under the Buy Indian Act

Sec.	
3-4.5700	Scope of subpart.
3-4.5701	Policy.
3-4.5702	Definitions.
3-4.5702-1	Indian.
3-4.5702-2	Indian Firm.
3-4.5702-3	Product of Indian Industry.
3-4.5702-4	Buy Indian Contract.
3-4.5703	Requirements.
3-4.5704	Competition.

2. Subpart 3-4.57 is added to Part 3-4 and reads as set forth below:

Subpart 3-4.57—Negotiated Procurement under the Buy Indian Act

§ 3-4.5700 Scope of subpart.

This subpart sets forth policy on preferential purchasing from Indians under the negotiating authority of the Buy Indian Act. Applicability of this subpart is limited to procurements made by the Indian Health Service, U.S. Public Health Service.

§ 3-4.5701 Policy.

The Indian Health Service, U.S. Public Health Service, will utilize the negotiating authority of the Buy Indian Act to give preference to Indians whenever the use of that authority is authorized and is practicable. The Buy Indian Act was enacted as a proviso to section 23 of the Act of June 25, 1910, Chapter 431, Pub. L. 313, 61st Congress, 36 Stat. 861, prescribing the application of the advertising requirements of section 3709 of the Revised Statutes to the purchase of Indian supplies. As set out in 25 U.S.C. 47, the Buy Indian Act provides as follows:

So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior.

The functions, responsibilities, authorities, and duties of the Secretary of the Interior for maintenance and operation of hospital and health facilities for In-

dians and for the conservation of the health of Indians were transferred to the Secretary of Health, Education, and Welfare on July 1, 1955 by Pub. L. 568, 83d Congress, 42 U.S.C. 2001 et seq. Accordingly, the Secretary is authorized to use the Buy Indian Act in the purchase of the products of Indian industry in connection with the maintenance and operation of hospital and health facilities for Indians and the conservation of the health of Indians. This authority has been delegated exclusively to the Indian Health Service and is not available for use by any other HEW component.

#### § 3-4.5702 Definitions.

##### § 3-4.5702-1 Indian.

Indian means a member of any tribe, Pueblo, band, group, village or community that is recognized by the Secretary of the Interior as being Indian or any individual or group of individuals that is recognized by the Secretary of the Interior or the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare in making such determination may take into account the determination of the tribe with which affiliation is claimed.

##### § 3-4.5702-2 Indian Firm.

An Indian firm means any sole enterprise, partnership, corporation, or other type of business organization that is owned or controlled by one or more Indians or by an Indian firm.

##### § 3-4.5702-3 Product of Indian Industry.

The product of Indian industry means anything produced by Indians through physical labor or by intellectual effort involving the use and application by them of skills.

##### § 3-4.5702-4 Buy Indian Contract.

Buy Indian contract means any contract involving activities covered by the Buy Indian Act that is negotiated under the provisions of 41 U.S.C. 252(c)(15) and 25 U.S.C. 47 between an Indian firm and a contracting officer representing the Indian Health Service, U.S. Public Health Service.

##### § 3-4.5703 Requirements.

(a) *Indian ownership.* The degree of ownership or control over an Indian firm by an Indian or Indian tribe that is called for by § 3-4.5702-2 shall be 100 percent during the period covered by a Buy Indian contract unless a deviation from that 100 percent requirement is approved on an individual basis by the Area Director of the appropriate Area Indian Health Service in which the contract is being negotiated together with an appropriate justification for such a deviation.

(b) *Joint ventures.* Indian firms may enter into joint ventures with other entities for specific projects as long as an Indian firm is the managing partner. The joint venture must, however, be approved by the contracting officer prior to its negotiating a contract under the Buy Indian Act.

(c) *Indian employment.* Contracts and subcontracts thereunder, negotiated under the Buy Indian Act shall contain a clause requiring the maximum practicable amount of Indian employment under the circumstances and may specify the minimum percentage of Indian labor determined by the contracting officer to be reasonable under the circumstances considering the type of work involved, and the availability of Indian labor and skills for that type of work.

(d) *Bonds.* In the case of contracts for the construction, alteration, or repair of public buildings or public works, performance and payment bonds are required by the Miller Act (40 U.S.C. 270a) and §§ 1-10.104 and 1-10.105 of this title. In the case of contracts with Indian tribes or public nonprofit corporations serving as governmental instrumentalities of an Indian tribe, such bonds are not required except in relation to private business entities even if they are owned by an Indian tribe or members of an Indian tribe, and may be required of private business entities who are joint venturers with, or subcontractors of, an Indian tribe or a public nonprofit corporation serving as a governmental instrumentality of an Indian tribe. A bid guarantee or bid bond is required only when a performance or payment bond is required.

(e) *Subcontracting.* Not more than 50 percent of the work to be performed under a prime contract negotiated pursuant to the Buy Indian Act shall be subcontracted to one other than an Indian firm. For this purpose, work to be performed does not include the providing of materials, supplies, or equipment.

(f) *Wage rates.* A determination of the minimum wage rates by the Secretary of Labor as required by the Davis-Bacon Act (40 U.S.C. 276a-276a-5) shall be included in all contracts negotiated under the Buy Indian Act for over \$2,000 for construction, alteration, or repair, including painting and decorating, of public buildings and public works, except contracts with Indian tribes or public nonprofit corporations serving as governmental instrumentalities of an Indian tribe. Such a determination is to be included in contracts with private business entities even if they are owned by an Indian tribe or members of an Indian tribe and in connection with joint ventures with, or subcontractors of, an Indian tribe or a public nonprofit corporation serving as a governmental instrumentality of an Indian tribe.

##### § 3-4.5704 Competition.

(a) Contracts negotiated under the Buy Indian Act shall be subject to competition among Indians to the maximum extent that competition is determined by the contracting officer to be practicable, pursuant to §§ 1-1.301-1 and 1-3.101(d) of this title. When competition is determined not to be practicable, a Justification for Noncompetitive Procurement shall be prepared in accordance with § 3-3.802-50 of this chapter and retained in the contract file.

(b) Notwithstanding the provisions of § 3-3.802-50 of this chapter, requests for approval of procurements to be negotiated under the Buy Indian Act in activities covered by that Act may, if \$25,000 or less, be approved by the Chief of the procurement office, or, if over \$25,000, by the official in charge of the office one level above the procurement office.

(5 U.S.C. 301; 40 U.S.C. 486(c))

*Effective Date:* The provisions of this amendment shall be effective February 3, 1975.

Dated: January 27, 1975.

JOHN OTTINA,  
Assistant Secretary  
for Administration and Management.

[FR Doc.75-3057 Filed 1-31-75;8:45 am]

### Title 47—Telecommunication CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION [FCC 75-74]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Digital Modulation Techniques

1. On September 27, 1974, the Commission released a report and order in the proceedings in Docket No. 19311 (FCC 74-985) concerning rules for use of digital modulation techniques in common carrier microwave radio.

2. One of the new rules specified requirements for out-of-band emission limitations for digital modulated systems. Recently it has been brought to our attention that the requirement specified in § 21.106(a)(2)(ii) may be more stringent than necessary. The rule requires emission levels of frequencies removed from the center frequency by more than 250 percent to be attenuated to values considerably less than 50 microwatts in the case of low output power transmitters. It appears unreasonable to require such attenuation in light of the difficulty and cost involved in constructing a filter network which would be required. In addition, the requirement is not in accord with the general requirement in Part 21, which stipulates that spurious emissions removed from the assigned frequency by more than 250 percent of the authorized bandwidth be attenuated  $43+10 \text{ Log}_{10}$  (mean power output) dB or 80 dB, whichever is the lesser attenuation.

3. In view of the foregoing, we believe it advisable to modify paragraph (a) of § 21.106 to preclude any potential difficulties manufacturers may encounter in designing equipment, and to bring the rules for digital modulation into conformance with the general provisions of Part 21.

4. Also, we will take this opportunity to correct footnote 2 to rule § 21.101 to include "grandfather" rights to microwave radio equipment in the 11 GHz common carrier frequency range with .05 percent frequency tolerance. As indicated in paragraph 18 of the second re-

port and order in Docket No. 18920 (47 FCC 2d 737), it was our intention to "grandfather" equipment authorized prior to the institution of the new .005 percent tolerance figure. However, the wording of footnote 2 unintentionally omitted this category of equipment.

5. In view of the foregoing, we are of the opinion that the rule modifications discussed above are in the public interest and, pursuant to section 553(b) of the Administrative Procedure Act, that it is unnecessary to give prior notice thereof because of the minor nature of the matters involved and the consistency of these changes with other rules and previously announced policy. Accordingly, it is hereby ordered, Pursuant to authority contained in sections 4(1), 303 and 403 of the Communications Act of 1934, as amended, Part 21 of the Commission's rules is amended as reflected in the appendix attached hereto, effective March 7, 1975.

(Secs. 4, 303, 403, 48 Stat., as amended, 1086, 1082, 1094; 47 U.S.C. 154, 303, 403)

Adopted: January 21, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 21.101, change the second sentence of footnote 2 to read as follows:

§ 21.101 Frequency tolerance.

..... Until that date new equipment may be authorized with a frequency tolerance of .03 percent in the frequency range 2,200 to 10,500 MHz and .05 percent in the range 10,500 MHz to 12,200 MHz, and equipment so authorized may continue to be used for its life provided that it does not cause interference to the operation of any other licensees. ....

2. In Section 21.106, change paragraph (a) (2) to read as follows:

§ 21.106 Emission limitations.

(a) \* \* \*

(2) When using transmissions employing digital modulation techniques (See § 21.122):

(i) For operating frequencies below 15 GHz, in any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 50 decibels.  $A=35 + 0.8(P-50) + 10 \text{ Log}_{10} B$ . (Attenuation greater than 80 decibels is not required.)

Where:

A=Attenuation (in decibels) below the mean output power level.

P=Percent removed from the carrier frequency.

B=Authorized bandwidth in MHz.

(ii) For operating frequencies above 15 GHz, in any 1 MHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 11 decibels.  $A=11 + 0.4(P-50) + 10 \text{ Log}_{10} B$ . (Attenuation greater than 56 decibels is not required.)

(iii) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least  $43 + 10 \text{ Log}_{10}$  (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

[FR Doc.75-3035 Filed 1-31-75;8:45 am]

[FCC 75-86; Docket No. 19795, RM-2014]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Rapid City, South Dakota

1. The Commission here considers the notice of proposed rule making, adopted July 26, 1973 (38 FR 20627), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by adding Channel 262 as a third FM assignment at Rapid City, South Dakota. Those filing comments are the petitioner, James E. Taylor (Taylor), licensee of daytime-only AM Station KIMM, Rapid City; Ray J. Aldrich, William A. Goodhope, Robert A. Gunderson, and Bruce H. Lien (Aldrich et al.); James River Broadcasting Company (James River), licensee of Stations KKLS and KKLS-FM (Channel 230), Rapid City; and Sturgis Radio Company, Inc. (Sturgis), licensee of FM Station KBHB, Sturgis, South Dakota. Aldrich, et al. support the addition of a third FM channel at Rapid City; James River and Sturgis oppose the proposed assignment.

2. Rapid City, the second largest city in South Dakota, has a population of 43,836;<sup>1</sup> it is the seat of Pennington County, population 59,349. Seven aural broadcast stations are licensed there: FM Stations KKLS-FM and KVSR (FM); four commercial AM stations—two full-time (KOTA and KRSD) and two daytime-only (KKLS and KIMM); and non-commercial educational FM Station KTEQ. In support of the proposed amendment, Taylor in large part relies on his petition which initiated this proceeding.

3. Taylor contends that Rapid City is entitled to a third Class C FM assignment because the population on a year-round basis is higher than the official figures would indicate. In this respect, petitioner—as well as other parties—recognize that under the population criteria a city the size of Rapid City normally would have only two FM channel assign-

ments.<sup>2</sup> Taylor contends that the population of nearby Ellsworth Air Force Base (AFB), which is said to be 14,000, should be considered that Rapid City is a convention and tourist area.<sup>3</sup> Additionally, petitioner asserts that Rapid City is a large and expanding industrial community and that a third FM assignment is necessary in order for Station KIMM to fully compete with the other full-time aural broadcast stations in Rapid City. Finally, as concerns the Roanoke Rapids doctrine (9 F.C.C. 2d 672 (1967)), referred to specifically in the notice, petitioner's engineering showing indicates that from a site about one mile southwest of Rapid City (where the other FM stations are sited) it proposes a station with 100 kw power with an antenna height of 480 feet a.a.t. which would provide a second FM service to 351 persons in an area of 241 square miles.

4. Aldrich, et al. make similar arguments. They point to the 1973 Chamber of Commerce estimate of population for Rapid City as 45,800 and refer to the population of Ellsworth AFB as being 15,000. They say that Rapid City has grown substantially since 1950 and that it is the hub of a market area for a dynamic agricultural industry and that retail sales in 1971 exceeded \$150 million. They allege that they would apply for a station with 100 kW power at 910 feet antenna height (a.a.t.) which would serve an area of 6,790 square miles and a population of 101,000. Their engineering showing indicates that such a station would furnish a first FM service to 1,800 persons in an area of 813 square miles (unserved area) and a second FM service to 503 persons in an area of 305 square miles (underserved area).<sup>4</sup> In the latter respect, Aldrich, et al. urge that this additional service is particularly significant because the population density of South Dakota is approximately 2.1 persons per square mile. Accordingly, they would condition the assignment of a channel to a station with 100 kW power and an antenna height of 910 feet. They argue that the population criteria are not decisive in view of the Commission's decisions stating that those criteria are only guidelines.<sup>5</sup> In any event, they assert that the actual population is in excess of

<sup>1</sup> See Paragraph 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-876), incorporated by reference in the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1963)).

<sup>2</sup> We are told that Mt. Rushmore (about 20 miles west southwest of Rapid City) is one of the principal attractions.

<sup>3</sup> Taylor's showing is made by the more precise prediction method of average elevation on specified radials used in applying for a construction permit. The showing of Aldrich et al. is based on the average of the average over eight radials which, while less precise, is generally acceptable for channel assignment purposes.

<sup>4</sup> Cited in support are Fresno, 38 F.C.C. 2d 525 (1973); Yakima, 42 F.C.C. 2d 648 (1973); and Melbourne, 47 F.C.C. 2d 717 (1974).

<sup>5</sup> All population data are from the 1970 Census unless otherwise indicated.

50,000 if one includes both the college student populations at Rapid City and the population of Ellsworth AFB.

5. As already noted, James River and Sturgis (respectively licensees of FM stations at Rapid City and Sturgis) oppose the addition of a third Class C channel assignment to Rapid City. James River says that the arguments of Aldrich et al. are contrived and unrealistic, and fallacious when they urge the addition of a channel to any city which already has multiple local broadcast stations on the pretext of serving small unserved and/or underserved areas just beyond the service contours of existing stations. In this respect, James River points out that the underserved areas are close to cities with AM service, specifically AM Stations KASL (Class IV) at Newcastle, Wyoming, and KOBH (daytime-only) at Hot Springs, South Dakota. James River states that if the Commission is of the opinion that the assignment of Channel 262 is warranted because Aldrich et al. would serve an area not presently served by the Rapid City stations it commits itself to applying for a modification of facilities to provide extended coverage. Similarly, Sturgis would increase power presumably for the purpose of diminishing the amount of unserved and underserved areas that a new channel at Rapid City might serve, and in fact it has applied for increase of power from 25 to 52 kW (BPH-8671). In James River's view, the key question is population criteria. James River also urges that the assignment of a third Class C channel to Rapid City would have an adverse economic impact because of limited revenue for eight commercial broadcast stations.

6. Also before us for consideration is the petition of Aldrich et al. for leave to file reply comments, to which Sturgis consents. Aldrich et al. object to the reply comments filed by James River and Sturgis and it asks for an opportunity to respond. We need not consider this petition in view of our disposition here. However, in passing, we agree with the contention of Aldrich et al. that the practice of some in FM rule making proceedings whereby they reserve what in effect are comments until they file reply comments thus barring other parties from replying without seeking special permission is not conducive to orderly procedure.

7. James River questions whether the Roanoke Rapids doctrine is applicable here. There, we were concerned with the assignment of a Class C channel to a community normally entitled to a Class A channel. We decided that such an assignment was appropriate if there would be service to substantial unserved and underserved areas based on certain assumptions. This doctrine was recently revised in Anamosa and Iowa City, 44 F.C.C. 2d 520, 525-6 (1974) (see also Oak Ridge, 32 F.C.C. 2d 937, 942 (1972)) to consider nighttime AM service in making a determination of unserved and underserved areas. (In this respect, we would have to disregard service from daytime-only Station KOBH at Hot Springs and Class IV Station KASL would have little effect as we proceeded here on the basis of

service to unserved and underserved areas.) We do not agree with James River that the Roanoke Rapids doctrine is not applicable to a situation where it is proposed that another Class C channel be assigned to a community which already has that class facility. The fact that each is identical in capability does not mean that there is no potential for different service. For example, if each were sited at different points (e.g., in opposite directions) far from the principal community even with similar powers and heights, there would be different predicted service area contours. In the instant case, disregarding the difference in height(s) and power(s) that Taylor and Aldrich et al. propose to operate on, there is a substantial difference as to area and population coverage even considering only the five mile difference between the transmitter sites each proposes. Thus, a new Class C station could provide service to unserved and underserved areas which the existing Class C station(s) do not. However, we need not venture into hypothetical issues of this sort.

8. As urged by the proponents of the addition of Channel 262 at Rapid City, population is considered more of a guideline rather than an immutable standard in making assignments.<sup>6</sup> Thus, additional channels have been assigned comporting with or exceeding population criteria if there is no problem about channel availability. In this respect, it is clear that Channel 262 may be assigned to Rapid City without any adverse effect on assignments elsewhere. While, as our notice pointed out, there is some preclusion, there is an ample number of channels that could be assigned to the communities in the preclusion area which do not already have channel assignments.<sup>7</sup> In the circumstances, we here determine that the public interest, convenience, and necessity would be served by the assignment of Channel 262 to Rapid City. To the extent that we were considering another channel assignment on the basis of a Roanoke Rapids showing, even if Station KBHB is allowed to increase power as applied for, this will have little impact on service area although there will be an improvement of that station's signal quality. As already noted, a station on Channel 262 could serve areas that KKLS-FM may not reach depending on transmitter site. Nor is the proposal of Aldrich et al. that the assignment be conditioned as to minimum power and height (100 kW power and an antenna height of 910 feet (or equivalent)) necessary in the circumstances.

9. The argument that Rapid City cannot support another broadcast facility is

<sup>6</sup> See also Colorado Springs, 44 F.C.C. 2d 1047, 1054 (1974); and Pensacola, 44 F.C.C. 2d 1056, 1061 (1974).

<sup>7</sup> As to the argument of Aldrich et al. about the tremendous growth of Rapid City, it should be noted that there has been only a 3.4 percent population growth since 1960 (population 42,399) and the FM Table of Assignments was established in 1963 based on the 1960 Census' population. See Third Report, Memorandum Opinion and Order in Docket No. 14185 (40 F.C.C. 747).

a specious one at least to the extent that James River has included both television and aural broadcast services. If it were germane, we would consider only aural service. However, we have consistently held that issues of economic injury are properly deferred for resolution at the application stage rather than in a rule making context. See "F.C.C. v. Sanders Brothers Radio Station", 309 U.S. 470 (1940); "Carroll Broadcasting Co. v. F.C.C.", 258 F. 2d 440 (D.C. Cir. 1958); Adrian, 37 F.C.C. 2d 1021 (1972); and Melbourne, 47 F.C.C. 2d 717 (1974). We also should point out that Taylor's argument that Channel 262 should be assigned to Rapid City in order that Station KIMM may more fully compete is not persuasive; FM channel assignments are not made for a particular party's economic benefit but rather to serve the overall public interest.

10. In accordance with the foregoing, it is ordered, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective March 7, 1975, as concerns Rapid City, South Dakota, to read as follows:

City	Channel No.
Rapid City, S. Dak.-----	230, 250, 262

Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

11. It is further ordered, That the motion of Ray J. Aldrich, William A. Goodhope, Robert A. Gunderson, and Bruce H. Lien for leave to file reply comments is denied.

12. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066; 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 21, 1975.

Released: January 29, 1975.

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

[FR Doc.75-3036 Filed 1-31-75; 8:45 am]

[FCC 75-54; Docket No. 19961; RM-2130]

**PART 73—RADIO BROADCAST SERVICES**  
**FM Broadcast Stations, Springfield, Illinois**

1. The Commission here considers the notice of proposed rule making in this docket, adopted March 6, 1974 (Mimeo No. 10671; 39 FR 9991), proposing amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's rules and regulations) by assigning Channel 254 to Springfield, Illinois, as its fourth FM channel assignment. The parties commenting are petitioner, Eastern Broadcasting Corporation (licensee of Springfield Station WCVA(AM)) and party in opposition, Prairieland Broadcasters of Decatur, Inc. (licensee of Decatur, Illinois, Station WZD(AM)).

2. Springfield, population 91,753, the state capital, is located in Sangamon County, population 161,335, which con-



stitutes the Springfield Standard Metropolitan Statistical Area (SMSA). Aural broadcast service at Springfield consists of three unlimited time AM stations (WCVS, WMAV, and WTAX) and three Class B FM stations (WFMB(FM), WVEM(FM), and WDBR(FM)).

3. The notice included numerous facts concerning Springfield's population and economic growth that petitioner alleged in support of its position; the community's diverse industrial economy, large wholesale and retail market for the surrounding agricultural areas, and growth as an educational center. Adoption of petitioner's proposal would, although it does not require changing other existing assignments, preclude future assignments in a limited area on Channels 252A, 253, 254 and 257A. The preclusion on Channel 253 occurs in a rural area, and that on 254 in an area immediately southwest of Springfield. The preclusion occurring on Channels 252A and 257A would affect Decatur, Illinois (population 90,397). The current local aural broadcast services for Decatur are provided by 3 stations, two of which, viz. WSOY(AM) and WSOY-FM, offer night-time service and are owned by Decatur's local newspaper company.

4. Prairieland's comments in opposition relate to the preclusion of Channel 257A as a future Decatur assignment. It requests that Channel 257A be assigned to Decatur or, in the alternative, that petitioner's proposal be adopted with the proviso that the tower for the Springfield station that would operate on Channel 254 be located so that Channel 257A may be used in Decatur at Prairieland's present station, WDW(AM), tower.

5. Prairieland alleges that the Decatur growth rate is approximately 16 percent while that of Springfield is 10 percent. This greater growth rate, when considered in light of the fact that Decatur has half as many local broadcast facilities as Springfield, compels, according to Prairieland, adoption of one of its alternative proposals.

6. The Commission believes that Channel 254 should be assigned to Springfield. Adequate evidence, the economic and population data presented in the notice, has been adduced by petitioner to demonstrate that the public interest would be served by assigning a fourth Class B channel to Springfield. The community's population comes within this Commission's population guidelines.<sup>1</sup> The transmitting tower site for a Springfield station operating on Channel 254 is already restricted to locations south and southwest of that community. The area so located, which also meets all spacing requirements and could still provide the required signal coverage encompasses over 100 square miles. While we cannot,

<sup>1</sup> See para. 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1963)).

at this time, determine the precise location of the Channel 254 tower, we can say that a future Channel 257A assignment to Decatur would not be impossible if the tower for a Channel 257A station were located 5 miles southeast of Decatur.

7. An additional channel is available for future Decatur assignment, 252A. The transmitting tower for a station operating on this channel could not, however, be located at the site of Prairieland's WDW(AM) tower. There is, however, more latitude in selecting a Decatur transmitter site for a station operating on Channel 252A than on 257A (see para. 6).

8. Petitioner, in its reply to Prairieland's comments in opposition, stated that to prefer Decatur in this proceeding would be to offend the Commission's policy against intermixture of classes of assignments in a community. We do not agree. In *Yakima*, Washington, 42 F.C.C. 2d 548 (1973), we reiterated our position concerning intermixture.

\*\*\* [W]e adhere to intermixture to the extent possible but that 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. 42 F.C.C. 2d 548 at 550.

The Commission will assign a Class A channel when no further Class B or C channels may be assigned.<sup>2</sup>

9. We believe that Channel 254 should be assigned to Springfield, Illinois. Since it has been shown that Channels 252A and 257A are available to Decatur, even though that community is within the precluded area, and Springfield's growing economic and population needs, generated by reason of its being the capital of Illinois, deserve the local services of a fourth FM assignment, the public interest would be served by the assignment.

10. In view of the foregoing, it is ordered, That effective March 7, 1975, the FM Table of Assignments (Section 73.202(b) of the Commission's rules and regulations) is amended to read as follows:

City	Channel No.
Springfield, Ill.....	254, 270, 279, 283

11. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

12. It is further ordered, That the requests of Prairieland to assign Channel 257A to Decatur in lieu of assigning Channel 254 to Springfield or, alternatively, to grant Eastern's request conditional upon a transmitter location which would not preclude a future 257A channel assignment at Decatur is denied.

13. It is further ordered, That this proceeding is terminated.

<sup>2</sup> In its Petition for Reconsideration of the Commission's Fourth Report and Order, 25 R.R. 2d 1654 (1972), Prairieland noted that there appears to be no further Class B assignments that can be made to Decatur.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 15, 1975.

Released: January 27, 1975.

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

[FR Doc.75-3037 Filed 1-31-75; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Back Bay National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period from February 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes in the public use areas is permitted for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, and bicycling during daylight hours. Swimming and surfing are permitted only on that portion of the beach lying between the north boundary of the refuge and the dune crossing at the field headquarters. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk. The parking lot at the field headquarters is reserved for persons engaged in surf fishing and nature study. Surf fishing is permitted in accordance with applicable State regulations.

Open fires are not permitted. Portable grills with a contained fuel supply are permitted on the beach north of the field headquarters. Pets on a leash not exceeding 10 feet in length are permitted on the refuge public use areas.

Bicycles and registered motor vehicles are permitted on the refuge access road and parking area. Snowmobiles, air cushion, all-terrain, unregistered motorcycles, or other similar vehicles are not permitted on the refuge. No vehicles are permitted on the beach except as authorized by permit in accordance with special regulations.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which

govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

WM. C. ASHE,  
Acting Regional Director,  
U.S. Fish and Wildlife Service.

JANUARY 27, 1975.

[FR Doc.75-3047 Filed 1-31-75;8:45 am]

#### Title 49—Transportation

### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 74-40; Notice 2]

#### PART 582—INSURANCE COST INFORMATION REGULATION

##### Distribution to Prospective Purchasers

This notice establishes an insurance cost information regulation pursuant to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*). The regulation is based upon a notice of proposed rulemaking published November 4, 1974 (39 FR 38912) and comments submitted in response to the notice.

The regulation will require automobile dealers to distribute to prospective purchasers information which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in their damage susceptibility and crashworthiness. In the absence of insurance cost information that reflects damageability and crashworthiness, this rule does not, at the present time, have an effect on automobile dealers. Damage susceptibility and crashworthiness studies currently being conducted by the NHTSA are expected to influence the insurance rate structure by providing data which will enable the insurance industry to take these factors into account. As this occurs, the NHTSA will prepare comparative indices for the dealers to distribute to prospective purchasers.

Several comments on the proposed rulemaking discussed the merits of the Motor Vehicle Information and Cost Savings Act and are therefore beyond the scope of this rulemaking. Other comments offered methods for performing the damage susceptibility and crashworthiness studies. These comments have been forwarded to the technical staff performing the studies. Two comments suggested minor changes in the text of the regulation for clarity and to make the proposed regulation more consistent with the purposes of the Act. These suggestions have been adopted in the final regulation. Their effect is that the insurance cost information disseminated by the dealers would be in the form of comparative indices, based on differences in damage susceptibility and crashworthiness, rather than simply the insurance premium rate which is determined by many factors.

One comment expressed the view that providing this information to consumers within 30 days after its publication in the FEDERAL REGISTER was an excessive burden upon the dealers. The NHTSA does not believe that sufficient justifica-

tion for this position has been made in light of the need to provide the information to the consumer in time for it to be of use to him in purchasing an automobile.

Therefore, a new Part 582, Insurance Cost Information, is added in Chapter V, Title 49, Code of Federal Regulations, to read as set forth below.

**Effective date:** Although the final rule is effective February 1, 1975, as specified in the Cost Savings Act, the dates when automobile dealers will be required to distribute insurance cost information are dependent upon NHTSA progress in developing such information and will be published at a later date in the FEDERAL REGISTER.

(Sec. 201(c), Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1941(e)); delegation of authority at 49 CFR 1.51)

Issued on January 31, 1975.

JAMES B. GREGORY,  
Administrator.

##### § 582.1 Scope.

This part requires automobile dealers to make available to prospective purchasers information reflecting differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness, pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(e)), herein "the Cost Savings Act."

##### § 582.2 Purpose.

The purpose of this part is to enable prospective purchasers to compare differences in auto insurance costs for the various makes and models of passenger motor vehicles, based upon differences in damage susceptibility and crashworthiness, and to realize any savings in collision insurance resulting from differences in damageability, and any savings, in medical payment insurance resulting from differences in crashworthiness.

##### § 582.3 Definitions.

(a) **Statutory definitions.** All terms used in this part which are defined in section 2 of the Cost Savings Act are used as so defined.

(b) **Definitions used in this part.** (1) "Automobile dealer" means any person who engages in the retail sale of new or used automobiles as a trade or business.

(2) "Collision insurance" means insurance that reimburses the insured party for physical damage to his property resulting from automobile accidents.

(3) "Insurance cost" means the insurance premium rate, as expressed in appropriate indices, for collision and medical payment, including personal injury protection in no-fault states.

(4) "Medical payment insurance" means insurance that reimburses the insured party for medical expenses sustained by himself, his family, and his passengers in automobile accidents.

##### § 582.4 Requirements.

(a) Each automobile dealer shall provide the insurance cost information specified in § 582.5 for examination by prospective purchasers at each location where he offers vehicles for sale.

(b) The information shall be provided without charge and in sufficient quantity to have it available for retention by prospective purchasers, within 30 days after its publication in the FEDERAL REGISTER.

(c) The information shall be in English and, if a significant portion of the prospective purchasers do not speak English, in the non-English language most widely spoken by prospective purchasers.

##### § 582.5 Insurance cost information form.

The insurance cost information provided pursuant to § 582.4 shall be presented as follows: [Form to be specified].

[FR Doc.75-3194 Filed 1-31-75;10:47 am]

### CHAPTER X—INTERSTATE COMMERCE COMMISSION

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

##### PART 1033—CAR SERVICE

#### Amendment No. 3 to Fifth Revised Service Order No. 1043, Regulations for Return of Hopper Cars

JANUARY 29, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659, 35001 and 39 FR 24373), and good cause appearing therefor:

*It is ordered*, That: Fifth Revised Service Order No. 1043 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1043 Regulations for return of hopper cars.

(g) **Expiration date.** This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

**Effective date.** This amendment shall become effective at 11:59 p.m., January 31, 1975.

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

*It is further ordered*, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment 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.75-3078 Filed 1-31-75;8:45 am]

# proposed rules

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

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### [7 CFR Part 1844]

[FmHA Instruction 449.1]

### RURAL HOUSING LOANS

#### Policies and Procedures for Loan Guarantees

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration amending Subchapter D, Guaranteed Loans, by adding a new Part 1844, "Rural Housing Loans." This new Part 1844 implements the guaranteed Rural Housing loan programs authorized by Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471, et seq.), and section 310C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1933), as amended by Pub. L. 92-419, the "Rural Development Act of 1972." This new Part sets out the policies and procedures for guaranteeing loans made by private lenders to provide single family dwellings and multifamily rental units in rural areas.

The purpose of guaranteeing loans is to enable use of private funds, rather than Government funds, in making loans, and to reduce Government administrative costs by having private lenders make and service the loans. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250. Comments will be received on or before March 5, 1975. All written submissions made pursuant to this notice will be made available for public inspections at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, the new Part 1844 will read as follows:

#### PART 1844—RURAL HOUSING LOANS

Sec.	Definitions.
1844.1	Definitions.
1844.2-	[Reserved]
1844.4	
1844.5	Types of RH loans and occupants.
1844.6	Relationship with insured loans (including priorities).
1844.7-	[Reserved]
1844.9	
1844.10	SF eligibility requirements.
1844.11	Veterans' preference in SF cases.
1844.12	SF loan purposes.
1844.13	Prohibited SF loan purposes.
1844.14	SF loan limitations and special provisions.
1844.15	SF rates, terms, and security.
1844.16	SF loans on leasehold interests.

Sec.	
1844.17-	[Reserved]
1844.19	
1844.20	MF eligibility requirements—applicants and tenants.
1844.21	MF loan purposes.
1844.22	Prohibited MF loan purposes.
1844.23	MF loan limitations and special provisions.
1844.24	MF rates, terms, and security.
1844.25	MF loans on leasehold interests.
1844.26-	[Reserved]
1844.29	
1844.30	Preapplication in all MF cases and in certain SF packaged cases.
1844.31-	[Reserved]
1844.34	
1844.35	Clearinghouse considerations in certain SF and MF cases.
1844.36	Environmental impact requirements in certain SF and MF cases.
1844.37-	[Reserved]
1844.39	
1844.40	SF application for loan.
1844.41	MF application for loan.
1844.42-	[Reserved]
1844.44	
1844.45	SF and MF guarantee commitments and interim financing.
1844.46	Acquisition, construction, and development.
1844.47	Inspections of construction, also compliance reviews.
1844.48	Review of appraisals.
1844.49	[Reserved]
1844.50	Processing contracts of guarantee.
1844.51-	[Reserved]
1844.55	
1844.56	Equal opportunity and nondiscrimination in SF and MF cases.
1844.57-	[Reserved]
1844.58	
1844.59	Loan servicing in SF and MF cases.
1844.60	Transfer and assumption in SF and MF cases.
1844.61-	[Reserved]
1844.65	
1844.66	Liquidation in SF and MF cases.
1844.67-	[Reserved]
1844.89	
1844.90	Forms and forms distribution in SF and MF cases.
1844.91-	[Reserved]
1844.99	
1844.100	Guarantee processing steps.

**AUTHORITY:** 42 U.S.C. 1480; delegation of authority by Sec. of Agr. (7 CFR 2.23); delegation of authority by Asst. Sec. for Rural Development (7 CFR 2.70).

**NOTE:** This new Part 1844 supplements the provisions of Part 1841 of the regulations with respect to Rural Housing (RH) loans guaranteed by the Farmers Home Administration (FmHA).

#### § 1844.1 Definitions.

The following definitions, in addition to those in § 1841.3 of this chapter, are applicable to Rural Housing (RH) loans:

(a) *Family.* One person, or two or more persons related by blood, marriage or

operation of law such as adoption or legal guardianship who maintain or will maintain one household.

(b) *Farm and nonfarm tract.* A "farm" includes the total acreage of one or more tracts of land which is owned by the applicant, is operated as a single unit, is in agricultural production, and annually will produce agricultural commodities for sale and home use with a gross value of at least \$940 based on 1974 prices. A "nonfarm tract" is a parcel of land that is not a farm and is located in a rural area. A building site that is cut out of a farm, will be considered a nonfarm tract.

(c) *FmHA.* The United States of America acting through the County Supervisor or Acting County Supervisor serving the county involved or through the State Director or Acting State Director serving the State involved, unless otherwise indicated in this Part 1844.

(d) *Housing.* An adequate single family dwelling and related essential equipment and facilities for which loans are authorized in § 1844.12, or an adequate multifamily dwelling and related essential equipment and facilities for which loans are authorized in § 1844.21. The term housing also includes an adequate site and related easements and appurtenances owned or being acquired by the applicant, unless more specific terminology is used.

(e) *Minimum adequate site.* A "minimum adequate site" is the smallest area sufficient for the dwelling and related facilities to be built, purchased or refinanced, and a yard.

(1) In case of purchase of a site on which to construct a dwelling or purchase a new dwelling and site, the site should be not more than one acre of nonincome-producing land, unless more than one acre is needed to comply with local code requirements or to provide for a safe and adequate water supply or waste disposal system.

(2) In case an existing dwelling and site is being purchased or debts are being refinanced, the site may, under the following conditions, include more than one acre but not more than a few acres of nonincome-producing land.

(1) In a case where an existing dwelling is being purchased, the seller will sell the dwelling only with the entire site on which it is located and the cost of extra land is not a substantial portion of the loan, or

(ii) In a refinancing case, the extra land cannot be sold for a significant amount.

(3) In all cases, the buying of a site of more than one acre must be fully justified and the reasons recorded in the loan docket.

(f) *Owner*. The holder of fee simple title or of a leasehold meeting the requirements of § 1844.16.

(g) *Packager*. A builder, developer, realtor, or other party who obtains and presents to an approved lender, one or more applications from eligible RH applicant(s) for guaranteed RH loan(s) with which adequate housing will be obtained that will be provided under an existing option to purchase or under an existing contract to build or repair at a fixed price.

(h) *Present market value*. The amount a typical purchaser would be willing to pay and would be justified in paying for the property (land or leasehold as improved or to be improved with loan funds). It is assumed that the property would sell for this amount with a reasonable sales effort, and that the purchaser would be a willing but not anxious buyer and the seller would be a willing but not forced seller.

(i) *RH, SF, MF*. RH means "Rural Housing," SF means "Single Family Rural Housing," and MF means "Multi-family Rural Housing." RH loans are made and guaranteed under Title V of the Housing Act of 1949, as amended. Particular reference is made to the following sections of that Act: Section 502 which is 42 U.S.C. 1472, section 515 which is 42 U.S.C. 1485, and section 517 (a) (2) which is 42 U.S.C. 1487(a) (2). With respect to above-moderate income applicants, see also section 310C of the Consolidated Farm and Rural Development Act which is 7 U.S.C. 1933.

(j) *Rural area*. Any place which is not part of or associated with a nonrural area, is rural in character, and:

(1) Has a population not in excess of 10,000 or

(2) Has a population in excess of 10,000 but not in excess of 20,000, is not located in a Standard Metropolitan Statistical Area (SMSA), and has a serious lack of mortgage credit as advised by FmHA.

(3) If there is any question as to whether the area is rural in character, or is located in an SMSA, or has a serious lack of mortgage credit, the question will be submitted to FmHA for decision.

(k) *Security value*. The present market value of the property (land or leasehold as improved or to be improved with loan funds) on which the first lien is offered as security for the loan except in Hawaiian cases in which the security value consists of a guarantee of payment by the Department of Hawaiian Home Lands or its successor in function. The present market value will be reflected by the appraisal.

(l) *Senior citizen*. A person who is 62 years of age or over and, in the case of a married couple, may be either the wife or husband. The term "Senior citizen" refers to age only.

#### §§ 1844.2-1844.4 [Reserved]

#### § 1844.5 Types of RH loans and occupants.

FmHA may guarantee RH loans made by approved lenders to eligible applicants to acquire, construct, repair, improve, or

relocate housing of the following types in rural areas:

(a) *SF*. Single family housing to be owner-occupied.

(b) *MF*. Rental housing for eligible tenants.

(c) *Other occupants*. In addition to the SF family or MF tenants, the housing may also be occupied by others in justifiable cases if adequate space, equipment, and facilities are available. For example, a person younger than 62 years of age may reside with a senior citizen if his or her occupancy is necessary for the well being of the senior citizen.

#### § 1844.6 Relationship with insured loans (including priorities).

In addition to the general limitations in § 1841.11 of this chapter with respect to other available financing and refinancing, RH loans will not be guaranteed if the cost of the FmHA would exceed its cost in making and servicing (including liquidating) insured loans. Subject to these limitations, the following order of priorities will be observed for each type of RH loan:

(a) *First priority*. Credit from private sources if it is available, except that this requirement is not applicable to above-moderate income SF cases.

(b) *Second priority*. Guaranteed loans if they would be to the financial advantage of the FmHA.

(c) *Third priority*. Insured loans.

#### §§ 1844.7-1844.9 [Reserved]

#### § 1844.10 SF eligibility requirements.

The lender must determine that the applicant meets all the following requirements:

(a) *Resident*. Is a natural person (individual) who is a citizen of the United States or resides in the United States after being legally admitted for permanent residence.

(b) *Legal capacity*. Possesses legal capacity to incur the obligations of the loan.

(c) *Ability and experience*. Possesses ability and experience necessary to carry out the undertakings and obligations required of him in connection with the loan.

(d) *Lack of housing*. Does not own adequate, decent, safe, and sanitary housing for the use of his family. If the loan is to include funds for a site on which to build, he must be without an adequate site for the proposed dwelling.

(e) *Owner occupant*. Is or will become the owner occupant of the housing with respect to which the SF loan is made.

(f) *Income*. Has adequate and dependably available family income to meet the family living expenses, obligations, necessary capital replacements, and repayment of debts including the proposed loan.

(g) *Low or moderate or above-moderate income family*. Is either a "low or moderate income" family or an "above-moderate income" family.

(1) *Low or moderate income family*. A family that has an adjusted current annual income not exceeding the adjusted income applicable to the State in

which the housing is or is to be located, does not have sufficient resources to pay the housing costs, and cannot obtain credit for that purpose from other sources on terms and conditions it can reasonably be expected to meet without an FmHA guarantee.

(2) *Above-moderate income family*. A family that has an adjusted current annual income in excess of the adjusted income applicable to the State in which the housing is or is to be located.

(3) *Adjusted current annual family income*. The total current annual family income as determined by the lender, less 5 percent thereof, and less \$300 for each minor person except the husband and wife, who is a member of the immediate family and lives in the home. The immediate family includes those persons related to the applicant by blood, marriage, or operation of law such as adoption or legal guardianship. The adjusted current annual family income amount for use in determining whether the applicant falls within the low or moderate, or above moderate, income category for the particular State may be ascertained from any FmHA office.

#### § 1844.11 Veterans' preference in SF cases.

Applications received from veterans, and from spouses and children of deceased servicemen, will be given preference over applications of nonveterans on file with the lender at the same time. "Deceased servicemen" means men or women who died in service during one of the periods specified in this section. The term "veteran" means a person who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable and served on active duty in any such force during any of the following:

(a) The period of April 6, 1917, through March 31, 1921.

(b) The period of December 7, 1941, through December 31, 1946.

(c) A period of 180 days or more, any part of which occurred after June 27, 1950.

#### § 1844.12 SF loan purposes.

An SF loan may be made to an eligible applicant for such of the following purposes as necessary to enable him to obtain adequate, decent, safe, and sanitary housing in a rural area for the use of his family as a permanent residence:

(a) *Purchase existing dwelling and site*. Buy an existing dwelling and a minimum adequate site on which it is located.

(b) *Purchase site only*. Buy a minimum adequate site on which to place a dwelling, if the applicant does not already own a minimum adequate dwelling site.

(c) *Construct or purchase and relocate dwelling*. Build a dwelling on, or purchase and move an existing dwelling on, a site already owned by the applicant, or on a minimum adequate dwelling site purchased by him with loan funds if he

does not already own a minimum adequate dwelling site.

(d) *Rehabilitate or improve existing dwelling.* Repair, enlarge, or otherwise improve or rehabilitate an existing dwelling already owned by the applicant or being acquired with loan funds, whether located on a site already owned by him or acquired by him with loan funds.

(e) *Utilities and facilities.* Provide adequate water, sewer, electric, heating, and other utilities and facilities that are necessary to make the housing adequate.

(f) *Equipment and material.* Purchase and install essential dwelling equipment and material such as a range, refrigerator, clothes washer, clothes dryer, or wall-to-wall carpeting whether or not such equipment becomes real estate or fixtures under applicable State law. In any case in which such equipment is purchased with loan funds, it will be considered a part of the housing.

(g) *Site preparation.* Provide foundation plantings, seeding or sodding of lawns, grading, and other facilities such as walks, yard fences, and driveways to building sites located adjacent to a road or street.

(h) *Real estate taxes.* Pay real estate taxes that are owed by the borrower and that are due and payable at the time of loan closing on the housing property to be given as security, when a loan is being made primarily for other purposes and the amount to be used for taxes is not a substantial part of the loan.

(i) *Expenses, fees, and social security taxes.* Pay expenses incident to obtaining plans and making the loan, such as fees and charges for legal, appraisal, architectural, engineering, and other technical services, closing costs, reasonable connection fees for utilities, such as water, sewer, electric, and gas, and a loan fee as authorized in § 1841.12 of this chapter, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds may also be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with making planned improvements.

(j) *Interim financing.* Pay interim financing debts incurred for authorized loan purposes. This is not considered to be refinancing.

(k) *Refinancing.* Refinance debts owed by the applicant which meet all of the following conditions:

(1) Were incurred by the applicant at least 5 years before the application for the SF loan was made.

(2) Were incurred for a purpose for which an SF loan is authorized to be made under another paragraph of this section, or for protective advances in connection with the loan being refinanced.

(3) If not refinanced, likely will result at an early date in loss of the applicant's dwelling; or which, if not refinanced, likely will cause a hardship to the applicant in which case the refinancing will be combined with an SF loan for improvement, rehabilitation, or repair of the dwelling.

§ 1844.13 Prohibited SF loan purposes.

An SF loan will not be guaranteed if loan funds are to be used to purchase furniture or other personal property for dwellings, except essential equipment and material authorized in § 1844.12.

§ 1844.14 SF loan limitations and special provisions.

For an SF loan to be guaranteed:

(a) *Loan limitations.* A loan not exceeding \$25,000 may be made up to 100 percent of the present market value of the security. Between \$25,000 and \$40,000, the loan may be made up to 90 percent of the present market value of the security. No loan in excess of \$40,000 will be guaranteed.

(b) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction, consistent with the market needs of the community and not of elaborate or extravagant design or material; however, the housing may vary in accordance with the financial resources of the applicant.

(2) Any building purchased, repaired, enlarged, or otherwise improved or rehabilitated with loan funds must be structurally sound, functionally adequate, decent, safe, sanitary, convenient, comfortable, and in good condition before the loan is guaranteed.

(c) *Construction or development.* See § 1844.46.

§ 1844.15 SF rates, terms, and security.

(a) *Interest rate to borrower.* See § 1841.13 of this chapter.

(b) *Loan term.* Each loan will be scheduled for repayment over a period not to exceed 30 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured. If a leasehold is involved, see § 1844.16:

(c) *Security.* (1) The entire loan must be secured by a first lien on the housing, except in cases in which a guarantee of payment by the Department of Hawaiian Home Lands (or its successor in function) is acceptable under the provisions of 7 U.S.C. 1933 (b). Also see § 1844.16 regarding liens on leaseholds.

(2) The security instrument must contain, but is not limited to, the following provisions:

(1) In addition to securing the property described herein, this instrument, in any event and at all times secures the prompt payment of all authorized advances and expenditures made by the lender or holder, with interest, as hereinafter described, and the performance of every covenant and agreement of borrower contained here in or in any supplementary agreement, the provisions of which are hereby incorporated herein and made a part hereof.

(1) Borrower for himself, his heirs, executors, administrators, successors and assigns warrants the property and the title thereto unto Mortgagee (or if deed of trust, trustee for the benefit of the lender or holder) against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and covenants and agrees as follows:

(A) To use the loan evidenced by the note solely for purposes authorized by the lender.

(B) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property, and promptly deliver to the lender of holder without demand receipts evidencing such payments.

(C) To maintain improvements in good repair and make repairs required by the lender or holder; operate the property in a good and husbandman-like manner; comply with such farm conservation practices and farm and home management plans as the lender of holder from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening, or impairment of the security covered hereby, or, without the written consent of the lender of holder, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(D) To comply with all laws, ordinances, and regulations affecting the property.

(E) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the lender or holder. The lender or holder shall have the sole and exclusive rights as beneficiary hereunder, including but not limited to the power to grant consents and subordinations, and deeds of full and partial release.

(F) At all reasonable times the lender or holder and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(G) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if borrower intends to sell or rent the dwelling and has obtained the lender's or holder's consent to do so: Neither borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion or national origin; and borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on dwellings relating to race, color, religion, or national origin.

(H) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(3) The following provisions shall be included in all security instruments except for above-moderate income borrowers:

(i) In real estate and chattel mortgages:

Guarantee by Government. Mortgagor understands that the loan evidenced by the note secured hereby is being made or allowed to remain extant by lender only on the condition that repayment thereof or any loss thereon will be guaranteed in whole or in part to lender by the United States of America or an agency thereof (herein called the "Government"). Therefore, in consideration of such guarantee, Mortgagor agrees that if at any time it shall appear to the Government that Mortgagor may be able to

obtain a loan without a guarantee from a bank, a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee. Mortgagee will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(ii) In security agreement:

Guarantee by Government. Debtor understands that the loan secured hereby is being made or allowed to remain extant only on the condition that repayment thereof or any loss thereon will be guaranteed in whole or part to Secured Party by the United States of America or an agency thereof (herein called the "Government"). Therefore, in consideration of such guarantee, debtor agrees that if at any time it shall appear to the Government that debtor may be able to obtain a loan without a guarantee from a bank, a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee, debtor will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

§ 1844.16 SF loans on leasehold interests.

A loan may be made on a leasehold owned or being acquired by the applicant on land owned by a State, political subdivision, public body, public agency, or a private party, or on Indian tribal land provided:

(a) *Determinations by State Director.* The State Director determines that:

(1) Long-term leasing of such land for homesites is a well established practice in the area, and

(2) There is a market for such leaseholds in the area.

(b) *Determination by lender.* The lender determines that the following conditions exist or will be met:

(1) The applicant is unable to obtain fee title to the property.

(2) The realty, as distinguished from the leasehold property itself, is free and clear of any liens.

(3) The amount of the loan will not exceed the security value of the leasehold as improved.

(4) Except as otherwise authorized pursuant to § 1844.15(c) with respect to Hawaiian Home Lands, a recorded mortgage constituting a valid and enforceable first lien will be obtained on the applicant's leasehold.

(5) The lessor consents to the mortgage on the leasehold.

(6) The lease contains provisions under which:

(i) The borrower will have reasonable security of tenure and his interest will not be subject to summary forfeiture or cancellation.

(ii) The holder of the mortgage has the right to remedy any default of the leaseholder.

(iii) The holder of the mortgage will have the right to foreclose and sell without restrictions that would adversely affect the salability of the security unless there is another statutory method under which the lessee and the holder of the mortgage can readily obtain an equivalent amount from the property. Any effect because of transfer restrictions on market value should be shown in the present market value appraisal.

(iv) The party acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure or after abandonment by the borrower will have the right to occupy the property or sublet it, and to sell the leasehold for cash or credit unless there is another statutory method under which the lessee and the holder of the mortgage can readily obtain an equivalent amount from the property.

(v) The borrower will have the right, in the event of default or inability to continue with the lease and the loan, to transfer the leasehold, subject to the mortgage, to a transferee approved by FmHA with assumption of the debt.

(vi) The lessor agrees to give advance notice to the holder of the mortgage of the lessor's intention to cancel or otherwise terminate the lease. Such advance notice must be long enough to permit the holder of the mortgage to ascertain the amount of delinquencies, the total amount of the lessor's and any other prior interest, the present market value of the leasehold interest, and if litigation is involved, to refer the case with a report of facts to legal counsel and permit legal counsel to take appropriate action to protect the interests of the holder of the mortgage.

(vii) There is agreement on the liability of the holder of the mortgage for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the occupancy or ownership of the holder of the mortgage, pending further servicing or liquidation.

(viii) The leaseholder is assured of fair compensation for any part of the premises taken by condemnation.

(7) The lease will be for a term extending beyond the repayment period of the loan for a sufficient period to permit accomplishment of the loan objectives. The unexpired term of the lease will be at least 25 percent longer than the loan repayment period.

(8) The rental charged for the lease does not exceed the rate being paid for similar leases.

(c) *Lease forms.* Any lease forms developed by the FmHA State Office with the advice of the Office of the General Counsel (OGC) may be used as guides in preparing the lease.

§§ 1844.17-1844.19 [Reserved]

§ 1844.20 MF eligibility requirements—applicants and tenants.

(a) *Applicant.* The lender must determine that the MF applicant meets all of the following requirements:

(1) *Individual or organization.* Is either an individual who is a citizen of the United States or an organization ultimately owned by citizens which will provide housing in rural areas for eligible low or moderate income or senior citizen families. Such an organization may be a State or local public agency, private profit or nonprofit corporation, consumer cooperative, trust, partnership, or similar organization. Forms of articles of incorporation and by-laws may be obtained from FmHA for adaptation or use as guide material for some types of applicants.

(2) *Legal capacity.* Possesses legal capacity to incur the obligations of the loan.

(3) *Ability and experience.* Possesses ability and experience necessary to carry out the undertakings and obligations required in connection with the loan.

(4) *Other available financing.* Is unable to provide the housing from his or its resources and with the exception of a State or local public agency, is unable to obtain the necessary credit from private or cooperative sources upon terms and conditions which he or it could reasonably be expected to fulfill.

(5) *Operate and maintain.* Has the ability and intention to operate and maintain the housing for the purposes for which the loan is made.

(6) *Own the housing.* Owns the completed housing or becomes the owner thereof before a request is made for issuance of a contract of guarantee.

(7) *Initial operating capital and other assets.* Has initial operating capital (and any other assets that will not be provided with the loan) needed for a sound loan, except such initial operating expenses as are authorized by § 1844.21(1) to be included in loans to nonprofit and State and local public agency borrowers. Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if the applicant is an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will amount to at least 2 percent of the total cost of the housing project.

(8) *Management.* Is able to provide the necessary management to assure successful operation of the housing project. Management services may be provided by the applicant, a management firm, or an agent. In any case, the borrower must obtain the written approval of the lender or holder and FmHA for the management plan to be used.

(b) *Tenants.* To be eligible to rent an MF dwelling unit, the family as defined in § 1844.1 must be:

(1) A senior citizen family without regard to income, or

(2) A nonsenior citizen family that has an adjusted current annual income not exceeding that for a moderate income family for the State in which the housing is or is to be located. The maximum adjusted income for a moderate income family for the particular State

may be ascertained from any FmHA office.

#### § 1844.21 MF loan purposes.

An MF loan may be made to an eligible applicant for such of the following purposes as necessary to enable the applicant to provide adequate, decent, safe and sanitary rural rental housing in a community in a rural area for the use of low or moderate income or senior citizen families to:

(a) *Buy, build, rehabilitate, improve or relocate.* Buy, build, rehabilitate, improve, or relocate MF dwellings.

(b) *Purchase land.* Purchase or improve only such land that is necessary for the housing project. The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. See § 1841.16 of this chapter.

(c) *Utilities.* Provide necessary utilities such as water supply, sewage disposal, streets, heat, light, and other systems necessary in connection with the housing project.

(d) *Facilities.* Develop necessary facilities in connection with the housing project such as:

(1) Maintenance workshop and equipment storage.

(2) Central cooking and dining facilities to serve the project tenants when the project is large enough to justify such facilities to supplement the kitchen facilities in each unit.

(3) Small infirmary for emergency care when justified.

(4) Laundry room and equipment if not provided in the individual units or otherwise conveniently available.

(5) Storage facilities for use of tenants.

(6) Appropriate recreational facilities subject to FmHA approval.

(e) *Equipment and material.* Provide essential housing project equipment and material and purchase and install essential dwelling unit equipment and material such as range, refrigerator, clothes washer and clothes dryer, if not otherwise conveniently available, or wall-to-wall carpeting whether or not such equipment or material becomes real estate or fixtures under applicable State law. In any case in which equipment or material is purchased with loan funds, it will be considered a part of the housing.

(f) *Site preparation.* Provide landscaping, foundation plantings, seeding or sodding of lawns, grading, and other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(g) *Expenses, fees, and social security taxes.* Pay related costs such as fees and charges for legal, appraisal, architectural, engineering, and other technical services, a typical builder's fee if the development is not performed under contract, closing costs, connection fees for water, sewer, electricity, gas, and a loan fee is authorized in § 1841.2 of this chapter. Loan funds also may be used to pay the borrower's share of social security taxes for labor hired by the borrower in

connection with making planned improvements.

(h) *Interim financing.* Pay interim financing debts incurred for authorized loan purposes. This is not considered to be refinancing.

(i) *Initial operating expenses.* Pay, in the case of nonprofit and State and local public agency borrowers, initial operating expenses up to 2 percent of the costs of the housing project and necessary and appropriate fees and charges which the borrower cannot pay from its own resources.

#### § 1844.22 Prohibited MF loan purposes.

An MF loan will not be guaranteed if loan funds are to be used for:

(a) *Personal property.* Purchase of furniture or other personal property for dwelling units, except essential equipment and material authorized in § 1844.21.

(b) *Refinancing debts.* Refinancing debts of the applicant, but this will not preclude use of loan funds to pay interim financing debts.

(c) *Special purposes.* Special purposes such as:

(1) Nursing of medical facilities, other than an infirmary for emergency care when justified.

(2) Commercial facilities, but this prohibition does not apply to service-type facilities which are not otherwise conveniently available to tenants in the area.

(3) Housing for transient or hotel purposes. All rental periods must be at least 30 days.

(4) Nursing or special care homes, or institutional-type housing.

(5) Any facilities not authorized under § 1844.21.

(6) Housing which the applicant plans to sell in the near future.

(7) Housing which the applicant plans to lease to another operator.

(d) *Fees, commissions, etc.* Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as authorized in § 1844.21 (g).

#### § 1844.23 MF loan limitations and special provisions.

For an MF loan to be guaranteed:

(a) *Loan limits.* The amount of the loan or loans will be limited to not more than 95 percent of the total cost of each housing project or 95 percent of the security value of each such project, whichever is less.

(b) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction, consistent with the market needs of the community, and not of elaborate or extravagant design or material.

(2) Consist of one or more multiunit-type structures, each containing two or more family units and any necessary facilities and essential equipment.

(3) Be residential in character and be designed to meet the needs of eligible tenants who are capable of caring for themselves.

(4) Any building purchased, repaired, enlarged, or otherwise improved or rehabilitated with loan funds must be structurally sound, functionally adequate, decent, safe, sanitary, convenient, comfortable, and in good condition before the loan is guaranteed.

(5) Be located in a residential area as part of a community where necessary facilities and services such as those described in § 1844.30(b)(5) are generally readily available.

(6) Contain bathroom and kitchen facilities in each unit.

(c) *Construction or development.* See § 1844.46.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement will be executed. It will provide for adequate management and administration of each project and contain a pledge of the housing income as security. It will also require that the dwelling units be leased to eligible tenants, and contain regulatory provisions giving the loan holder power to impose requirements regarding the housing and related operations of the applicant. Forms of loan resolutions and loan agreements may be obtained from FmHA for adaptation or use as guide material.

#### § 1844.24 MF rates, terms, and security.

(a) *Interest rate to borrower.* See § 1841.13 of this chapter.

(b) *Loan terms.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured.

(c) *Security.* The entire loan must be secured by a first lien on the housing, and adequate security must be obtained without taking a lien on any offsite equipment or facilities. See § 1844.23(d) requiring a pledge of housing income as security. The provisions of § 1844.15 regarding security instruments for SF loans also apply to MF loans. For MF loans, the security instruments will also include a Loan Resolution or Loan Agreement which will contain provisions including but not limited to the following:

(1) The loan shall be used solely for the specific eligible purposes for which the loan is approved by the lender, in order to provide rental housing and related facilities for eligible occupants as defined by the Farmers Home Administration, United States Department of Agriculture (herein called Government). Such housing and facilities and the land constituting the site are herein called "the housing."

(2) *Regulatory covenants.* So long as the loan obligations remain unsatisfied, the borrower shall:

(i) Impose and collect such fees, assessments, rents and charges that the income of the borrower will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of accounts for these purposes.

(ii) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants unless the lender or holder gives prior consent.

(iii) Do other things as may be required by the lender or holder in connection with the operation of the housing or with any of the borrower's operations or affairs which

may affect the housing, the loan obligations, or the security.

(3) *Refinancing of loan.* If at any time it appears to the Government that borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the borrower will apply for, take all necessary actions to obtain, accept such refinancing loan, and will use the proceeds for said purpose.

(4) *General provision.* The provisions of this resolution are representations to the lender to induce the lender to make a loan to the borrower. If the borrower should fail to comply with or perform any provision of this resolution or any requirement made by the Government, lender, or holder pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the lender or holder at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

**§ 1844.25 MF loans on leasehold interests.**

The provisions of § 1844.16 with respect to SF loans on leasehold interests are also applicable to MF loans on leasehold interests.

**§§ 1844.26-1844.29 [Reserved]**

**§ 1844.30 Preapplication in all MF cases and in certain SF packaged cases.**

The preapplication procedure outlined in this section is applicable to all MF cases, and to SF packaged cases involving two or more dwellings whether the packager has or has not already obtained applications from eligible families for loans with which to obtain the SF housing. Such procedure is also applicable to all subdivision cases in which it is contemplated that loans will be made, insured, or guaranteed by the Department of Housing and Urban Development (DHUD), the Veterans Administration (VA), or FmHA, separately or collectively, to construct 10 or more new SF dwelling units and in which subdivision neither of said agencies has made, insured or guaranteed a housing loan. The applicant or packager should keep costs to a minimum until the preapplication conference is held and authorization is given to proceed with preparation of a loan application. The following preapplication steps will be taken:

(a) *Guide material.* As a first step, the lender, builder or developer, and MF applicant or SF packager will study the planning and development provisions of Part 1804 of this chapter.

(b) *Preapplication information.* The SF packager or MF applicant will file a preapplication with the lender who will furnish a copy of it to FmHA. The preapplication will be made on Form AD-621, "Preapplication for Federal Assistance." In paragraph 7 of that form, after showing the amount of loan requested from the lender, insert "Guarantee." The following information will be submitted with the preapplication:

(1) *Need for SF or MF guaranteed loan(s).* Advice as to inability of the MF applicant or prospective class or classes of low or moderate income SF applicants to provide the needed housing with their own resources, or to obtain it from other sources without an FmHA guarantee. In MF cases this advice will be supported by a current financial statement of the applicant. If the MF applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization of 20 percent or more. In any MF case in which a financial statement is required from an individual, it will also include the interests and signature of the spouse.

(2) *Operating capital, assets, ar. l. equity in MF cases.* Information showing that the applicant has initial operating capital and other necessary assets and equity that will not be provided with the guaranteed loan. See § 1844.20(a) (7), § 1844.22(a), and § 1844.23(a).

(3) *Operating experience in MF cases.* Statement of applicant's experience in operating rental housing or similar businesses, with a statement on the proposed method of operation and management.

(4) *Need and demand for proposed SF or MF housing.* A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of existing suitable housing in the area. In MF cases the estimate should also show the number of eligible families living in the area who are willing and able to pay the proposed rental rates.

(5) *SF or MF housing site.* Size of tract and advice as to its ownership and any existing option to purchase it; also, a map showing the location and other supporting information on the neighborhood and existing facilities and services, such as medical and dental services, shopping areas, schools, churches, hospitals, recreation, and communication facilities; business and industrial enterprises; streets or roads, central water, electric, gas, and sewerage systems; solid waste disposal services; public and private transportation; and police and fire protection.

(6) *General description of proposed SF or MF housing.* A preliminary plot plan and building plan, if available; advice as to type of construction; estimated total cost per living unit; utilities to be used and whether each is or will be publicly, community, or individually owned; and, if MF apartments are involved, the number and type of units per building.

(7) *Organized MF applicants.* If the applicant is an organization:

(i) A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized.

(ii) A copy of the applicant's charter or articles of incorporation, bylaws, and other basic authorizing documents if the applicant is already in existence.

(iii) The names and addresses of the applicant's existing or proposed mem-

bers, directors, and officers, and if any such member, director, or officer is a member of another organization that is engaged in the same or a similar activity, its name, address, and principal business.

(c) *Preapplication conference.* If, after reviewing the preapplication material required by paragraph (b) of this section, the lender is interested in giving further consideration to making a guaranteed loan, the lender will arrange a preapplication conference between the lender, the SF packager or MF applicant, the FmHA, and other appropriate parties. The lender will make a record of the persons attending the conference and the interests they represent. The purpose of the preapplication conference will be to determine whether it appears that the loan is being requested for an authorized purpose, the applicant is eligible, the housing is needed, the proposal is economically sound and feasible, needed utilities, facilities, and services are or will be available at acceptable costs, and any applicable clearinghouse recommendations and environmental impact requirements can be met. If such factors indicate feasibility and if it appears that guarantee funding authority may be available, an MF loan application or SF loan applications may be prepared and steps taken to meet the requirements of Part 1841 of this chapter and this Part 1844, and any applicable clearinghouse and environmental impact requirements.

(d) *FmHA advice.* If all of the conditions mentioned in paragraph (c) of this section are found to exist, FmHA will advise the lender by letter, with a copy to the applicant, that FmHA will issue a contract of guarantee for each loan made, if all applicable requirements of Part 1841 of this chapter and this Part 1844 are met and if guarantee funding authority is then available.

**§§ 1844.31-1844.34 [Reserved]**

**§ 1844.35 Clearinghouse considerations in certain SF and MF cases.**

When the preapplication involves a loan or loans for construction of an MF project having 25 or more dwelling units, or construction of 10 or more new dwelling units in a subdivision in which the DHUD, VA, or FmHA has not previously made, insured, or guaranteed a housing loan, the following actions will be taken:

(a) *Applicant's notification to clearinghouse.* The MF loan applicant or SF packager will notify the appropriate clearinghouses of intent to apply for or package a loan or loans to be guaranteed by FmHA, and will send copies of the notification to the lender and FmHA. The notification will be made in the manner and contain the information required by:

(1) Revised Circular A-95 issued by the Office of Management and Budget on November 13, 1973, (38 FR 32874); and any amendments or revisions thereof in effect at the time the preapplication is made.

(2) The clearinghouses involved.

(b) *FmHA's transmittal to clearinghouses.* FmHA will transmit a copy of the initial application (Form AD-621),



with enclosures to each clearinghouse as required by said Circular A-95.

(c) *Clearinghouses—reviews and comments.* Clearinghouses will have 30 days after receipt of Form AD-621 and enclosures to review the material and forward to FmHA any comments and recommendations they have.

(d) *Loan processing and conditional commitment.* Loan processing need not be delayed during the 30-day period for clearinghouse comments and recommendations. However:

(1) If a Conditional Commitment for Guarantee is executed within 40 days after Form AD-621 and enclosures are forwarded to the clearinghouse, it will contain an express condition that it is "Subject to there being no unfavorable clearinghouse comments or to a decision by FmHA that such comments will not prevent issuance of a Contract of Guarantee." In such cases, as soon as FmHA receives any clearinghouse comments, it will notify the lender and loan applicant or packager of any clearinghouse recommendations required to be met.

(2) If a Conditional Commitment for Guarantee is executed after FmHA has received the clearinghouse comments, it will specify any clearinghouse recommendations required to be met.

**§ 1844.36 Environmental impact requirements in certain SF and MF cases.**

The MF applicant in each project involving more than 50 MF dwelling units, and the SF packager in subdivision cases involving more than 25 SF dwellings, will furnish completed copies of Form FmHA 449-10, "Applicant's Environmental Impact Evaluation," to FmHA and the lender. Completed copies of the form will also be furnished in other cases involving fewer SF dwellings or MF dwelling units if requested by FmHA or the lender. Such copies will be furnished to FmHA and the lender as soon as possible after the pre-application conference if it appears that the loan may be made and guaranteed. Upon receipt of Form FmHA 449-10, FmHA will forward it to the State Director for determination of whether an environmental impact statement is needed. That determination will be made and required actions taken in accordance with Part 1824 of this chapter.

(a) *Environmental impact statement not required.* If the State Director determines that an environmental impact statement is not required, FmHA will notify the applicant and the lender to that effect.

(b) *Environmental impact statement required.* If the State Director determines that an environmental impact statement is required, the actions provided for in said Part 1824 will be taken.

(c) *Conditional commitment.* If a Conditional Commitment for Guarantee is executed before all such actions have been completed or prior to the waiting period prescribed in said Part 1824, the conditional commitment will contain an express condition that it is:

Subject to the condition that the Contract of Guarantee cannot be issued until all actions required by 7 CFR Part 1824 with

respect to environmental impact have been completed, including expiration of the waiting period after the draft statement was issued and completion of any review action after issuance of the final statement, and FmHA determines and informs the applicant and lender that the environmental situation will permit construction and use of the housing.

**§§ 1844.37-1844.39 [Reserved]**

**§ 1844.40 SF application for loan.**

The general provisions regarding loan applications are set forth in § 1841.10 of this chapter.

(a) *Application form.* In SF cases, the applicant will apply to the lender on Form FmHA 410-4, "Application for Rural Housing Loans (Nonfarm Tract)." However, in above-moderate income cases, the first sentence of paragraph 21 of that form should be deleted. In farm cases the word "Non" in the title of the form will be deleted, and the word "lot" in paragraph 9 will be changed to "farm."

(b) *Enclosures with application.* Enclosed with the application will be:

(1) *Site information.* A statement to:  
(i) Justify the site selection and location, including its suitability for the type of dwelling proposed and its convenience to services and facilities such as those described in § 1844.30 (b) (5).

(ii) Explain the proposed site development and how it will be performed.

(2) *Zoning and other legal requirements.* Documentation showing that the site, construction, and related facilities and utilities conform to applicable zoning and other State and local laws, codes, ordinances, and regulations, and that all required permits and approvals have been or will be obtained.

(3) *Guide material.* Advice that the guide material referred to in § 1844.46 (b) will be followed in planning and performing construction and development work.

(4) *Cost breakdown.* Detailed breakdown of housing and related costs and sources of payment thereof.

(5) *Equal Opportunity and nondiscrimination.* Form FmHA 400-1, "Equal Opportunity Agreement," if construction costing more than \$10,000 is involved. See § 1841.56 of this chapter regarding equal opportunity and nondiscrimination in connection with construction.

**§ 1844.41 MF application for loan.**

The general provisions regarding loan applications are set forth in § 1841.10 of this chapter. In MF cases, the applicant will apply to the lender in a manner satisfactory to the lender. The material submitted to the lender must contain:

(a) *Tenant eligibility information.* A statement showing that the tenants will be low or moderate income or senior citizen families as defined in § 1844.1 and § 1844.10.

(b) *Plot and building plans.* A plot plan and detailed preliminary drawings and specification; also, any special design features for senior citizens.

(c) *Cost breakdown.* A detailed cost breakdown of the project for such items

as land and right-of-way, building construction, equipment, material, facilities, utility connections, architectural and legal fees, and both on-site and off-site improvements. The cost breakdown should show the amount of the cost to be paid from loan funds and the amount thereof to be paid by the applicant from other funds. The cost breakdown also should show separately the cost of any other items to be paid in full by the applicant, such as initial operating capital, furnishings, equipment, and material.

(d) *Method of construction and technical services.* Information on the method of construction and on the architectural, engineering, legal, and other authorized services to be provided.

(e) *Review by State and local officials.* Satisfactory evidence of review and approval of the proposed housing by applicable zoning and other State and local officials whose approval is required by State or local laws, codes, ordinances, or regulations.

(f) *Market survey.* A market survey report based on the number of eligible families in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude renting to families who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible families with incomes which are not subject to fluctuations such as those that may occur in welfare assistance payments. A market survey report will include:

(1) *Ten units or less.* Statements supported by statistical data describing and explaining the need and demand for the rural rental housing over the period of the loan in those cases in which the proposed project will contain 10 or fewer dwelling units and will be in a community in which a need and demand for such rental housing obviously exists. Such information may be assembled from census reports, county market evaluations made by DHUD, and other published data that show the number of families living in the town or trade area who are eligible to rent the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

(2) *More than 10 units and doubtful cases.* A complete market analysis showing the need and demand for the rural rental housing over the period of the loan in those cases in which the proposed project will include more than 10 dwelling units or in any smaller project in which the lender or FmHA advises the applicant, at the time of the preapplication conference or within 15 days thereafter, that there is doubt concerning such need and demand. The survey could include items such as:

(i) The number of houses or apartments in the area for rent or sale, and the characteristics thereof, such as location, quality, number of bedrooms, type of building, age of structure, whether occupied or vacant, tenure, and price or rental levels. Exhibit F-2 of the FmHA Manual "How to Bring Rental Housing

to Your Town" is available in all FmHA offices and may be used for this purpose. The information on tenure of rental housing can be shown in the "Monthly Rental" column along with the monthly rental after inserting "Tenure and" above "Monthly Rental" in the column heading. The information on property for sale and sale price can be shown below the information on rental property by inserting "For Sale" in the left-hand column and "Sale Price" in the "Monthly Rental" column above a listing of such property for sale.

(ii) Characteristics of the persons eligible to rent the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and nonsenior citizens, and income and financial condition; present living arrangements of eligible families in the area and the extent to which inadequate housing is associated with health or financial conditions; and the number of eligible families who are willing and financially able to occupy the proposed housing. Exhibit F-4 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose. The information on the financial condition and size of eligible families and the extent to which housing is inadequate because of health or financial situations, may be shown on the bottom or back of Exhibit F-4.

(iii) Advice as to present and near term anticipated housing needs for the area. Such advice may be obtained from sources such as census reports, county market evaluations made by DHUD, other published data, personnel departments of large employers, realtors, chambers of commerce, and school superintendents.

(3) *Signed expressions of interest in renting regardless of the number of dwelling units.* If, because there are few eligible families in the area or for other reasons, there is a question as to whether all of the dwelling units can be rented soon after construction is completed, signed expressions of interest in renting the units will be obtained from a sufficient number of eligible families to clearly indicate that full occupancy will occur soon after the construction is completed. Exhibit F-3 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose.

(g) *Rental rates.* A schedule of rental rates proposed for the housing and any separate charges for the use of related equipment, facilities, or utilities.

(h) *Financial statement.* A current dated and signed financial statement showing the debt structure of the applicant.

(i) *Budgets.* Detailed operating budgets for the first year's operation and a typical year's operation. Except to the extent that initial operating capital is included in a loan to a nonprofit borrower, the first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs. The

first year's budget should also show that the applicant has sufficient capital on hand or sufficient planned income to meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F-5 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose.

(1) The budgets, in estimating rental income, will include an approximately 10 percent allowance for vacancies, nonpayment of rent, and contingency expense.

(2) The budgets should provide for accumulating and maintaining a reserve at the rate of 1 percent per annum of the value of the buildings, project owned utilities, and related equipment, material, and facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached, which reserve will thereafter be maintained. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

(3) All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the contract of guarantee is executed. Information as to Federal income tax exemption may be obtained from the District Office of the Internal Revenue Service (IRS). An eligible nonprofit organization may be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

(j) *Management.* A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager, and experience and other factors pertaining to the qualifications of the manager; duties and responsibilities of officers and employees; and policy regarding method of selecting tenants.

(k) *Lease, rules, and regulations.* A copy of the proposed form of lease or rental agreement to be offered tenants, and a copy of any rules or regulations governing administration and occupancy.

(l) *Survey.* A satisfactory survey of the land to be given as security prepared by a licensed surveyor. If necessary, a new survey will be obtained.

(m) *Equal opportunity and nondiscrimination.* A statement by the applicant that there will be no discrimination or segregation by the applicant or by any agent or agency, lessee, or operator on account of race, color, religion, sex, or national origin in connection with the use, occupancy, rental, or sale of the housing. Form FmHA 400-1 should also be enclosed with the application if construction costing more than \$10,000 is involved. See § 1841.56 of this chapter on equal opportunity and nondiscrimination in connection with construction.

(n) *Guide material.* Advice that guide material referred to in § 1841.46(b) will be followed in planning and performing construction and development work.

§§ 1844.42-1844.44 [Reserved]

§ 1844.45 SF and MF guarantee commitments and interim financing.

The general provisions with respect to guaranteeing and processing loans are set forth in Part 1841 of this chapter. If the lender decides to approve the loan subject to issuance of a satisfactory conditional commitment for guarantee, the following steps will be taken in both SF and MF cases unless otherwise indicated:

(a) *Request for conditional commitment to guarantee loan.* The lender will submit to FmHA:

(1) Form FmHA 449-9, "Request for Conditional Commitment to Guarantee Loan," and enclosures required therein. In all MF cases, in packaged SF cases involving two or more dwelling units, and in a subdivision in which it is contemplated that loans will be made, insured, or guaranteed by DHUD, VA, or FmHA, separately or collectively, to construct 10 or more new SF dwelling units and in which neither of said agencies has previously made, insured, or guaranteed a housing loan, this request will not be made until all preapplication processing has been completed. See § 1844.30.

(2) A copy of the loan agreement or loan resolution to be used in MF cases.

(3) A statement in SF cases showing the total current annual family income, the reduction(s) therefrom, and the adjusted current annual family income. See § 1844.10.

(b) *Conditional commitment for guarantee.* FmHA will review the material submitted and issue to the lender Form FmHA 449-14, "Conditional Commitment for Guarantee," or, if a conditional commitment cannot be issued, FmHA will so advise the lender on Form FmHA 449-13. The conditional commitment will specify any clearinghouse recommendations required to be met and any environmental impact requirements to be met or, if the conditional commitment is issued before any such requirements are determined, it will contain the express condition set forth in § 1844.35(d) or § 1844.36(c), where applicable.

(c) *Interim financing.* The lender may either furnish any financing needed for acquisition, during the period of construction or other development, or may require the applicant to obtain such interim financing from other sources.

§ 1844.46 Acquisition, construction, and development.

(a) *Acquisition of property.* The lender is responsible for seeing that any property to be acquired with loan funds is acquired as planned and that the required security is obtained.

(b) *Construction or development.* The lender and borrower are responsible for seeing that the loan purposes are accomplished with the loan funds. This includes, but is not limited to seeing that:

(1) Part 1804 of this chapter is used as a guide for planning and performing development work.

(2) Compliance is made with applicable laws, ordinances, codes, and regulations, including 4900.1 containing Minimum Property Standards (MPS) for "One and Two Family Dwellings," and 4910.1 containing MPS for "Multifamily Housing," issued by HUD. Copies of MPS may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Drawings, specifications, and estimates are adequate. The services of a registered architect will be required for all MF projects consisting of 4 or more units.

(4) Adequate water, electric, heating, waste disposal, and any other necessary utilities and facilities are obtained.

(5) Method of construction or development is proper.

(6) Construction or development contracts contain adequate provisions for the undertaking and are properly awarded and executed, and contractors are bonded when the lender considers bonding necessary.

(7) Equal opportunity and nondiscrimination requirements are met. See §§ 1841.26(a)(9) and 1841.56 of this chapter and § 1844.56.

(8) Construction or development is performed expeditiously and properly, including inspection of sites and construction or development in various stages of completion to determine that the work and material conform with the drawings and specifications and any other requirements.

(9) Periodic or partial payments for construction or development are limited to a reasonable percentage of the actual value of the work and material in place.

(10) Final payment is made only after final inspection has been made and the construction or development has been found proper in all respects.

(11) No claims or liens of laborers, materialmen, contractors, subcontractors, or other parties exist against the borrower or the security property.

**§ 1844.47 Inspections of construction, also compliance reviews.**

Inspections will be made during construction by a qualified construction inspector approved by the lender. In connection with inspections of construction, equal opportunity and nondiscrimination compliance reviews will be made as required by § 1841.56(f) of this chapter.

(a) *Inspections required by lender.* The lender will see that the following three inspections (and any additional inspections it deems necessary or advisable) are made:

(1) When footings and foundation are ready to be placed.

(2) When shell is closed in but plumbing, electrical and mechanical work are still exposed.

(3) When construction is completed.

(b) *FmHA inspections.* If more than \$2,500 of guaranteed loan funds are used to construct or repair buildings, provide land development work, acquire real or personal property, or for similar purposes,

the County Supervisor or other qualified FmHA personnel will make such inspections as the County Supervisor deems necessary in the particular case to ascertain the existence and condition of such property. Ordinarily, only one inspection will be made. However, regardless of the number of inspections, one inspection will always be made when construction is completed. Such inspections will be reflected on Form FmHA 424-12, "Inspection Report," or on the running case record.

**§ 1844.48 Review of appraisals.**

The appraisal report which the lender is required to submit to FmHA as an enclosure with the request for conditional commitment to guarantee the loan will cover any then known existing property that is to serve as security. A final appraisal report on the security property will be submitted by the lender to FmHA with the request for contract of guarantee.

(a) *FmHA review.* These appraisal reports are part of the material to be reviewed by FmHA in determining whether to issue a conditional commitment to guarantee the loan or a contract of guarantee. The review of each appraisal will be made by the FmHA County Supervisor or other FmHA personnel designated by him. The review will consist of an actual on-the-ground evaluation as well as checking the contents of the appraisal report furnished by the lender.

(b) *Cross references.* See §§ 1841.16 and 1841.23 of this chapter and § 1844.45 regarding appraisals and FmHA review of material.

**§ 1844.49 [Reserved]**

**§ 1844.50 Processing contracts of guarantee.**

(a) *Request for contract of guarantee.* When construction, relocation, major repairs, or other major development has been completed, final inspection has been made, the housing has been approved by the lender, any clearinghouse or environmental impact requirements made by FmHA have been met, and the permanent financing loan has been properly closed, the lender will submit to FmHA:

(1) Form FmHA 449-16, "Request for Contract of Guarantee."

(2) Form FmHA 449-19, "Guarantee Fee Report," and a check for the amount of the guarantee fee required to be paid at the time of issuance of the Contract of Guarantee. See § 1841.30 et seq. of this chapter regarding guarantee fees, guarantee fee reports, and guarantee fee payments.

(b) *Contract of guarantee.* FmHA will issue Form FmHA 449-17, "Contract of Guarantee," or will advise the lender on Form FmHA 449-13 of the reasons why it cannot be issued. See § 1841.27 of this chapter.

**§§ 1844.51-1844.55 [Reserved]**

**§ 1844.56 Equal opportunity and nondiscrimination in SF and MF cases.**

In addition to the requirements of § 1841.56 of this chapter with respect to equal opportunity and nondiscrimination

in relation to construction, the lender or holder and borrower are responsible for seeing that there is no discrimination or segregation by them or by any agency, lessee, or operator on account of race, color, religion, sex, or national origin in connection with the use, occupancy, rental, or sale of housing. These requirements should be discussed with the applicant or packager, builder or developer, and other parties involved as early in the negotiations as possible. For a specific statement of some of those responsibilities, see the following:

(a) *Executive Order No. 11063.* It is dated November 20, 1962 (27 FR 11527, 3 CFR 652 (1959-63 Compilation), 42 U.S.C.A. 1982 note), and prohibits such discrimination or segregation in cases in which federal financial assistance is involved in the provisions, rehabilitation, or operation of housing and related facilities.

(b) *Fair Housing Act.* This is Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284, 42 U.S.C. 3601 et seq.). It prohibits discrimination in the sale or rental of dwellings provided in whole or in part with loans guaranteed by the Federal Government; and it provides for filing and handling complaints and investigations regarding, and enforcement of remedies for violations of, fair housing requirements.

**§§ 1844.57-1844.58 [Reserved]**

**§ 1844.59 Loan servicing in SF and MF cases.**

The following provisions with respect to loan servicing, in addition to those in §§ 1841.46 and 1841.56 of this chapter, and those loan guarantee processing steps in § 1844.100, are applicable to RH loans.

(a) *FmHA investigations.* The County Supervisor will make investigations from time to time as he considers necessary to determine whether the loan is being properly serviced, but such investigations will not relieve the holder of full responsibility for proper servicing of the loan. If a problem develops, whether discovered by the County Supervisor or the holder or its agent, the County Supervisor will work with the holder or its agent in trying to get the problem resolved satisfactorily.

(b) *Certification in MF cases.* The holder in MF cases will furnish FmHA a letter every other year certifying that all tenants of the MF units are eligible low or moderate income or senior citizen families, or that they meet the requirements of any written waiver on eligibility issued by FmHA.

(c) *Reamortization in SF and MF cases.* If the borrower's payments on principal are 10 percent or more ahead of schedule or are substantially delinquent so that they cannot be brought current within 1 year, the holder may agree to reamortize the loan, provided:

(1) The reamortized repayment schedule does not extend beyond the original loan maturity date.

(2) The holder believes that the new repayment schedule can be met.

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(3) The holder obtains the written approval of FmHA. See § 1841.46(l) of this chapter with respect to alteration of instruments.

(4) The reamortization is accomplished by amendment of the existing note rather than by taking a new replacement note.

(d) *Graduation of borrowers.* Part 1865 of this chapter will be followed in making FmHA's determination as to whether borrowers (other than above-moderate income SF borrowers) are able to graduate to other credit without an FmHA guarantee. See §§ 1844.60 and 1844.66 of this part regarding graduation of borrowers.

§ 1844.60 Transfer and assumption in SF and MF cases.

The provisions of §§ 1841.60, 1841.61, 1841.62, and 1843.20, all in this chapter, are applicable to RH transfer and assumption cases, except that ability to provide the financing or to obtain it from other sources is not a factor in above moderate income cases.

§§ 1844.61-1844.65 [Reserved]

§ 1844.66 Liquidation in SF and MF cases.

The following provisions with respect to liquidation, in addition to those of § 1841.66 et seq. of this chapter are applicable to RH loans.

(a) *Graduation of borrowers.* The provisions of § 1843.30(a) of this chapter are equally applicable to RH loan borrowers, other than above-moderate income borrowers.

(b) *Loss settlement options.* (1) *General policy.* The general policy for RH loans will be to select the option to "Pay loss before liquidation." (See § 1841.67 (a) of this chapter).

(2) *Exceptions to general policy.* The State Director may make exceptions to the general option selection policy stated in paragraph (b)(1) of this section and select another loss settlement option or options set forth in § 1841.67 of this chapter on an individual case basis if:

(i) He obtains prior approval from the National Office on the ground that such action would be more practicable and not to the financial detriment of FmHA, and

(ii) He obtains advice from the OGC of the U.S. Department of Agriculture (USDA) concerning the option or options selected.

(3) *Real estate title evidence.* In the event the State Director selects the option to "Accept title to property from registered holder" set forth in § 1841.67 (c) of this chapter and the holder is a "supervised" holder approved under § 1841.4 of this chapter, FmHA will rely on the holder's general warranty deed unless the State Director, on advice of the USDA OGC decides that an owner's title insurance policy or an attorney's opinion or certificate of title is necessary for FmHA's protection. If the conveyance is to be made by a "non-supervised" holder approved pursuant to § 1841.4 of this chapter, the State Director will con-

sider, among other things, the financial condition, organizational structure, and prospects of the holder for continuation in business and maintaining financial responsibility for a future period of at least 5 years, in deciding whether to require an owner's title insurance policy or an attorney's opinion or certificate of title as well as a general warranty deed.

(4) *Bidding at forced sales.* FmHA will not bid at any foreclosure or other forced sale unless a special exception is made by the National Office on the basis that

bidding is the only satisfactory way to adequately protect the interests of FmHA as guarantor.

§§ 1844.67-1844.89 [Reserved]

§ 1844.90 Forms and forms distribution in SF and MF cases.

(a) *FmHA forms.* The following chart lists the applicable FmHA and Department of Agriculture (AD) forms, number to be prepared, signatures required, and distribution. These forms may be obtained from FmHA.

FmHA form No.	Name of form	Total number	Signed by <sup>1</sup>	Distribution <sup>1</sup>
400-1	Equal Opportunity Agreement.....	3	B-O.....	O-L, C-B, C-FmHA;
400-3	Notice to Contractors and Applicants.....	4	L-O.....	O-Con, C-B, C-L, O-FmHA.
400-4	Compliance Statement.....	4	L&Con, 3-O.....	O-L, C-Con, C-B, C-FmHA.
410-4	Application for Rural Housing Loans (Non-farm Tract).	2	B-O.....	O-L, C-FmHA;
424-12	Inspection Report.....	3	L-O.....	O-L, C-FmHA, C-Con;
424-20	Request for Subdivision Feasibility Analysis.....	4	Con-O.....	O-FmHA, O-L, C-B, C-Con.
440-3	Record of Actions.....	14	GAO-O.....	O-FC, C-FC, C-FmHA, C-St. Dir.
440-10	Cancellation of Loan or Grant Check and/or Obligation.	3	FmHA, 3-O.....	O-FC, C-St. Dir., C-FmHA.
440-46	Environmental Impact Assessment.....	2	FmHA-O.....	O-St. Dir., C-FmHA;
440-7	Assumption Agreement for Guaranteed Loans (New Terms).	4	B-O.....	O-L, C-B, 2C-FmHA;
449-9	Request for Conditional Commitment to Guarantee Loan.	2	L-O.....	O-FmHA, C-L;
449-10	Applicant's Environmental Impact Evaluation.	3	B-O.....	O-FmHA, C-L, C-B.
449-13	Denial Letter.....	2	FmHA-O.....	O-L, C-FmHA;
449-14	Conditional Commitment for Guarantee.....	2	FmHA-O.....	O-L, C-FmHA;
449-16	Request for Contract of Guarantee.....	2	L-O.....	O-FmHA, C-L;
449-17	Contract of Guarantee.....	2	FmHA-O.....	O-L, C-FmHA;
449-18	Lenders or Holders Request for Approval.....	2	L-O.....	O-FmHA, C-L;
449-19	Guarantee Fee Report.....	3	L-O.....	O-FmHA, C-FmHA, C-L first report.
449-20	Report of Loss.....	3	L-O.....	O-FC, C-FmHA, C-L subsequent report.
451-1	Acknowledgement of Cash Payment.....	2	FmHA-O.....	FmHA.
471-7	Notice and Acknowledgement of Sale of Insured or Guaranteed Loan.	4	L-O.....	O-L, C-FmHA, O-FC, C-FC, C-L, C-FmHA.

Agriculture form No.	Name of form	Total number	Signed by <sup>1</sup>	Distribution <sup>1</sup>
AD-621.....	Preapplication for Federal Assistance.....	4	SF packager or MF applicant;	O-L, C-FmHA, C-FmHA, C-Signer.
AD-425.....	Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375.	3	Not signed.....	C-Con, C-L, C-B.

<sup>1</sup> Signatures and Distribution: L-Lender; B-Borrower or assumpor; FC-Finance Office; FmHA-Authorized FmHA Official; Con-Contractor.  
<sup>2</sup> When County Supervisor is not GAO, prepares 5 and distributes: O-GAO, 3C-GAO, C-FmHA.  
 NOTE.-O-Original; C-Copy; Lender includes Holder; GAO-Guarantee Approval official.

(b) *Other forms and information.* Another form that may be obtained from FmHA (although it is not an FmHA form) is Form AD-425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375." Any needed forms not furnished by FmHA will be provided by the lender, holder, or applicant. They may obtain information and copies of other FmHA forms that may be helpful in various aspects of loan making, construction and development, and servicing.

(c) *Racial code.* Some FmHA forms, such as Form FmHA 449-6, and Form FmHA 449-7, contain space for coding the race of the applicant for the loan or assumption. In the code "W" means, "White," "N/B" means "Negro(Black)," and "S" means "Spanish American," "AI" means "American Indian," and "O"

means any other race. The lender is responsible for completing this code on all forms on which it appears in accordance with his best judgment as to the race of the applicant.

§§ 1844.91-1844.99 [Reserved]

§ 1844.100 Guarantee processing steps.

In addition to taking steps to comply with any applicable preapplication requirements, and any environmental impact and clearinghouse requirements made by FmHA, the following steps (sometimes referred to by paragraph number) will be taken:

(a) *Form FmHA 449-9.* (1) Lender will submit this form with required enclosures to County Supervisor.

(2) County Supervisor will analyze material submitted and make any independent investigation he considers necessary.

(3) If material shows that loan cannot be guaranteed (for reasons that would not be affected by County Committee Certification), County Supervisor will send lender denial letter on Form FmHA 449-13.

(4) If material indicates that loan appears to qualify for guarantee, County Supervisor will proceed to Step "(b)" or "(c)," whichever is applicable.

(b) *Tentative approval and record of actions—when County Supervisor is guarantee approval official.* County Supervisor will:

(1) Sign Tentative Approval on Form FmHA 449-9. This approval is tentative because it is subject to future compliance with conditions and requirements of request for conditional commitment and Record of Actions, as well as those of Form FmHA 449-14 yet to be executed.

(2) Prepare Form FmHA 440-3 in original and 3 copies, sign original and conform all copies.

(3) Mail to Finance Office original and 1 copy of Form FmHA 440-3.

(4) Mail to State Director 1 copy of Form FmHA 440-3 for use in keeping record of guarantee funding reservations.

(5) Take no further action until he receives original of Form FmHA 440-3 from Finance Office or other advice from Finance Office or State Director that guarantee funding authority is available.

(c) *Tentative approval and record of actions—when County Supervisor is NOT guarantee approval official.* (1) County Supervisor will: (i) Insert his comments and recommendations on back of Form FmHA 449-9.

(ii) Prepare upper portion of Form FmHA 440-3 in original and 4 copies.

(iii) Send to guarantee approval official original Form FmHA 449-9 with enclosures, original Form FmHA 440-2, "County Committee Certification or Recommendation," and original and 3 copies of Form FmHA 440-3.

(2) *Guarantee approval official:* (1) Will analyze material received from County Supervisor and make, or require County Supervisor to make, any independent investigation guarantee approval official considers necessary.

(ii) If it appears that loan will qualify for guarantee, he will sign tentative approval on Form FmHA 440-9, "Supplementary Payment Agreement," complete and sign original Form FmHA 440-3 and conform 3 copies, mail original and 1 copy of Form FmHA 440-3 direct to Finance Office, and return to County Supervisor Form FmHA 449-9 with enclosures, and 1 conformed copy of Form FmHA 440-3. If District Director is guarantee approval official, he will send other conformed copy of Form FmHA 440-3 to State Director.

(iii) If he concludes that loan does not qualify for guarantee, he will set forth his reasons on Form FmHA 440-3 and return all material to County Supervisor.

(3) *When County Supervisor receives material from guarantee approval official:* (1) If guarantee approval official

has rejected guarantee, County Supervisor will insert guarantee approval official's reasons (contained in Form FmHA 440-3) in denial letter on Form FmHA 449-13 and sign and send it to lender.

(ii) If guarantee approval official has signed tentative approval on Form FmHA 449-9, County Supervisor will take no further action until he receives original Form FmHA 440-3 from Finance Office or other advice from Finance Office or State Director that guarantee funding authority is available.

(d) *Advice concerning guarantee funding authority and issuance of conditional commitment.* As soon as possible after Finance Office receives original and copy of Form FmHA 440-3 from guarantee approval official, it will complete its portion of that form to show whether guarantee funding authority has been reserved and mail original to County Supervisor. When County Supervisor receives original of Form FmHA 440-3 from Finance Office or earlier advice from Finance Office or State Director regarding availability of guarantee funding authority, he will proceed as follows:

(1) If guarantee funding authority is not available, County Supervisor will notify lender to that effect on Form FmHA 449-13 or by regular letter.

(2) If original Form FmHA 440-3 received from Finance Office shows guarantee funding has been reserved, or if earlier advice has been received from Finance Office or State Director that guarantee funding authority is available, County Supervisor will complete and execute Form FmHA 449-14 in original and 2 copies and send original and 1 copy to lender. If County Supervisor is not guarantee approval official, he will include in Form FmHA 449-14 any conditions and requirements made by guarantee approval official in Form FmHA 440-3.

(e) *Acceptance or Rejection of Conditions.* When lender receives the original and copy of Form FmHA 449-14, it (and applicant in MF cases) will complete and sign Acceptance or Rejection of Conditions on back of copy of Form FmHA 449-14 and return it to County Supervisor.

(1) If County Supervisor does not receive signed Acceptance or Rejection of Conditions within 30 days after sending Form FmHA 449-14 to lender, he will follow up to ascertain status of matter.

(2) If Acceptance or Rejection of Conditions shows that Contract of Guarantee is not desired, County Supervisor will prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

(f) *Expiration of Conditional Commitment for Guarantee.* If Form FmHA 449-14 expires because FmHA does not receive Form FmHA 449-16 from lender before expiration date in Form FmHA 449-14 or any extension thereof or because of earlier notification from lender that it does not desire to obtain a FmHA guarantee, County Supervisor will

prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

(g) *Request for Contract of Guarantee and subsequent actions.* (1) *Submission by lender.* After loan has been closed and housing has been completed and passed FmHA inspection, lender will submit to County Supervisor:

(i) Form FmHA 449-16.

(ii) Form FmHA 449-19 (original and 1 copy) and check for amount of guarantee fee required to be paid at time of issuance of Contract of Guarantee. The cancelled check will serve as lender's receipt, so separate receipt will not be issued unless lender requests one. In that event, Form FmHA 451-1, "Acknowledgement of Cash Payment," may be used if the word "cash" is deleted from the title of the form and if the last paragraph is deleted.

(2) *Actions by County Supervisor.* The County Supervisor will check material submitted by lender and make any independent investigation he considers necessary.

(i) If everything is in proper order, County Supervisor will:

(A) Indicate his approval by signing in the place provided on Form FmHA 449-16.

(B) Prepare Form FmHA 449-17 in original and 1 copy.

(C) Execute original Contract of Guarantee and send it to lender, and conform his copy.

(D) Mail Form FmHA 449-19 and guarantee fee check to Finance Office. This will constitute notice to Finance Office that Contract of Guarantee has been issued and that check should be processed for collection. The report will also provide Finance Office with lender's name, address, and IRS tax number.

(ii) If material submitted by lender is not in proper order, County Supervisor will:

(A) If he is not guarantee approval official, request any advice or assistance he deems necessary from guarantee approval official.

(B) Take matter up with lender if he thinks defects may be corrected.

(C) If defects are corrected, take actions provided for in paragraph (g) (2) (i) of this section.

(D) Issue denial letter to lender on Form FmHA 449-13 if efforts to obtain correction are unsuccessful or if defects are of such nature they cannot be corrected, return Guarantee Fee Report and guarantee fee check to lender, show on denial letter that "Guarantee Fee Report and guarantee fee check are returned herewith," and prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

Dated: January 27, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc.75-2904 Filed 1-31-75;8:45 am]

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

[ 50 CFR Part 219 ]

ABANDONMENT PROVISIONS REGARDING  
ILLEGALLY IMPORTED MARINE MA-  
TERIALS

## Establishment of Comment Period

On January 16, 1975, notice of proposed amendments were published in the FEDERAL REGISTER (40 FR 2820-2821) concerning abandonment to United States Customs Officials of alleged illegally imported marine mammals or marine mammal parts or products, and endangered species or endangered species parts or products by the owners thereof.

Comments concerning the proposed amendments may be submitted to the Director, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, Washington, D.C. 20235. All materials received on or before April 7, 1975 will be considered.

Dated: January 28, 1975.

JOSEPH W. SLAVIN,  
Acting Director, National  
Marine Fisheries Service, NOAA.

[FR Doc. 75-3064 Filed 1-31-75; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

[ 29 CFR Part 1910 ]

ALPHA-METHYL STYRENE, STYRENE, TER-  
PHENYLS, VINYL TOLUENE, ACROLEIN,  
P-TERT-BUTYLTOLUENE, CUMENE (ISO-  
PROPYL BENZENE), CYCLOHEXANE, DI-  
PHENYL (BIPHENYL), ETHYL BENZENE,  
FURFURAL

## Standards Completion Project

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables G-1, G-2 and G-3 of 29 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and house-keeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA safety standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor invites public participation in the development of the proposed standards. Drafts of the technical content of proposed standards have been prepared for the following substances: Alpha-Methyl Styrene, Styrene, Terphenyls, Vinyl Toluene, Acrolein, P-Tert-Butyltoluene, Cumene (Isopropyl Benzene), Cyclohexane, Diphenyl (Biphenyl), Ethyl Benzene, Furfural.

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards.

Interested persons are invited to submit written data, views and arguments concerning these drafts or the program in general. Comments are requested concerning requirements of each section of the draft technical standards and alternatives to the provisions of each section. Information submitted in response to the Notice of Intent to Prepare An Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843) need not be resubmitted.

Communications should be submitted to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Room 260, 1726 M Street, NW., Washington, D.C. 20210, postmarked no later than March 5, 1975. The communications will be available for public inspection and copying, at the above location.

Copies of the draft technical standards on the above listed substances are available for inspection and copying, upon request, at the above address and at any of the following OSHA regional and area offices:

## REGIONAL OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration

18 Oliver Street  
Boston, Massachusetts 02110

U.S. Department of Labor  
Occupational Safety and Health Administration

1515 Broadway (1 Astor Plaza)  
New York, New York 10036

U.S. Department of Labor  
Occupational Safety and Health Administration

Gateway Building—Suite 15220  
3535 Market Street  
Philadelphia, Pennsylvania 19104

U.S. Department of Labor  
Occupational Safety and Health Administration

1375 Peachtree Street, N.E.—Suite 587  
Atlanta, Georgia 30309

U.S. Department of Labor  
Occupational Safety and Health Administration

230 South Dearborn Street  
32nd Floor  
Chicago, Illinois 60604

U.S. Department of Labor  
Occupational Safety and Health Administration

7th Floor—Texaco Building  
1512 Commerce Street  
Dallas, Texas 75201

U.S. Department of Labor  
Occupational Safety and Health Administration  
911 Walnut Street—Room 3000  
Kansas City, Missouri 64106

U.S. Department of Labor  
Occupational Safety and Health Administration

Federal Building—Room 15010  
1961 Stout Street  
Denver, Colorado 80202

U.S. Department of Labor  
Occupational Safety and Health Administration

9470 Federal Building  
450 Golden Gate Avenue—Box 36017  
San Francisco, California 94102

U.S. Department of Labor  
Occupational Safety and Health Administration

506 Second Avenue  
1808 Smith Tower Building  
Seattle, Washington 98104

## AREA OFFICES

U.S. Department of Labor  
Occupational Safety and Health Administration

Custom House Building—Room 703  
State Street  
Boston, Massachusetts 02109

U.S. Department of Labor  
Occupational Safety and Health Administration

Federal Building—Room 426  
55 Pleasant Street  
Concord, New Hampshire 03301

U.S. Department of Labor  
Occupational Safety and Health Administration

Federal Building—Room 617B  
450 Main Street  
Hartford, Connecticut 06103

U.S. Department of Labor  
Occupational Safety and Health Administration

U.S. Post Office and Courthouse Building  
436 Dwight Street—Room 501  
Springfield, Massachusetts 01103

U.S. Department of Labor  
Occupational Safety and Health Administration

90 Church Street—Room 1405  
New York, New York 10007

U.S. Department of Labor  
Occupational Safety and Health Administration

Federal Office Building  
970 Broad Street—Room 14350  
Newark, New Jersey 07102

U.S. Department of Labor  
Occupational Safety and Health Administration

Room 203—Midtown Plaza  
700 East Water Street  
Syracuse, New York 13210

U.S. Department of Labor  
Occupational Safety and Health Administration

370 Old Country Road  
Garden City, Long Island, New York 11530

U.S. Department of Labor  
Occupational Safety and Health Administration

Condominium San Alberto Building  
605 Condado Avenue—Room 328  
Sanurce, Puerto Rico 00907

U.S. Department of Labor  
Occupational Safety and Health Administration

William J. Green, Jr. Federal Building  
600 Arch Street—Room 4456  
Philadelphia, Pennsylvania 19106

- U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 1110-A  
31 Hopkins Plaza—Charles Center  
Baltimore, Maryland 21201
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Charleston National Plaza—Suite 1726  
700 Virginia Street  
Charleston, West Virginia 25301
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 802—Jonnet Building  
4099 William Penn Highway  
Monroeville, Pennsylvania 15146
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 8015  
400 N. 8th Street—P.O. Box 10186  
Richmond, Virginia 23240
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Building 10—Suite 33  
La Vista Perimeter Park  
Tucker, Georgia 30084
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Office Building—Room 406  
310 New Bern Avenue  
Raleigh, North Carolina 27601
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 204—Bridge Building  
3200 E. Oakland Park Boulevard  
Fort Lauderdale, Florida 33308
- U.S. Department of Labor  
Occupational Safety and Health Administration  
1600 Hayes Street—Suite 302  
Nashville, Tennessee 37203
- U.S. Department of Labor  
Occupational Safety and Health Administration  
2809 Art Museum Drive  
Art Museum Plaza—Suite 4  
Jacksonville, Florida 32207
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Todd Mall—2047 Canyon Road  
Birmingham, Alabama 35216
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 554-E—600 Federal Place  
Louisville, Kentucky 40202
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Enterprise Building—Suite 204  
6605 Abercorn Street  
Savannah, Georgia 31405
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Commerce Building—Room 600  
118 North Royal Street  
Mobile, Alabama 36602
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Riverside Plaza Shopping Center  
2720 Riverside Drive  
Macon, Georgia 31204
- U.S. Department of Labor  
Occupational Safety and Health Administration  
1710 Gervais Street—Room 205  
Columbia, South Carolina 29201
- U.S. Department of Labor  
Occupational Safety and Health Administration  
650 Cleveland Street  
Room 44  
Clearwater, Florida 33515
- U.S. Department of Labor  
Occupational Safety and Health Administration  
57601-55 North Frontage Road East  
Jackson, Mississippi 39211
- U.S. Department of Labor  
Occupational Safety and Health Administration  
230 South Dearborn Street  
10th Floor  
Chicago, Illinois 60604
- U.S. Department of Labor  
Occupational Safety and Health Administration  
847 Federal Office Building  
1240 East Ninth Street  
Cleveland, Ohio 44199
- U.S. Department of Labor  
Occupational Safety and Health Administration  
360 S. Third Street—Room 109  
Columbus, Ohio 43215
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Michigan Theatre Building—Room 626  
200 Bagley Avenue  
Detroit, Michigan 48226
- U.S. Department of Labor  
Occupational Safety and Health Administration  
110 South Fourth Street—Room 437  
Minneapolis, Minnesota 55401
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Clark Building—Room 400  
633 West Wisconsin Avenue  
Milwaukee, Wisconsin 53203
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 423  
46 East Ohio Street  
Indianapolis, Indiana 46202
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 4028—Federal Office Building  
550 Main Street  
Cincinnati, Ohio 45202
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 734—Federal Office Building  
234 N. Summit Street  
Toledo, Ohio 43604
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 2118  
2320 La Branch Street  
Houston, Texas 77004
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Adolphus Tower—Suite 1820  
1412 Main Street  
Dallas, Texas 75202
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 421—Federal Building  
1205 Texas Avenue  
Lubbock, Texas 79401
- U.S. Department of Labor  
Occupational Safety and Health Administration  
546 Carondelet Street—Room 202  
New Orleans, Louisiana 70130
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 512—Petroleum Building  
420 South Boulder  
Tulsa, Oklahoma 74103
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 526—Donaghey Building  
103 East 7th Street  
Little Rock, Arkansas 72201
- U.S. Department of Labor  
Occupational Safety and Health Administration  
1015 Jackson Keller Road—Room 122  
San Antonio, Texas 78213
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 302—Federal Building  
421 Gold Avenue, S.W.  
P.O. Box 1428  
Albuquerque, New Mexico 87103
- U.S. Department of Labor  
Occupational Safety and Health Administration  
1627 Main Street—Room 1100  
Kansas City, Missouri 64108
- U.S. Department of Labor  
Occupational Safety and Health Administration  
210 North 12th Boulevard—Room 554  
St. Louis, Missouri 63101
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Petroleum Building  
221 South Broadway Street—Suite 312  
Wichita, Kansas 67202
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 643—210 Walnut Street  
Des Moines, Iowa 50309
- U.S. Department of Labor  
Occupational Safety and Health Administration  
City National Bank Building  
Harney and 16th Street—Room 803  
Omaha, Nebraska 68102
- U.S. Department of Labor  
Occupational Safety and Health Administration  
113 West 6th Street  
North Platte, Nebraska 69101
- U.S. Department of Labor  
Occupational Safety and Health Administration  
8527 W. Colfax Avenue  
Lakewood, Colorado 80215
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 525—Petroleum Building  
2812 1st Avenue—North  
Billings, Montana 59101
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Court House Plaza Building—Room 408  
300 North Dakota Avenue  
Sioux Falls, South Dakota 57102
- U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 452  
360 South Main Street  
Salt Lake City, Utah 84111

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 McAllister Street—Room 1706  
San Francisco, California 94102

U.S. Department of Labor  
Occupational Safety and Health Administration  
Suite 318—Amerco Towers  
2721 North Central Avenue  
Phoenix, Arizona 85004

U.S. Department of Labor  
Occupational Safety and Health Administration  
333 Queen Street—Suite 505  
Honolulu, Hawaii 96813

U.S. Department of Labor  
Occupational Safety and Health Administration  
1100 E. William Street  
Suite 222  
Carson City, Nevada 89701

U.S. Department of Labor  
Occupational Safety and Health Administration  
Hartwell Building—Room 401  
19 Pine Avenue  
Long Beach, California 90802

U.S. Department of Labor  
Occupational Safety and Health Administration  
121-107th Street, N.E.  
Bellevue, Washington 98004

U.S. Department of Labor  
Occupational Safety and Health Administration  
Federal Building—Room 227  
605 West 4th Avenue  
Anchorage, Alaska 99501

U.S. Department of Labor  
Occupational Safety and Health Administration  
Room 526—Pittcock Block  
921 S.W. Washington Street  
Portland, Oregon 97206

U.S. Department of Labor  
Occupational Safety and Health Administration  
228 Idaho Building  
216 North 8th Street  
Boise, Idaho 83702

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Room 10-A22, 5600 Fishers Lane  
Rockville, Maryland

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
1114 Commerce Street, Room 1612  
Dallas, Texas 75202

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
P.O. Box 13716  
Philadelphia, Pennsylvania 19108

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
9017 Federal Building  
19th and Stout Streets  
Denver, Colorado 80202

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
Arcade Building  
1321 Second Street  
Seattle, Washington 98101

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
John F. Kennedy Federal Building  
Government Center  
Boston, Massachusetts 02203

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
26 Federal Plaza  
New York, New York 10007

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
601 East 12th Street  
Kansas City, Missouri 64106

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
254 Federal Office Building  
50 Fulton Street  
San Francisco, California 94102

U.S. Department of HEW  
National Institute for Occupational Safety and Health  
300 South Wacker Drive  
Chicago, Illinois 60607

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 28th day of January 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 75-3019 Filed 1-31-75; 8:45 am]

#### [ 29 CFR Part 1910 ]

### CARCINOGENS: 4,4'-METHYLENE BIS (2-CHLOROANILINE)

#### Notice of Proposed Rulemaking

Pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the "Act") (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding the following standard concerning exposure of employees to 4,4'-Methylene bis (2-chloroaniline) as § 1910.93e. This proposal is issued pursuant to the remand of the United States Court of Appeals for the Third Circuit in *Synthetic Organic Chemical Manufacturers Association v. Brennan*, F. 2d (Nos. 74-1129, 74-1149, 74-1268, December 17, 1974).

*Background.* On May 22, 1972, the Deputy Assistant Secretary of Labor for Occupational Safety and Health requested information from the Director of the National Institute for Occupational Safety and Health (NIOSH) on nine substances alleged to be carcinogens. As part of his effort to gain the best available scientific data, the Director published on July 6, 1972, at 37 FR 13285, a request for information con-

cerning 15 substances, including 4,4'-Methylene bis (2-chloroaniline). The data, arguments, and conclusions received by NIOSH were made available to the Occupational Safety and Health Administration (OSHA).

On January 4, 1973, a petition for an emergency temporary standard from the Oil, Chemical, and Atomic Workers Union (OCAW) and Health Research Group (HRG) was received by the Department of Labor. The petition contained relevant information on the danger of exposure to 10 carcinogens, and suggested regulations to prevent worker exposure to the substances.

On February 9, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4037) of the receipt of the petition for issuance of an emergency temporary standard, and information was requested from interested persons on the issues involved. In response to the notice, more than 50 written comments were received.

Pursuant to section 6(c) of the Act (84 Stat. 1596, 29 U.S.C. 655), an emergency temporary standard on carcinogens was promulgated on May 3, 1973, at 38 FR 10929. The standard concerned work practices and controls designed to protect employees from exposure to 14 carcinogenic substances, including 4,4'-Methylene bis (2-chloroaniline).

A standards advisory committee on carcinogens was appointed and began its meetings on June 25, 1973. The members of the committee represented employers, employees, Federal and state agencies and professionals. The committee terminated its meetings on August 24, 1973, and submitted to the Assistant Secretary of Labor for Occupational Safety and Health its recommendations for a standard on certain carcinogens on August 27, 1973. The recommendations were published in the FEDERAL REGISTER on September 7, 1973 (38 FR 24375).

A rulemaking proceeding was conducted under section 6(b) and (c) of the Act, with the emergency temporary standard serving as a proposal as required by section 6(c)(3) of the Act. Notice of the proceeding was published in the FEDERAL REGISTER on July 16, 1973 (38 FR 18900). On July 27, 1973, a revision of the emergency temporary standard was published at 38 FR 20074, and an amended notice of rulemaking proceeding was published at 38 FR 22141, on August 16, 1973.

The notices invited interested persons to submit, prior to September 5, written comments, data and arguments concerning the proposals, and also provided for the presentation of oral testimony at a public hearing scheduled for September 11-14, 1973. Numerous written comments were received and about 36 parties testified at the hearing. The record of the hearing was initially held open until September 28, for additional comments. After the close and certification of the record by the administrative law judge, additional comments mailed on or before September 28 were received. On October 2 the judge reopened the record for the limited purpose of including these additional comments. On October 15, the



judge closed the proceeding and forwarded the certified record to the Assistant Secretary of Labor for Occupational Safety and Health for final decision.

A final environmental impact statement on the proposed standard on carcinogens was filed with the Council on Environmental Quality on October 2, 1973, and copies were distributed to appropriate agencies. In a letter dated November 2, 1973, the Council pointed out alleged deficiencies in the statement filed. Pursuant to that letter, a supplement to the statement was sent to the Council on November 29, 1973, with a request for a waiver of the full, 30-day review period. By letter dated December 10, 1973, the Council advised that the request had been denied. Notice of the filing of the supplement was published by the Council on December 14, 1973 (38 FR 34488).

On January 29, 1974, OSHA promulgated final occupational safety and health standards on 14 carcinogens (39 FR 3756) based on the rulemaking proceeding which had been conducted. Separate standards were promulgated for each of the 14 substances, and were codified as §§ 1910.93c through 1910.93p. The standard on exposure to 4,4'-Methylene bis (2-chloroaniline) was contained in § 1910.93e and was republished on June 27, 1974 at 39 FR 23551.

Within 60 days after promulgation of the carcinogen standards, the Synthetic Organic Chemical Manufacturers Association (SOCMA), Polyurethane Manufacturers Association (PMA), and Oil, Chemical and Atomic Workers and Health Research Group (OCAW-HRG), petitioned under section 6(f) of the Act for review of various portions of the carcinogen standards. On August 26, 1974, the United States Court of Appeals for the Third Circuit handed down its decision in *Synthetic Organic Chemical Manufacturers Association v. Brennan*, 503 F. 2d 1155, (No. 74-1129), covering one of the 14 carcinogens, ethyleneimine ("EI"). The court upheld the Secretary's determination that EI is carcinogenic and upheld the standard, except as to the special provisions in the standard for laboratory activities. As to the laboratory requirements, the court found that adequate notice had not been given of OSHA's intention to make special provisions for laboratories, and therefore vacated and remanded these special provisions.

On December 17, 1974, the same court issued its decision in *Synthetic Organic Chemical Manufacturers v. Brennan*, F. 2d (Nos. 74-1129, 74-1149, 74-1268), disposing of the remaining challenges to the standards on carcinogens. The court, relying on its rationale in the first decision, upheld the Secretary's determinations concerning carcinogenicity of the substances involved, including 4,4'-Methylene bis (2-chloroaniline), and sustained the Secretary's various determinations on particular aspects of the standards. However, the court remanded the provisions on medical examinations in all the standards, because of the Secretary's failure to explain the lack of specificity in

these requirements, and vacated the special provisions concerning laboratories, because of the lack of adequate notice. In addition, the court vacated the entire standard on 4,4'-Methylene bis (2-chloroaniline) (29 CFR 1910.93e) because, in the court's view, the procedure followed by OSHA in promulgating § 1910.93e did not comply with the statutory requirements. Specifically, the court held that the Secretary erred in not publishing a proposed regulation after receipt of the recommendations of the advisory committee, and that the public was not given adequate time to comment on the advisory committee's report.

Accordingly, the court vacated the standard on 4,4'-Methylene bis (2-chloroaniline) and remanded it for the publication of a proposed standard to be followed by the required procedures for public comment and hearing. While a petition for rehearing on this portion of the court's decision has been filed, this notice of proposed rulemaking is published pursuant to the court's mandate in order to assure effective protection of workers in the swiftest possible time. It is recognized, however, that action by the court on the Secretary's petition may necessitate changes in the proceedings initiated by this notice.

**Proposed Standard.** The proposal contained herein for the regulation of occupational exposure to 4,4'-Methylene bis (2-chloroaniline) is identical with the final standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and contained in § 1910.93e. That standard was issued after an extensive rulemaking proceeding which had formally commenced in May 1973 with the publication of the emergency temporary standard and which was based on the combined efforts of OSHA and NIOSH extending back at least a year before the promulgation of the emergency standard. All the evidence, testimony, comments, views and arguments developed during this extended period of time, including the advisory committee recommendations, were considered in formulating the final standard. Accordingly, OSHA believes that the standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and vacated by the court on procedural grounds, serves as the best possible basis for the current proposal. In addition, the action of the court has created a gap in the significant protection afforded to employees by the carcinogen standards. The need to fill this gap as quickly as possible, consistent with the statutory procedures, further supports the wisdom of utilizing the promulgated standard as the proposal in this rulemaking proceeding. However, while we are proposing the same standard which was vacated by the court, the final standard which will issue as a result of this proceeding will be based on the entire record developed herein, including the record of the earlier proceeding.

The basis for the Secretary's finding that 4,4'-Methylene bis (2-chloroaniline) is a carcinogen and the explanation of and rationale for the various elements

of this proposal are fully set out in the preamble to the carcinogen standards published at 39 FR 3756, and are incorporated by reference herein. The finding of carcinogenicity, based largely on extrapolation from animal data contained in the NIOSH hazard review document, was sustained by the court in its decision of December 17, 1974. The treatment of 4,4'-Methylene bis (2-chloroaniline) as a carcinogen in the proposal is based on the same considerations set out in the preamble to the carcinogen standards and affirmed by the court.

As noted, the terms of this proposal are identical with the final standard promulgated on January 29, 1974. Discussion and explanation of the particular elements of the proposal, such as the basic scheme of control through the use of isolated systems and closed systems, the exclusion of mixtures containing less than one percent of 4,4'-Methylene bis (2-chloroaniline) and the special provisions for premix solutions, the requirement for the establishment of regulated areas, the special provisions for maintenance and decontamination activities, emergencies, and laboratory activities, and the requirements for signs, information and training, medical surveillance and recordkeeping, are contained in the preamble to the final standard, incorporated herein by reference.

The proposal includes special provisions for laboratory activities, identical with those contained in the standard promulgated on January 29, 1974. The inclusion of these laboratory provisions in the proposal provides notice to all interested parties that special requirements for laboratories are contemplated and satisfies the court's mandate as to the laboratory provisions in the standard on 4,4'-Methylene bis (2-chloroaniline). A separate rulemaking proceeding will be instituted shortly to re-propose laboratory requirements for the 13 other carcinogen standards.

The court, in its decision of December 17, 1974, remanded, without vacating, the medical examination provisions of all the carcinogen standards because of the failure to explain the lack of specific requirements making these provisions effective. OSHA has requested NIOSH to develop, on an expedited basis, appropriate medical protocols for all 14 carcinogens. The specific medical requirements for each substance, when available from NIOSH, will be proposed as amendments to the carcinogen standards in a separate rulemaking proceeding. However, so as not to delay the filing of the gap created by the court's vacating the standard on 4,4'-Methylene bis (2-chloroaniline), and so as to provide the fullest medical protection possible based on the currently available information, this proposal is issued now with the same medical examination provisions as contained in the standard promulgated on January 29, 1974. The court's remand and the direction to provide greater specificity in the medical examination provisions will be complied with as soon as the necessary information becomes available to OSHA.

It was suggested during the court litigation on the carcinogen standards that

the extent of the prohibition on open vessel operations is unclear. Section 1910.93e, as promulgated on January 29, 1974, and as proposed herein, contains the following definition of open-vessel system in paragraph (b) (13) :

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

Paragraph (c) (3) provides that "open vessel system operations as defined in paragraph (b) (13) of this section are prohibited." Thus, the proposal would prohibit only those open vessel operations defined as such in paragraph (b) (13), and would permit open vessel operations if they are conducted in an isolated system, a laboratory type hood, or in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into the surrounding atmosphere.

As noted above, draft and final environmental impact statements on the carcinogen standards were prepared during the course of the first rulemaking proceeding. Since the proposal issued herein is identical with the standard promulgated as a result of the rulemaking proceeding, the Director of the Office of Standards Development has determined that it is likely that all relevant environmental impacts of this proposal have already been considered. Accordingly, no new draft environmental impact statement will be prepared for this proceeding. However, pursuant to the regulations in 29 CFR Part 1999, the environmental impact of this proposal is an issue in the proceeding. If significant new information concerning the environmental impact of this proposal becomes available, the Director of the Office of Standards may supplement or amend the final environmental impact statement, pursuant to 29 CFR 1999.5 (h).

Interested persons are invited to submit written data, views, or arguments concerning the proposed standard, postmarked on or before March 10, 1975. Written comments must be submitted in quadruplicate to OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 260, U.S. Department of Labor, Washington, D.C. 20210 (Phone: (202) 961-2248 or 2487). The data, views and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding. Data, views and arguments submitted during the first rulemaking proceeding on the carcinogen standards, including the advisory committee report, will be made a part of the record of this proceeding and need not be resubmitted. They will also be available for inspection and copying at the above address.

In order to expedite this rulemaking proceeding and in anticipation of requests for a hearing, we are scheduling

an informal public hearing, pursuant to section 6(b) of the Act and 29 CFR Part 1911, to begin on April 1, 1975 in the Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D.C. 20210. All aspects of the proposed standard, including environmental impact, will be at issue in the hearing. Beginning at 9:30 a.m. e.d.t. on April 1, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to settle any matters relating to the proceeding. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 18, 1975 with OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 260, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202-961-2248 or 2487). The notice must contain the following information:

- (1) The name and address of the person to appear;
- (2) The capacity in which he will appear;
- (3) The approximate amount of time required for the presentation;
- (4) The specific provisions of the proposal that will be addressed;
- (5) A brief statement of the position that will be taken with respect to each provision addressed; and
- (6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

- (a) To regulate the course of the proceedings;
- (b) To dispose of procedural requests, objections, and comparable matters;
- (c) To confine the presentations to matters pertinent to the proposed standard;
- (d) To regulate the conduct of those present at the hearing by appropriate means;
- (e) In his discretion, to question, and permit questioning of any witnesses; and
- (f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposed standard will be reviewed after consideration of all relevant oral and written information, data, views, or arguments, including the record of the earlier proceeding, and may be adopted with or without changes.

Accordingly, pursuant to sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970

(84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding § 1910.93e as set forth below.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657) Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C. this 27th day of January, 1975.

JOHN STENDER,  
Assistant Secretary of Labor.

§ 1910.93e 4,4'-Methylene bis(2-chloroaniline).

(a) *Scope and application.* (1) This section applies to any area in which 4,4'-Methylene bis(2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e) (2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4,4'-Methylene bis(2-chloroaniline).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis(2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4,4'-Methylene bis(2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis(2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4,4'-Methylene bis(2-chloroaniline) or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4,4'-Methylene bis(2-chloroaniline) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis(2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis(2-chloroaniline).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 4,4'-Methylene bis(2-chloroaniline), which is impervious to the passage of 4,4'-Methylene bis(2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis(2-chloroaniline) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average liner face velocity of 150 feet per minute with a minimum of 125 feet per minute: designed, constructed, and maintained in such a way that an operation involving 4,4'-Methylene bis(2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis(2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis(2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis(2-chloroaniline).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4,4'-Methylene bis(2-chloroaniline).* A regulated area shall be established by an employer where 4,4'-Methylene bis(2-chloroaniline) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4,4'-Methylene bis(2-chloroaniline) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4,4'-Methylene bis(2-chloroaniline) is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis(2-chloroaniline) is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b) (13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4,4'-Methylene bis(2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4,4'-Methylene bis(2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis(2-chloroaniline) could result, each authorized employee entering that area shall: (1) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood:

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis(2-chloroaniline). (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4,4'-Methylene bis(2-chloroaniline) is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4,4'-Methylene bis(2-chloroaniline) shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (a) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(d) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (a) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(b) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

## PROPOSED RULES

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis(2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, non-regulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4,4'-Methylene bis(2-chloroaniline) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(7) *Premixed solutions.* Where 4,4'-Methylene bis(2-chloroaniline) is present only in a single solution at a temperature not exceeding 120°F. the establishment of a regulated area is not required; however, (i) Only authorized employees shall be permitted to handle such materials;

(ii) Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the processes used;

(iii) Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day, or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section;

(iv) Employees shall be required to wash hands and face after removing such clothing and equipment and before engaging in other activities;

(v) Employees assigned to work covered by this subparagraph shall be deemed to be working in regulated areas for the purposes of paragraphs (d) (1), (2), (3) (i) and (ii), and (4) (iii) and (iv), (e), (f), and (g) of this section;

(vi) Work areas where solution may be spilled shall be (a) covered daily or after any spill with a clean covering; or

(b) Cleaned thoroughly daily and after any spill.

(d) *General regulated area requirements—*(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to

authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f) (2) of this section.

(iv) Where an employee has a known contact with 4,4'-Methylene bis(2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f) (2) of this section.

(3) *Hygiene facilities and practices.*

(i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (i) through (vii).

(iii) Where employees are required by this section to shower, facilities shall be provided in accordance with § 1910.141(d) (3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis(2-chloroaniline) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training—*(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c) (5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIES HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exist from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.*

(i) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c) (4) (v) and (c) (6) (vii) (b), and (c) (6) (viii) (b) and (c) (7) (iii) of this section which are accessible only to, and handled only by authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c) (4) (v), (c) (6) (vii) (b), and (c) (6) (viii) (b) and (c) (7) (iii) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph 5 of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a) (1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4,4'-Methylene bis(2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and

not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (1) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (a) The nature of the carcinogenic hazards of 4,4'-Methylene bis(2-chloroaniline), including local and systemic toxicity;

(b) The specific nature of the operation involving 4,4'-Methylene bis(2-chloroaniline) which could result in exposure;

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(d) The purpose for and application of decontamination practices and purposes;

(e) The purpose for and significance of emergency practices and procedures;

(f) The employee's specific role in emergency procedures;

(g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4,4'-Methylene bis(2-chloroaniline);

(h) The purpose for and application of specific first aid procedures and practices;

(i) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4,4'-Methylene bis(2-chloroaniline) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4,4'-Methylene bis(2-chloroaniline) is present in each regulated area: e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4,4'-Methylene bis(2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph (1). A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (a) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(b) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(c) A report of any medical treatment of affected employees and any medical surveillance program implemented; and

(d) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (1) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer

a statement of the employee's suitability for employment in the specific exposure.

[FR Doc.75-3021 Filed 1-31-75;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Edenton, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 5, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Edenton transition area described in § 71.181 (40 FR 441) would be amended as follows:

“ \* \* \* north of the RBN \* \* \* ” would be deleted and “ \* \* \* north of the RBN: within a 6.5-mile radius of Plymouth Municipal Airport (Lat. 35°48'30" N., Long. 76°45'36" W.); within 3 miles each side of the 205° bearing from Plymouth RBN (Lat. 35°48'23" N., Long. 76°45'30" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN \* \* \* ” would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Plymouth Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Plymouth (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.75-2093 Filed 1-31-75;8:45 am]

**National Highway Traffic Safety  
Administration**

[ 49 CFR Parts 571, 581 ]

[Docket No. 74-11, Notice 7; Docket No. 73-19,  
Notice 6]

**MOTOR VEHICLE SAFETY AND DAMAGE  
STANDARDS**

**Bumper Requirements; Extension of Com-  
ment Period and Scheduling of Public  
Hearing**

The purpose of this notice is to extend the period for submission of comments to the notice published January 2, 1975 (40 FR 10), proposing to amend 49 CFR Part 581, the proposed front and rear end damageability ("bumper") standard, and to schedule a public hearing on the subject matter of the notice.

In the notice, the National Highway Traffic Safety Administration (NHTSA) proposed an immediate reduction in the test requirements of the current bumper standard (Standard No. 215, 49 CFR Part 571.215) and an integration of its provisions into the proposed Part 581 (July 9, 1974, 39 FR 25237). The NHTSA's action was predicated on the results of two agency-conducted cost benefit studies that indicated the current bumper standard was no longer cost beneficial due to the cost and weight of current bumper systems and factors related to inflation and increasing shortages of certain materials, including gasoline. The closing date for the submission of comments was initially set for February 12, 1975.

Petitions have been received from American Motors, General Motors, and the Motor Vehicle Manufacturers Association requesting that the comment period be extended 90 days to allow additional time for preparation of comments to that portion of the notice proposing requirements to be effective September 1, 1978 and September 1, 1979. In addition, considerable Congressional interest in the proposed rulemaking has been manifested. Senator Warren Magnuson criticized the proposed amendment stating that means capable of reducing vehicle weight and cost are available which would not require a lowering of the performance level of bumpers. Requests for an overall extension of the comment period have also been received from some members of Congress. Representative John Moss urged an extension of the comment period until April 1, 1975, and the scheduling of a public hearing to take testimony on the proposed rulemaking. The National Association of Independent Insurers, the American Insurance Association, and certain individual insurance companies not affiliated with trade organizations have expressed a position consistent with that of Congressman Moss by calling for a public hearing and a comment period extension.

In light of the controversy surrounding the proposal and the large number of requests for delay in the expiration of the comment period, the NHTSA hereby extends the period for comments until March 3, 1975, and schedules a public

hearing for February 18 and 19, 1975. The public meeting will serve as a forum for discussion of the proposed requirements and will permit interested persons to make oral or written presentations.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Guy Hunter, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202-426-2265), before February 12, 1975, so that limitations (if necessary) and the need for special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C., approximately 3 days after the meeting.

The meeting will be held at the U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue, NW., Washington, D.C. The meeting will be in session from 9:30 a.m. to 5 p.m. on February 18, 1975, and, depending on the requests for time, during the same hours on February 19, 1975.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on January 30, 1975.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.75-3144 Filed 1-31-75;8:45 am]

**AMERICAN REVOLUTION  
BICENTENNIAL ADMINISTRATION**

[ 36 CFR Part 603 ]

**FREEDOM OF INFORMATION FEES**

**Schedule of Fees**

The American Revolution Bicentennial Administration (ARBA) is considering publishing in Title 36, Chapter VI of the Code of Federal Regulations the following regulations concerning the schedule of fees and methods of payment for services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552).

The Freedom of Information Act was amended by Pub. L. 93-502, 88 Stat. 1561, to provide, among other things, that fees for document search and duplication in response to requests under that Act provide for recovery of only direct costs of search and duplication by means of reasonable standard charges.

Interested persons are invited to submit written comments to the General Counsel, American Revolution Bicentennial Administration, 2401 E Street, NW.,

Washington, D.C. 20276. Comments received on or before March 5, 1975 will be considered before final action is taken on this proposal. Copies of all written comments will be available for examination by interested parties in Room 7240, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

The present schedule of fees for services performed in response to requests for records under the Freedom of Information Act was published in Volume 37, No. 104 of the FEDERAL REGISTER of May 27, 1972.

Section 603.105 is proposed as follows:

**§ 603.105 Schedule of fees and method of payment for services rendered.**

(a) Fee schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—\$5.00 per hour when the search is conducted by a clerical employee. \$8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than one hour.

(2) Duplication of records—Records will be duplicated at a rate of \$0.25 per page for all copying of four pages or more. There is no charge for duplicating three or less pages.

(3) 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 due to the amount or type thereof, the Deputy Administrator is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the ARBA at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the ARBA determines that a record which has been requested, but which is exempt from disclosure under this part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$25., and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed \$25., an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable ARBA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such

a notice or request shall suspend the running of the period for response by the ARBA until a reply is received from the requester.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests for which the ARBA was unable to find or provide the requested information (see b. above), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a 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 order of the Treasurer of the United States and mailed to the Deputy Administrator, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Deputy Administrator, or an officer designated by the Deputy Administrator may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Deputy Administrator or the designated officer deems it to be in either the ARBA's interest or in the general public's interest.

JOHN W. WARNER,  
Administrator.

JANUARY 28, 1975.

[FR Doc.75-3083 Filed 1-31-75;8:45 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[47 CFR Part 73]

[FCC 75-87; Docket  
No. 20337, RM-2296]

FM BROADCAST STATIONS  
Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Baxley, Sandersville and Sparta, Georgia).

1. The backlog of petitions for amendment of the FM Table of Channel Assignments (§ 73.202(b)) prompts the Commission to embark upon expediting procedures which if successful will substantially compress the amount of time required to process such petitions from receipt to final disposition.

2. On December 4, 1974, the Commission adopted an Order (FCC 74-1334) amending Part 1 of the rules relating to practice and procedures in rule making proceedings, wherein § 1.401 was amended to permit a petitioner seeking amendment of the FM or TV Table of Assignments to submit a draft notice of proposed rule making with his petition. We believe this amendment can expedite action on future petitions. However, it does not compress the processing time for those petitions currently back-

logged. Therefore, in the interest of expediting action on backlogged petitions we shall, where possible, follow a format in issuing notices of proposed rule making which will include the minimum amount of data deemed necessary to solicit meaningful comments upon which to base a final decision. This is the first Notice to which the format has been applied. The format should not be considered fixed since usage may dictate changes or abandonment.

3. *Petitioner, Proposal and Comments.* (a) Petition for rulemaking filed December 4, 1973, by WHAB Radio, Inc. (WRI), Baxley, Georgia, proposed to assign Class C Channel 234 to Baxley. In order to accommodate this assignment, it also proposed to substitute Channel 237A for Channel 249A at Ocilla, Georgia.

(b) By letter dated January 28, 1974, counsel for the Broadcast Good Music! Committee (BGMC) pointed to a conflict between an application (BPH-8716) for use of Channel 237A at Fitzgerald, Georgia, and the petition for assignment of Channel 234 to Baxley, Georgia.

(c) WRI, on July 9, 1974, amended its petition with new engineering data proposing Channel 233 in lieu of Channel 234 for Baxley. In order to accommodate this assignment, it also proposed the substitution of Channel 228A for 232A at Sandersville, Georgia, and substitution of Channel 244A for 228A at Sparta, Georgia. (Channels 232A and 228A are assigned but unapplied for.)

4. *Demographic Data.*

Location: Baxley, in the County of Appling, Georgia, is approximately 73 miles west southwest of Savannah, and 38 miles north of Waycross.

Population (1970 Census): Baxley 3,503; Appling County 12,726.

Local Broadcast Service: one, petitioner's 5 kW daytime Station WUFE, 1260 kHz.

Manufacturing: 28 plants in and around Baxley with clothing mills and factories predominating.

Bank Deposits: total approximately \$10,000,000.

Retail Stores: 56 with annual receipts of \$758,000.

Churches: 60 Protestant, one Catholic Parish.

Civic and Fraternal Clubs: Jaycees, Lions, Kiwanis, Exchange Club, Woodmen, VFW and American Legion.

5. *Proposed Service.* Channel 233 at Baxley with operating power of 75 kW and antenna located 500 ft. above average terrain would provide:

First FM service to 7,968 persons in a 641.6 square mile area;

Second FM service to 25,531 persons in a 751.4 square mile area;

Third FM service to 20,861 persons in a 1,313.1 square mile area.

6. *Mileage Separations.* Assign Channel 233 at Baxley, Georgia—no short spacings on Channels 230 through 236.

Substitute Channel 228A for 232A at Sandersville, Georgia—no short spacings on Channels 225 through 231. (Meets required separation of 105 miles to WFDR, Channel 222, Manchester, Georgia.)

Substitute Channel 244A for Channel 228A at Sparta, Georgia—no short spac-

ings provided transmitter site is at least 1.2 miles northeast of the community.

7. *Preclusions.* If Channel 233 is assigned to Baxley, Georgia, one community, namely, Screvan, Georgia, with a 1970 population of 936 persons, would be precluded from using Channel 234. No community larger than Baxley will be precluded.

8. *Other FM Broadcast Services.* Applying the Roanoke Rapids-Goldsboro doctrine (9 F.C.C. 2d 672 (1967)) petitioner shows that fourteen operating FM stations or assignments would provide service inside the 1 mV/m contour of a Baxley facility operating at 75 kW ERP from a height of 500 AAT. Baxley is shown not to lie inside the 1 mV/m contour of any of the fourteen stations or assignments.

9. *Class C vs. Class A Channel.* Petitioner supports assignment of Class C channel to Baxley on the basis that there are presently no Class A channels that can be used at Baxley that would not cause the deletion of or changes in channel assignments elsewhere or changes in proposed rule making petitions. Additional support on this issue is requested from petitioner.

10. Petitioner states that as soon as Channel 233 is assigned to Baxley it will file application therefor, and upon grant, will construct an FM station promptly.

11. 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
Baxley, Ga.....		233
Sandersville, Ga.....	232A	228A
Sparta, Ga.....	228A	244A

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein.

13. Interested parties may file comments on or before March 21, 1975, and reply comments on or before April 10, 1975.

Adopted: January 21, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

APPENDIX

1. Pursuant to authority found in sections 4(i), 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. Proponent will be expected to answer whatever questions are

## PROPOSED RULES

presented in initial comments. The proponent of the proposed assignment is also 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. 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.

5. 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. 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, NW., Washington, D.C.

[FR Doc.75-3038 Filed 1-31-75; 8:45 am]

## [ 47 CFR Part 73 ]

[Docket No. 20339; RM-2228; RM-2323]

## FM BROADCAST STATIONS

## Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Cleveland, Athens, Etowah, and South Pittsburg, Tennessee).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) as concerns the petitions of WBAC, Inc., Cleveland, Tennessee (WBAC), McMinn Broadcasters, Inc., Etowah, Tennessee (McMinn), and Marion County Broadcasting Service, Inc., South Pittsburg, Tennessee (Marion County), variously proposing the assignment of Channels 252A and 269A.

2. WBAC, licensee of Class IV AM Station WBAC at Cleveland, proposes

the assignment of Channel 252A to Cleveland. This requires the deletion of that channel at Athens, Tennessee, for which WBAC proposes substitution of Channel 269A (RM-2228).<sup>1</sup> McMinn, licensee of daytime-only AM Station WCPH at Etowah, counterproposes that Channel 269A be assigned to Etowah which is about 10 miles southeast of Athens. Marion County, licensee of day-

<sup>1</sup>This party originally proposed assignment of Channel 269A to Cleveland. In response to a Commission inquiry asking for further information as to the availability of a transmitter site, WBAC amended its petition to specify Channel 252A at Cleveland.

City	Population	County	County population	Aural B/C service	FM channels presently assigned
South Pittsburg	3,613	Marion	20,557	WEPG (daytime only)	
Cleveland <sup>1</sup>	20,651	Bradley	50,686	WBAC (class IV); WCLE (daytime only); WCLE-FM (channel 264)	264
Etowah	3,736	McMinn	25,462	WCPH (daytime only)	
Athens	11,790	do	25,462	WYXI (daytime only); WLAR (class IV)	252A

<sup>1</sup> County seat.

4. RM-2228. As already noted, WBAC is the licensee of daytime-only Station WBAC at Cleveland. In support of its petition, WBAC states that the rapid growths of Cleveland and Bradley County in the 1960-70 decade (the population increase of the city was 27.5% and that of the county 32.3%) are quickly outstripping present communications facilities. Thus, WBAC proposes the assignment of Channel 252A to Cleveland, which requires the deletion of that channel's assignment at Athens, Tennessee, and for which WBAC proposes the substitution of Channel 269A. In this respect, Channel 252A would have to be sited four miles northwest of the center of Cleveland. WBAC has adduced information as to the socio-political character of Cleveland, which we need not detail here. WBAC originally petitioned for assignment of Channel 269A to Cleveland as a drop-in assignment (see fn. 1), but when the Commission staff pointed out that a station on Channel 269A would have to be sited appreciably north of the city in order to meet mileage spacing to Station WBIE-FM, Channel 268, Marietta, Georgia, and Channel 272A at Soddy-Daisy<sup>2</sup>, and that the terrain possibly affected the ability of a station so sited to place a principal community signal (70 dBu) over Cleveland, WBAC amended its petition to specify Channel 252A at Cleveland.

5. McMinn opposes WBAC's proposal to substitute Channel 269A at Athens because of the conflict with its own petition<sup>3</sup> for that channel for Etowah on the basis that the latter has no nighttime aural service while Cleveland has two nighttime aural broadcast services (WBAC and WCLE-FM). McMinn as-

<sup>2</sup>Four applications are now pending for that channel.

<sup>3</sup>McMinn filed "Comments on Petition for Rule Making Or, in the Alternative, Petition for Rule Making."

time-only AM Station WEPG at South Pittsburg, proposes the assignment of Channel 269A to South Pittsburg (RM-2323). In relationship to Chattanooga, South Pittsburg is approximately 23 miles west, Cleveland about 25 miles east northeast, Etowah and Athens about 42 and 45 miles to the northeast.

3. The following table sets forth the population of each city,<sup>3</sup> the county in which located (and the population thereof), and the nature of broadcast service in each community, as well as present FM channel assignments:

<sup>3</sup>All population data are from the 1970 U.S. Census.

serts a greater Section 307(b) need for the channel at Etowah. McMinn also sets forth demographic data about Etowah and McMinn County. In further pleadings, WBAC argues that McMinn's petition should be dismissed, since that party could apply for any channel assigned to Athens under the 10-mile rule (Section 73.203(b)). McMinn disputes WBAC's contentions: it says that Channel 252A may not be used at Etowah because of the need to meet the 105-mile adjacent channel spacing to Station WBFM(FM), Channel 251, Seneca, South Carolina (the actual spacing is 97 miles); and, as concerns the proposed substitution of Channel 269A for 252A at Athens, McMinn says that because of a pending application for Channel 252A at Athens it is barred from applying for use of Channel 269A at Etowah inasmuch as the Athens applicant is entitled to a show cause order because in hearing (see para. 7 below).

6. RM-2323. Marion County, in support of its petition, argues that daytime-only Station WEPG is unable to serve the nighttime local needs of South Pittsburg particularly in view of the fact that the workers of the many nearby industries which operate on two shifts depend on radio information for weather and road conditions. In this respect, the petitioner points out that there are repeated floodings (of the Tennessee River and its tributaries) in Marion County (for example, Marion County was officially designated a National Disaster Area because of flooding in March 1973, when hundreds of homes were evacuated and damage was estimated at \$2.5 million). Petitioner states that it is ready, willing, and able to promptly proceed to apply for and build a station if Channel 269A is assigned to South Pittsburg, which it asserts is the only FM channel available for assignment to that community. We are told that South Pittsburg, the seat



of Marion County, is a community located in South Central Tennessee on I-24, the main route from Chattanooga to Nashville, about 23 miles west of Chattanooga and three miles north of the Alabama border, that it is an industrial, commercial, and trade center of Marion County and the northern part of Jackson County, Alabama, and that the authorized construction of a bridge over the Tennessee River at South Pittsburg will increase the number of industrial and commercial jobs in the area. Petitioner also asserts that the 1970 Census figure is not truly indicative of population, for the towns of Richard City (population 132) and Kimball (population 807) which are adjacent to, and utilize municipally operated facilities, schools, libraries and other South Pittsburg's services should be included, which increases the population to 4,552. Information has also been adduced as to socio-political nature of South Pittsburg and its economic growth.

7. The WBAC and McMinn proposals are in direct conflict since Channel 269A cannot be assigned to both Athens and Etowah. As McMinn has shown, Channel 252A may not be used at Etowah because of the adjacent mileage separation requirement to Station WBFM(FM), Seneca, South Carolina. However, if Channel 269A is assigned to Athens, McMinn may apply for it under the 10-mile rule. (The outstanding application for Channel 252A that was in hearing status has been dismissed; see 3 J's Broadcasting Company, 41 F.C.C. 2d 664 (1973).<sup>5</sup> The proposal of Marion County to assign Channel 269A to South Pittsburg is considered here because of the proximity to Athens and Etowah for which the same channel is variously proposed.

8. The fundamental issue here is whether a second FM channel should be assigned to Cleveland or a first channel assignment should be made to Etowah. Relevant is Policy to Govern Requests For Additional FM Assignments, 8 F.C.C. 2d 79 (1967), which requires a convincing showing of need for the proposed assignment to Cleveland.

9. A sufficient showing has been made that the public interest, convenience, and necessity might be served by the consideration of the proposed channel assignments. To the extent that there is a conflict, one of two possible solutions could be made. One is to assign Channel 269A to both South Pittsburg and Etowah as first assignments, make no change at Athens, and deny the petition of WBAC to assign an additional channel to Cleveland. The other is to assign Channel 269A to South Pittsburg, assign Channel 252A at Cleveland, and substitute Channel 269A at Athens. Under this alternative, McMinn could apply for use of the Athens 269A assignment at Etowah under the 10-mile rule.

10. In view of the foregoing, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, in either of the following manners as concerns the named communities:

<sup>5</sup>The mutually exclusive application of Athens Broadcasting, Inc., has been voluntarily dismissed previously.

City	Channel No.	
	Present	Proposed
PLAN I		
Etowah, Tenn.....		269A
South Pittsburg, Tenn.....		269A
or		
PLAN II		
Cleveland, Tenn.....	264	252A, 269
Athens, Tenn.....	252A	264A
South Pittsburg, Tenn.....		269A

Authority for the action taken herein may be found in sections 4(i), 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 and regulations.

11. *Showings required.* Comments are invited as to the proposals and issues referred to above. WBAC, Inc. and McMinn Broadcasters, Inc. should particularly address themselves to the question whether there should be a second FM channel assignment at Cleveland as opposed to a first one at Etowah. The parties to this proceeding may incorporate by reference data and information already adduced in the pleadings before us. Each should affirm that it is ready, willing, and able to promptly proceed to apply for a channel if the channel assignment is made to the particular community and to promptly build a station if a construction permit is granted. Failure to file comments or address the issues raised may result in dismissal.

12. *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. (Section 1.420(d).)

(b) With respect to petitions for rule making which conflict with the proposals 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.

13. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before March 17, 1975, and reply comments on or before April 7, 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.

14. 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. These

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, NW., Washington, D.C.

Adopted: January 17, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.75-3040 Filed 1-31-75; 8:45 am]

[ 47 CFR Part 73 ]

[Docket No. 20338; RM-2333]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Portage, Michigan).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) with respect to the petition of Robert B. Taylor, licensee of daytime-only AM Station WBUK, Portage, Michigan, proposing the assignment of Channel 299 to Portage, Michigan, as its first FM channel assignment.

2. Portage (population 33,950) is located in Kalamazoo County (population 201,550) and is contiguous to Kalamazoo (population 85,555).<sup>1</sup> During the last two decades Portage experienced steady growth from a community with a population of 7,946 (1950 Census) to 20,181 (1960 Census) to 33,950 (1970 Census). During the same period Kalamazoo's growth increased from 57,704 (1950 Census) to 82,089 (1960 Census) to 85,555 (1970 Census).

3. Petitioner attributes Portage's growth, in part, to the location of the Upjohn Co., a manufacturer of pharmaceutical supplies, within the community. Other manufacturing industries have also settled in the area. Portage was proclaimed a city in 1964 by legislative action and is presently governed under a council manager system which consists of seven councilmen, including a mayor, and a hired city manager. The city has a 42-man police force; a fire department with 17 paid firemen and 30 volunteers; a school system of 10,847 students, 18 schools, 549 staff members, and 60 buses; and a library containing 30,000 books.

4. Currently, Portage is served by one local AM radio station, WBUK, (Class II, daytime-only), and by four Class III AM stations (2 daytime-only and 2 unlimited-time) and 2 FM stations (one educational station operating on a commercial channel) which are situated in Kalamazoo.

5. With respect to the technical feasibility of a Portage FM channel assignment, the transmitting antenna would have to be placed at least 13 miles southeast of the community. Since Portage is within 250 miles of the Canada-United States border, Canadian approval of the

<sup>1</sup>Population figures are from the 1970 Census unless otherwise specified.

proposal is required according to the Working Agreement under the Canadian-United States FM Agreement of 1947.

6. The preclusion study reveals that preclusion occurs on Channels 296A and 299. The area precluded on Channel 296A as a result of the proposed assignment affects a very small region northwest of Coldwater, Michigan (population 9,099). Coldwater is already served by AM Station WTUB (Class III, unlimited-time) and FM Station WANG (Channel 253). Petitioner asserts that there is no city in this precluded area and any use of Channel 296A in this area would be limited to a Coldwater license.

7. The preclusion occurring on Channel 299 affects an area southeast of Portage containing the communities of Sturgis (population 9,295), Colon (population 1,172) and Bronson (population 2,390). Sturgis is assigned unlimited-time AM Station WSTR (Class IV) and FM Channel 257A (WSTR-FM). Colon and Bronson are without local aural service. Petitioner does not state whether or not alternate channels are available for these communities. He should supply such information in his comments.

8. The Commission notes that petitioner has represented that he will promptly apply for a construction permit for such channel, and, if awarded a permit, will construct and operate a station.

9. Petitioner has furnished a showing based upon Roanoke Rapids criteria<sup>2</sup> which asserts that the Portage assignment has the potential of bringing a second FM service to 9,010 persons in a 48.7 square-mile area. No first FM service would be offered.

10. Petitioner avers that he has no intention of operating the proposed FM broadcasting station as a Kalamazoo facility.<sup>3</sup> He feels that assignment of the proposed channel would provide needed local service. In passing, Petitioner further notes that, Kalamazoo, itself, is not overserved in FM station assignments since only two assignments exist and one of these is used for educational purposes exclusively.

11. Accordingly, in view of the foregoing and pursuant to authority contained in sections 4(d), 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, section 73.202(b) of the Commission's Rules and Regulations as follows:

City	Channel No.	
	Present	Proposed
Portage, Mich.....		299

<sup>2</sup> Roanoke Rapids-Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967).

<sup>3</sup> The Commission nevertheless notes the potential existence of a so-called Berwick issue, Berwick Broadcasting Corp., et al., 12 F.C.C. 2d 8 (1968), whether local service is the realistic intention of the applicant where the locality is a suburb of a larger community.

12. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to file comments even if only to resubmit or incorporate by reference his former pleadings. He should reaffirm his present intention to apply for the channel if it is assigned and, if authorized, to construct the station promptly. Failure to file may lead to denial of the request.

13. *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.

(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 of filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 17, 1975, and reply comments on or before April 7, 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.

15. 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.

16. 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.

Adopted: January 17, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.75-3041 Filed 1-31-75; 8:45 am]

#### [ 47 CFR Part 73 ]

#### FM BROADCAST STATIONS

[Docket No. 20185; RM-1510]

#### Table of Assignments

In the Matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (Schulenberg, Texas).

1. We here consider the notice of proposed rule making, adopted September 9, 1974 (39 Fed. Reg. 33240), proposing the assignment of Channel 272A to Schulenberg, Texas, and accordingly amending the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations). This proposal was based on the petition of Dr. A. J. A. Watzlavick.

2. Consideration of the petition had been deferred pending the negotiation, adoption, and implementation of the United States-Mexico FM Broadcasting Agreement, effective August 9, 1973 (see 43 F.C.C. 2d 293 (1973); and 46 F.C.C. 2d 153 (1974)). Because of changed circumstances, the petitioner has been afforded an opportunity to amend or supplement his petition (see Public Notice, adopted April 11, 1974 (Mimeo No. 20582)). Although Dr. Watzlavick did not avail himself of that opportunity, a Notice of Proposed Rule Making was adopted. It set forth pertinent information about the population (2,294<sup>1</sup>), the nature of broadcast service, and other data about Schulenberg (e.g., located in Fayette County, population 17,650). The times to file comments and reply comments expired November 4 and 25, 1974, respectively.

3. Neither the petitioner nor anyone else filed comments. In view of our policy to assign an FM channel to a city of less than 10,000 population only if someone is ready, willing, and able to promptly proceed to apply for the channel if it is assigned and to apply if the application is granted, it is appropriate to dismiss this proceeding.

4. Accordingly, it is ordered, That pursuant to authority contained in Sections 4(i), 303(r) of the Communications Act of 1934, as amended, the petition of Dr. A. J. A. Watzlavick (RM-1510) is dismissed.

5. It is further ordered, That this proceeding is terminated.

Adopted: January 15, 1975.

Released: January 28, 1975.

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

[FR Doc.75-3039 Filed 1-31-75; 8:45 am]

#### [ 47 CFR Part 81 ]

[Docket No. 20340; RM No. 1893]

#### MARINE RADAR EQUIPMENT

#### Notice of Proposed Rule Making

In the Matter of amendment of Part 81 of the Commission's rules to provide for the demonstration of marine radar equipment.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Electra Marine Demonstrators, Inc. (Electra) has filed a petition for rule making to provide for the licensing of marine radar demonstrators under the provisions of Part 81 of the Commission's rules. Electra is engaged in the sale of type approved marine radar equipment and demonstrates this equipment to prospective customers under its experimental radio licenses in accordance with § 5.254 of the rules. This section imposes stringent conditions precedent on experimental licensees before they can

<sup>1</sup> All population data are from the 1970 U.S. Census.

operate their stations in order to alleviate potential harmful interference to other users.

3. The petitioner claims that these restrictions are burdensome and unnecessary for the demonstration of type approved marine radar equipment using frequencies specified in Parts 81 and 83 of the rules.

4. The purpose of the proposed rule amendment is to avoid the conditions necessarily imposed on experimental radio activities which may not be necessary for the demonstration of type approved equipment for sale purposes.

5. Licensing of type approved marine radar equipment for demonstration purposes under Part 81 appears appropriate provided limited conditions are established to enable the Commission to timely proscribe those demonstrations which would cause interference. Accordingly, we are proposing amendment to Part 81 to allow licensing of type approved marine radar equipment for demonstration purposes.

6. The proposed amendments, as set forth in the attached Appendix, are issued pursuant to the authority contained in sections 4(i), 303 (b), (d), (e), (f), (j) and (r) and 318 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 7, 1975, and reply comments on or before March 17, 1975. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: January 22, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

Part 81 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new paragraph (r) is added to § 81.4 to read as follows:

§ 81.4 Maritime radiodetermination service.

(r) Shore radar test station.

A shore radar station used solely for the demonstration of maritime radar apparatus.

2. A new § 81.404 is added to read as follows:

§ 81.404 Shore radar test stations.

Sales equipment demonstrators shall, at least 24 hours prior to the date of any equipment demonstration, notify the Commission's Engineer-in-Charge of the District Office in which the station is to be operative of the following:

- (a) The name of the licensee;
- (b) The operating power, emission, bandwidth, and radio frequency;
- (c) The name and telephone number of a person, who can establish prompt communications on a 24-hour basis, with the equipment operator to coordinate compliance with Section 81.175 of the Commission's rules;
- (d) The anticipated itinerary of the equipment operator, including approximate dates and geographic locations; and
- (e) Shore radar test stations authorized under this part are secondary and shall not cause interference to any other station authorized in accordance with the Table of Frequency Allocations.

[FR Doc.75-3042 Filed 1-31-75; 8:45 am]

INTERSTATE COMMERCE  
COMMISSION

[ 49 CFR Part 1100 ]

[Ex Parte No. 55 (Sub-No. 13)]

CONTESTED APPLICATIONS

Requirements for Withdrawal or Dismissal

JANUARY 29, 1974.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of January, 1975.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) for the purpose of amending rule 247(f) (49 CFR 1100.247(f)) so as to impose stronger sanctions upon applicants who voluntarily withdraw an application less than 45 days prior to hearing or who fail to appear and prosecute an application at a scheduled hearing.

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

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

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The existing regulation provides that an applicant has a maximum period of

30 days after the expiration of the protest period (i.e. 60 days after the issues are published in the FEDERAL REGISTER) during which to notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure to comply with this time schedule or failure to appear at a hearing scheduled thereon, subjects an applicant and its representative to censure unless good cause is shown.

Under the proposed modification an applicant would have until 45 days prior to the scheduled commencement of a hearing to determine whether its best interests would best be served by continued prosecution of its application or by withdrawal and to so notify the Commission in writing. Unless good cause is shown therefor, a withdrawal with less than 45 days remaining before a scheduled hearing, or the failure by applicant to appear and prosecute the application at such hearing will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

The proposed rule is designed to encourage applicants to gather appropriate materials and to prepare for presentation at oral hearings well in advance of the commencement of the hearing and to discourage applicants who belatedly withdraw their application because they have not readied the materials necessary to establish a prima facie case. Where a case has been assigned for hearing, grouped with other cases on an itinerary, arrangements made to reserve a hearing room, reporting services arranged, assignment made to an Administrative Law Judge, and travel and hotel reservations made, both by the Judge and reporter, and by all other parties, the disruption of a late withdrawal is apparent. Once such a case has been assigned a place in an itinerary with other cases, the itinerary must be carried out in order to conduct the hearings on the other cases, notwithstanding the loss of days caused by the late withdrawal. Since the Commission customarily gives all parties to a case at least 30 days' notice of a hearing, a withdrawal on less than 30 days' notice before the hearing makes it impossible to set in another case. The result is a substantial waste of this Commission's time and resources with the added detriment arising from the fact that another case could well have been heard during these lost days. As a practical matter, unless the withdrawal occurs at least 45 days prior to the assigned hearing date, the administrative problems of locating another case which can be set in, and preparing the necessary notices and serving them, makes 45 days' notice a minimum deadline.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments. An

original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before March 12, 1975.

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

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued in Washington, D.C., January 28, 1975.

ROBERT L. OSWALD,  
Secretary.

Accordingly, it is proposed that the present rule 247(f) (49 CFR 1100.247(f)) be deleted and that a new rule 247(f) be substituted therefore which would read as follows:

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

(f) *Withdrawal or dismissal of contested applications.* As provided in paragraph (e) of this section an applicant that does not intend timely to prosecute its application should promptly request dismissal thereof. Failure to prosecute an application under procedures ordered or directed by the Commission will result in dismissal thereof, and if the Commission's procedures are found to have been abused, may subject applicant and its representative to censure. Withdrawal of an application less than 45 days prior to the scheduled commencement of oral hearings or failure by applicant to appear and prosecute the application at such hearing will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

[FR Doc.75-3080 Filed 1-31-75; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 200 ]

[(Release Nos. 33-5561, 34-11207, 35-16786, 39-377, IC-8652, IA-434); File No. 87-549]

### CONFIDENTIAL TREATMENT OF INFORMATION

#### Request Procedures

The Securities and Exchange Commission announced today the publication for comment of a proposed amendment to § 200.80 of Title 17 of the Code of Federal Regulations, which relates to Commission records and information, to reflect the

Commission's recognition that staff letters of comment in connection with registration statements or with other materials filed with the Commission, and correspondence between members of the public and the Commission's staff do not necessarily contain sensitive information that is entitled to be withheld from public scrutiny consistent with the Freedom of Information Act, 5 U.S.C. 552. Pursuant to the proposed amendment, paragraph (i) of § 200.80(c) (4) will be repealed, and paragraphs (ii) and (iii) will be renumbered as paragraph (i) and paragraph (ii) respectively.

In addition, the Commission proposes to adopt a new § 200.83 of Title 17 of the Code of Federal Regulations, which will implement a procedure that will to the fullest extent permitted by law allow affected persons to request and obtain confidential treatment of information supplied to the Commission other than in formal filings.<sup>1</sup> On July 4, 1967, the Freedom of Information Act became effective. In anticipation of that event the Commission on June 30, 1967, announced an amendment to its rule concerning Commission records and information to reflect in full the nature of information available from the Commission and the manner in which that information might be obtained. That rule recognized that certain matters are exempted from the disclosure requirements of the Freedom of Information Act and will not generally be made available by the Commission to any person. Those non-public matters were set forth in paragraph (c) of § 200.80. The Commission's rule sought to interpret the language of the statutory exemptions from the disclosure requirements of the Freedom of Information Act in a manner consistent both with the legislative purposes in adopting that Act and with the continued effective performance of the Commission's basic responsibilities under the federal securities laws.

The Freedom of Information Act does not require that the Commission withhold records or information merely because it may be entitled to do so under the terms of the exemptive provisions the Act contains. Accordingly, when it has become apparent that no significant interference with effective performance of the Commission's duties will result from full public disclosure and that no substantial interest of any members of the public will be impaired the Commission has acted to effect disclosure of materials it might lawfully withhold. Thus, the Commission has previously provided for publication of interpretative and no-action letters and certain other written communications, 17 CFR 200.81, and has also recognized the public availability of materials filed with the Commission pursuant to Rule 14a-8(d) under the Securities Exchange Act, 17 CFR 240.14a-8(d), and related ma-

<sup>1</sup> Confidential treatment of information contained in documents formally filed with the Commission is governed by other provisions. See, e.g., section 24(b) of the Securities Exchange Act, 15 U.S.C. 78x(b).

terials—matters which the Commission considered to be within exemptions from the Act.

The Commission is now of the view that normally it is unnecessary to withhold letters of comment prepared by its staff with respect to various registration statements and applications for registration, replies thereto received from members of the public, or related material. Under the rule originally adopted by the Commission, "commercial or financial information" contained in these types of documents was deemed to have been submitted to the Commission in confidence, pursuant to 5 U.S.C. 552(b) (4),<sup>2</sup> in the absence of a contrary indication.<sup>3</sup> By repeal of this provision the Commission would indicate that information contained in that type of correspondence and in related materials will in the future normally be treated as public.<sup>4</sup> Since members of the public who corresponded with the Commission in the past are entitled to rely upon the assurance of confidentiality contained in the repealed provision, however, the Commission does not intend the repeal to have any retroactive impact.

In order to assure that no truly sensitive information will inadvertently be disclosed to the detriment of any person dealing with the Commission—particularly where the staff has expressly requested to be supplied with the information—the Commission has proposed a rule specifically authorizing requests for confidential treatment. Under that rule, 17 CFR 200.83, a request may be made that information contained in specified correspondence be accepted and retained in confidence by the Commission in either of two circumstances: where the information is a trade secret or other sensitive commercial or financial information or is information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Under the procedures to be established by the rule, a request for confidential treatment must contain a clear explanation why the information should be accepted and retained in confidence. Where a need for confidential treatment has been shown, a request will normally be granted if the Commission is satisfied that it may lawfully withhold the information from public scrutiny consistent with the Freedom of Information Act's requirements. Unless the request is explicitly granted, the information will be

<sup>2</sup> This section was originally enacted as 5 U.S.C. 552(c) (4), Pub. L. 89-487, 80 Stat. 250, but was renumbered upon codification of the Freedom of Information Act, Pub. L. 90-23, 81 Stat. 54.

<sup>3</sup> See 17 CFR 200.80(c) (4) (ii) [1970] which was renumbered as § 200.80(c) (4) (i) when no-action and interpretative letters were made public, 17 CFR 200.81, pursuant to Securities Act Release No. 33-5098, 35 FR 17779 (Nov. 19, 1970).

<sup>4</sup> Of course, correspondence of special kinds—such as would relate, for example, to an investigatory matter, see 17 CFR 200.80(c) (7)—will normally continue to be withheld in accordance with provisions of the Commission's rules that remain in force.

treated as public thirty days after receipt. If a request is denied or is not promptly acted upon, however, a request for return of the document and any copies thereof will be honored.

The Commission's proposed rule emphasizes that the Commission will not honor oral requests or any request not made in conformity to the rule and will not honor requests that are unnecessarily broad or where the basis upon which confidential treatment is requested is not adequately explained. Nor will the Commission permit its limited manpower to be devoted to the correction of deficiencies in the request; the burden will be entirely upon the requesting party to meet the rule's requirements in the first instance.

The proposed rule also makes clear that the Commission does not intend to devote its resources to defend against the disclosure of information submitted in confidence if the person from whom the information was received is not willing to join in that defense. Accordingly, the Commission will make the information public if it appears that the person who requested and obtained confidential treatment is unwilling to aid in the defense of a judicial proceeding brought to compel the Commission to disclose that information.

Finally, the proposed rule provides that it will not be construed to prevent the Commission from either publicly disclosing or withholding information or records to the extent permitted by law consistent with what it believes the public interest to require, except with respect to trade secrets and processes, which shall in no event be disclosed.

Interested persons are invited to submit their views and comments on whether the proposal should be adopted.

The text of § 200.80(c) (4), as amended, and the text of the proposed new rule § 200.83 are as follows:

§ 200.80 Commission records and information.

(c) Non-public matters. Certain materials and records are considered to be nonpublic. Thus the Commission will not generally publish or make available to any person matters that are:

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential, including:

(1) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a-6 under the Securities Exchange Act (17 CFR 240.14a-6), filed pursuant to Rule 316(a) under the Securities Act (17 CFR 230.316(a)), agreements filed pursuant to Rule 15c-3-1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c3-1(c)(7)(vii)), schedules filed pursuant to Part II of Form X-17A-5 (17 CFR 249.617) in accordance with Rule 17a-5(b)(3) under the Securities

Exchange Act (17 CFR 240.17a-5(b)(3)), statements filed pursuant to Rule 17a-5(k)(1) under the Securities Exchange Act (17 CFR 240.17a-5(k)(1)), and reports filed pursuant to Rule 17a-10 under the Securities Exchange Act (17 CFR 240.17a-10); and

(ii) Information contained in reports, summaries, analyses, letters, or memoranda arising out of or in connection with an examination or inspection of the books and records of any person or any other investigation.

§ 200.83 Public availability of correspondence.

(a) (1) A request may be made that information contained in correspondence between any person and a member of the Commission or its staff, transmitted after \_\_\_\_\_, 1975, be accepted and retained in confidence by the Commission where information is being supplied (i) which involves a trade secret or other sensitive commercial or financial information or (ii) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(2) Notwithstanding the provisions of paragraph (a) (1) of this rule, this rule shall not apply to any letter or other written communication which is a part of a personnel file, medical file or investigatory file and which is generally considered non-public pursuant to Commission Rule 17 CFR 200.80(c) (6) or 200.80(c) (7). Nor shall this rule apply to any letter or other written communication which relates to a request to the staff of the Commission for interpretative legal advice and which is subject to the disclosure procedures prescribed in 17 CFR 200.81.

(b) (1) A request for confidential treatment shall contain a concise statement of the reasons why the information should be accepted and retained in confidence, shall state the length of time for which confidential treatment is requested, and may state on what basis, if any, the request itself should be afforded confidential treatment.

(2) Information for which confidential treatment is being requested shall be supplied in a document separate from documents containing information for which confidential treatment is not being requested.

(c) Where a need for confidential treatment has been demonstrated, a request for confidential treatment will normally be granted to the extent that sections 552(b) (4) and 552(b) (6) of Title 5 of the United States Code appear to permit the information supplied to be withheld from public disclosure, provided, however, that the Commission, consistent with the public interest, may limit the length of time for which confidential treatment shall be accorded.

(d) Information that is the subject of a request for confidential treatment shall be made available for public inspection and copying thirty days after it has been received unless confidential treatment has earlier been granted, except that if a request for confidential

treatment has been denied or has not been acted upon within twenty days after its receipt, a person who has requested confidential treatment may seek and obtain prompt return of the document, and any existing copies thereof, containing information for which confidential treatment has been requested and that document shall not be made available to any person.

(e) Letters written by members of the Commission or its staff and any other document contained in the Commission files that refer to information retained by the Commission in confidence will be nonpublic to the extent, but only to the extent, that they contain that information; letters or documents containing confidential information will not be made public except upon deletion of all information retained by the Commission in confidence.

(f) The Commission will not honor oral requests for confidential treatment of information contained in correspondence or otherwise made other than in conformity to this rule, will not honor requests that are unnecessarily broad in scope or where inadequate explanation is given, or permit its staff to devote its time to remedy deficiencies in the request.

(g) No request for confidential treatment of information should be made by any person who does not intend in good faith to aid the Commission in the defense of any proceeding that might thereafter be brought to compel the Commission to disclose the information. Unless such information was submitted for the convenience and at the request of the Commission or its staff, the Commission will make public information it has previously retained in confidence under paragraph (c) of this rule if the person who requested and obtained confidential treatment of that information (or those in whose behalf he acted) are unwilling, upon request, to aid in the defense of a judicial proceeding brought to compel the Commission to disclose the information.

(h) Except with respect to trade secrets and processes, which shall in no event be publicly disclosed, nothing in this rule shall be interpreted to prevent the Commission from retaining, or after notice and opportunity to object from publicly disclosing, information or records to the extent otherwise permitted by law consistent with what the Commission believes the public interest requires.

To be considered, written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 28, 1975, and should refer to file S7-549. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

JANUARY 24, 1975.

[FR Doc.75-3118 Filed 1-31-75; 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 DEBT MANAGEMENT ADVISORY COMMITTEES

### Charter Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 5 U.S.C. App. I, Supp. III), the Department of the Treasury announces its decision to continue utilization of the following industry committees as advisory committees:

**Titles:** Securities Industry Association, Government Securities and Federal Agencies Committee; American Bankers Association, Government Borrowing Committee.

**Purpose:** These committees are utilized by the Secretary of the Treasury and his staff for advice in carrying out Federal financings and public debt management. They consider commercial and financial information relevant to Treasury debt management operations, advise the Secretary of the Treasury and his staff, and make reports and recommendations.

**Statement of Public Interest:** The membership of these committees represents a cross section of the financial community. The members are intimately acquainted with commercial and financial information and day-to-day market factors relevant to Treasury debt management operations. It is in the public interest to insure, that the Secretary of the Treasury and his staff have this supplemental information in order to manage the public debt.

Authority for these committees will expire two years from the date new charters are signed by the Assistant Secretary (Administration) and filed with the appropriate Committees of the Senate and House of Representatives.

Dated: January 28, 1975.

[SEAL] JACK F. BENNETT,  
Under Secretary for  
Monetary Affairs.

[FR Doc.75-3062 Filed 1-31-75;8:45 am]

### Office of the Secretary

#### FARM CREDIT ADMINISTRATION

##### Designation of Securities for Exemption Under the Securities Exchange Act of 1934

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in Title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors."

Notice is hereby given that pursuant to the above-described authority, the Secretary of the Treasury designated for exemption on November 27, 1974, the Federal Farm Credit Banks—Consolidated Systemwide Notes of the twelve Federal Land Banks, the twelve Federal Intermediate Credit Banks, and the thirteen Banks for Cooperatives, issued pursuant to § 4.2(d) of the Farm Credit Act of 1971 (12 U.S.C. 2153).

This designation for exemption may be revoked, modified or amended at any time with respect to securities not issued prior to such time.

Dated: January 28, 1975.

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[FR Doc.75-2968 Filed 1-31-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

##### Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on February 20, 1975, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters which come under the purview of subparagraph (4), section 552(b) Title 5 USC.

The agenda topics will be cooperation and standardization in armaments RD&P, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQS NATO, 1110 Brussels, Belgium.

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

JANUARY 29, 1975.

[FR Doc.75-2996 Filed 1-31-75;8:45 am]

## DEFENSE SCIENCE BOARD TASK FORCE Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 25 and 26 February 1975, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall re-

search and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine how the Space Shuttle with its new capabilities can lead to more effective military space operations in the future.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

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

JANUARY 29, 1975.

[FR Doc.75-3052 Filed 1-31-75;8:45 am]

## DEPARTMENT OF JUSTICE

### FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix I) that the fourth meeting of the Federal Advisory Committee on False Identification will be held at 10:00 a.m., Thursday, February 13, 1975, at the Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. The Department of Justice regrets the administrative delays which resulted in less than the usual 15 days notice for this meeting.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the fourth meeting Committee Task Forces will continue to examine the false identification problem in the following areas: Government payments; commercial transactions; fugitives; Federal identification documents; and state and local identification documents. Each area will be covered with emphasis on: (1) the number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; and (3) social and political costs of the criminal use of false identification. The meeting, open to the public, will adjourn at approximately 3:30 p.m.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402 Federal Triangle Building, 315 9th Street, NW., Washington, D.C., 20530, telephone, area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,  
Acting Assistant  
Attorney General.

[FR Doc.75-3048 Filed 1-31-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 561]

### ARIZONA

#### Filing of Plats of Survey

JANUARY 27, 1975.

Plats of survey of lands described below will be officially filed in the Arizona State Office, Phoenix effective at 10:00 A.M., on March 20, 1975.

1. Gila and Salt River Meridian, Arizona.

T. 6 N., R. 6 E.

A survey of a portion of the subdivisional lines of the township.

Sec. 31, lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ .

The area described aggregates 636.85 acres. The area of this survey varies from rough and broken to rolling land. The elevation ranges from 2,540 feet above sea level to 2,760 feet above sea level.

2. Gila and Salt River Meridian, Arizona.

T. 6 N., R. 5 E.

A dependent resurvey of a portion of the subdivisional lines of the township, a survey of a portion of subdivisional lines within section 22, and a metes and bounds survey of Tract 37.

The area described aggregates 3,480.54 acres.

The area of this survey varies from rough and broken to rolling land. The elevation ranges from 2,640 feet above sea level along the east boundary of section 36 to 3,600 feet above sea level near the northwest corner of section 15.

All of the above described lands are embraced in the Tonto National Forest and located in the Camp Creek drainage. Timber, palo verde, mesquite, catclaw acacia, undergrowth, young trees, brush, ocotillo, and cacti are found in this area. The soil is sandy and decomposed granite.

Since the lands are withdrawn by the Tonto National Forest, the described lands will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

CHARLES G. BAZAN, Jr.,  
Chief, Branch of Records  
and Data Management.

[FR Doc.75-3048 Filed 1-31-75;8:45 am]

[NM 24431, 24432, 24433, 24434, 24435]

## NEW MEXICO

### Applications

JANUARY 23, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4 $\frac{1}{2}$ -inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO  
T. 27 N., R. 5 W.,  
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

These pipelines will convey natural gas across .663 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.75-3045 Filed 1-31-75;8:45 am]

### Fish and Wildlife Service

#### ENDANGERED SPECIES PERMIT

##### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

**Applicant:**

Mr. Earl A. Pyle  
U.S. Fish and Wildlife Service  
Fishery Research  
300 Booth Street (Room 4005)  
Reno, Nevada 89502

NOVEMBER 11, 1974.

To: Director, Fish and Wildlife Service, Attn: Chief, Division of Law Enforcement, Through Chief, Division of Cooperative Research.

From: Earl A. Pyle, Cui-ul Project Leader, Reno, Nevada 89502.

Subject: Endangered Species Permit Application.

13.12(a)(1): Name: EARL A. PYLE. Address: Room 4005, 300 Booth Street, Reno, Nevada 89502. Phone: 702-784-5606.

(2) Birth Date: February 10, 1926. Height: 5'6". Weight: 165 lbs. Color of Hair: Brown. Color of Eyes: Blue. Sex: Male. Employer: U.S. Fish and Wildlife Service.

(3) N/A.

(4) Pyramid Lake, Nevada.

(5) N/A.

(6) N/A.

(7) I hereby certify that I have read and am familiar with the regulations contained

in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

EARL A. PYLE.

(8) December 1, 1974.

(9) November 8, 1974.

(10) Earl A. Pyle.

17.23(a)(1): Cui-ul Lakesucker, *Chasmistes cujus*. Sufficient adult males and females will be trapped and spawned (and released) to permit release of approximately 2 million fry back into Pyramid Lake, each year.

(2) N/A.

(3) *Chasmistes cujus* was declared an endangered species in 1967 and recovery plans include artificial propagation, habitat rehabilitation and population assessment. Subpopulation relocation to insure species survival, is included within the recovery plan.

In the early Spring sexually mature Cui-ul adults gather near the mouth of the Truckee River attempting to pass upstream to spawn. Low water flows within the river have prevented the relatively poor swimming Cui-ul from moving upstream and adults will be netted, transported to nearby holding ponds, artificially spawned, then released back into Pyramid Lake. Eggs taken from the adults will be incubated and reared to swim-up size and released into the lake and the Truckee River. A small portion of the progeny will be retained for various types of nutritional and life history studies.

A fishway, to permit ascension of spawners, is presently being constructed with completion scheduled in 1976. If successful this fishway will provide a means for population assessment and will obviate the necessity for artificial propagation. In the interests of species survival, however, artificial propagation should be continued until the fishway has proved successful and it is certain spawning grounds formerly used by the Cui-ul remain suitable.

(4) Spawning and incubating facilities are located on a small, freshwater stream approximately one mile west of Sutcliffe, Nevada which is on the western shores of Pyramid Lake. The land is occupied under a lease agreement with the Pyramid Lake Paiute Indian Tribe. A small dam on the stream provides water for incubating and rearing units and a well has been drilled to provide supplemental water in the event of stream failure. Water from the dam flows into 30 hatching jars (1.5 million eggs can be incubated at one time); from the jars the water flows into 12 shallow rearing troughs; from the troughs the water flows into two large tanks which serve as spawning tanks and later as fry-rearing tanks; from these tanks the water flows into a small earthen pond which serves as a holding pond for ripening spawners and later, as a nursery pond for fry. The water returns to the stream from the pond. Office facilities for staff members are in Reno, Nevada, approximately 40 miles from the field site. The office address is: U.S. Fish and Wildlife Service, Fishery Research, Room 4005, 300 Booth Street, Reno, Nevada 89502. Phone 702-784-5606 or 702-784-5228.

(5) N/A.

(6) N/A.

(7) N/A.

(b)(1) N/A.

(b)(2) N/A.

EARL A. PYLE.

BUREAU OF SPORT FISHERIES  
AND WILDLIFE,  
January 3, 1975.

To: Director, U.S. Fish and Wildlife Service, Attn: Division of Law Enforcement (Betty Gillas).

From: Earl A. Pyle, Cul-til Project Leader, Reno, Nevada 89502.

Subject: Endangered Species Permit Application-Supplemental Information.

Additional information requested by your office, with regard to an Endangered Species Permit Application for the Cul-til Project, is as follows:

1. Population Size—Present techniques will not permit quantification of the population. Observations have been the basis for estimates of declining numbers and I am attaching a Special Report "Status of the Endangered Cul-til Lakesucker" which summarizes the events leading to the current status of this fish.

2. Program Utilization of Specimens—No more than 800 adult specimens, per year, will be required for the operation of our Program. All of these fish, with the exception of inadvertent mortality, will be returned to their original habitat after utilization. Mortality in the past has been less than one per cent with most of this attributable to handling stress.

EARL A. PYLE

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 5, 1975 will be considered.

Dated: January 29, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife  
Service.

[FR Doc. 75-3015 Filed 1-31-75; 8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:  
Dr. Clark Hubbs  
Department of Zoology  
The University of Texas at Austin  
Austin, Texas 78712

Application to the Director, Bureau of Sport Fisheries and Wildlife (Fish and Wildlife Service), for a permit to study the survivorship of the Fountain darter (*Etheostoma fonticola*) Pecos gambusia (*Gambusia nobilis*) from specimens collected in nature and to do similar work on stocks of the Comanche Springs pupfish (*Cyprinodon elegans*), Clear Creek gambusia (*Gambusia heterochir*), and Big Bend gambusia (*Gambusia gagei*) that have been cultured at The University of Texas for more than 2 years, under Title 50, Chapter 1, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. Applicant: Dr. Clark Hubbs, Department of Zoology, The University of Texas at Austin, Austin, Texas 78712, phone 512 471-1176 or 471-4882.

2. Description of applicant:

a. Date of birth: 15 March 1921.

b. Height: 1.7 meters.

c. Weight: 68 kilograms.

d. Color of hair: brown.

e. Color of eyes: brown.

f. Sex: male.

g. Institutional affiliation: Department of Zoology, The University of Texas at Austin.

3. Principal supervisor: Dr. Hugh S. Forrest, Department of Zoology, The University of Texas at Austin, Austin, Texas 78712, Phone: 512 471-7131.

4. Location of activity: San Marcos Springs, Diamond Y Springs, University of Texas Brackenridge Field Laboratory, all in Texas and Dexter National Fish Hatchery, Dexter, New Mexico.

5. This permit is requested under Part 17, section 23 of subchapter B.

Many southwestern fishes are critically endangered by declining surface water flows caused by consumptive water use. It is urgent that a refugium be available to 1) maintain fishes when their natural environment is dry or nearly so and 2) to determine the survivorship potential of these fishes when human perturbations threaten natural conditions.

All work will be under the direct supervision of Dr. Clark Hubbs, Department of Zoology, University of Texas at Austin, or Dr. Anthony A. Echelle, Department of Biology, Baylor University, Waco, Texas.

6. Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

7. Desired effective date and duration: The permit will become effective at the conclusion of the 30 day period following the appearance of the notice in the Federal Register and extend for a period of 2 years following the date the permit becomes effective.

8. Date: November 11, 1974.

9. Signature of applicant:

Dr. Clark Hubbs  
Department of Zoology  
University of Texas at Austin  
Austin, Texas 78712

17.23(a)(3)—The purpose of the permit will be to continue the maintenance of endangered species. The threats to these endangered species are diverse, but these endangered species will be cultured for (1) insuring survival of endangered species and (2) to build up stocks sufficiently so that scientific experiments can be carried out to determine the environmental perimeters limiting their distribution.

17.23(a)(4)—The species will be maintained at the University of Texas, Brackenridge Field Laboratory. An additional species will be cultured at the Dexter National Fish Hatchery at Dexter, New Mexico.

17.23(a)(7)—No fishes will be imported into the United States under this permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in

triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 5, 1975 will be considered.

Dated: January 29, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife  
Service.

[FR Doc. 75-3016 Filed 1-31-75; 8:45 am]

#### SEA WORLD, INC.

##### Amendments to Permit

A permit to take Pacific Walrus for public display was issued to Sea World, Inc., Mission Bay, San Diego, California, on May 7, 1974, pursuant to the Marine Mammal Protection Act of 1972. A notice of the issuance of the permit was published on May 17, 1974 (39 FR 17571).

On June 7, 1974, the permittee submitted a request for significant amendments to the permit. These were published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31927-30).

The request of Sea World, Inc., was considered, pursuant to § 13.23 of Title 50 Code of Federal Regulations. Notice is hereby given that on December 20, 1974, portions of the permit were amended: section 3(e)(f)(1), and section 5. Section 3(g) was deleted. Other suggested changes and amendments were considered and denied. All other terms and conditions of the permit remain in effect.

The permit and amendments are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: January 29, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife  
Service.

[FR Doc. 75-3017 Filed 1-31-75; 8:45 am]

#### Geological Survey

[OCS Order No. 12]

#### PUBLIC INSPECTION OF RECORDS

##### Gulf of Mexico Area

A Notice published in the FEDERAL REGISTER on July 22, 1974 (39 FR 26656), solicited comments on the content of the proposed OCS Order.

Changes made in the Order since its earlier publication as a proposed Order include the listing of information available for inspection from various forms required to be submitted pursuant to OCS Order No. 11 for the Gulf of Mexico Area.

Also included is a new paragraph advising of the availability for public inspection of accident investigation reports, pollution incident reports, inspection reports, and enforcement actions.



Other modifications were made in the Order consistent with the intent of the Order, but clarifying its meaning.

This Order will be effective February 1, 1975.

W. A. RADLINSKI,  
Acting Director.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR 2.2, and supersedes OCS Order No. 12, dated August 13, 1971. Section 250.97 of 30 CFR provides as follows:

**Public Inspection of Records.** Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Section 2.2 of 43 CFR provides in part as follows:

**Determinations as to Availability of Records.** (a) Section 552 of Title 5, U.S. Code, as amended by Pub. L. 90-23 (the act codifying the "Public Information Act") required that identifiable agency records be made available for inspection. Subsection (b)<sup>1</sup> of section 552 exempts several categories of records from the general requirement but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive Order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office or a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967.

(b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

The operator shall comply with the requirements of this Order. Any departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR § 250.12(b).

<sup>1</sup> Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are—

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(9) Geological and geophysical information and data, including maps, concerning wells.

1. **Availability of Records Filed on or after December 1, 1970.** It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR Part 250 shall be made available for public inspection, as specified below, in the Area office, Metairie, Louisiana.

A. **Form 9-152—Monthly Report of Operations.** All information contained on this form shall be available, except the information required in the Remarks column.

B. **Form 9-330—Well Completion or Re-completion Report and Log.**

(1) Prior to commencement of production, all information contained on this form shall be available, except Item 1a, Type of Well; Item 4, Location of Well, At top prod. interval reported below; Item 22, If Multiple Compl., How many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9-330 as required in 30 CFR § 250.38(b), all information contained on this form shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, the lessee or operator shall file a Form 9-330 containing all information requested on the form, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9-330.

C. **Form 9-331—Sundry Notices and Report on Wells.** (1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available, except Item 4, Location of Well, At top prod. interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available, except information under Item 17 as to subsurface locations and measures and true vertical depths for all markers and zones not placed on production.

D. **Form 9-331C—Application for Permit to Drill, Deepen or Plug Back.** All information contained on this form, and location plat attached thereto, shall be available, except Item 4, Location of Well, At proposed prod. zone; and Item 23, Proposed Casing and Cementing Program.

E. **Form 9-1869—Quarterly Oil Well Test Report.** All information contained on this form shall be available.

F. **Form 9-1870—Semi-Annual Gas Well Test Report.** All information contained on this form shall be available.

G. **Multi-point Back Pressure Test Report.** All information contained on this form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. **Sales of Lease Production.** Information contained on monthly Geological Survey computer printout showing sales volumes, value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. **Filing of Reports.** All reports on Forms 9-152, 9-330, 9-331, 9-331C, 9-1869, 9-1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All

reports submitted on these forms after the effective date of this Order shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1(A), (B), (C), and (D) above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. **Availability of Records Filed Prior to December 1, 1970.** Information filed prior to December 1, 1970, on Forms 9-152, 9-330, 9-331, and 9-331C is not in a form which can be readily made available for public inspection. Requests for information on these forms shall be submitted to the Supervisor in writing and shall be made available in accordance with 43 CFR Part 2.

4. **Availability of Inspection Records.** All accident investigation reports, pollution incident reports, facilities inspection data, and records of enforcement actions are also available for public inspection.

D. W. SOLANAS,  
Oil and Gas Supervisor,  
Field Operations.

Approved:

RUSSELL G. WAYLAND,  
Chief, Conservation Division.

[FR Doc.75-2988 Filed 1-31-75; 8:45 am]

National Park Service  
GULF ISLANDS NATIONAL SEASHORE  
ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gulf Islands National Seashore Advisory Commission will be held on February 19th at 1 p.m., C.S.T., and February 20th at 8:30 a.m., C.S.T., at the Gulf State Park Resort, Drawer K, Gulf Shores, Alabama 36542.

The purpose of the Gulf Islands National Seashore Advisory Commission meeting is to discuss:

1. Comprehensive design for Santa Rosa Beach
2. Development Plan for Naval Live Oaks, Gulf Islands National Seashore, Florida
3. Development Plans for Ship Island and Davis Bayou, Gulf Islands National Seashore, Mississippi
4. Fort Stabilization Program
5. Summer Operational Programs

Members of the Advisory Commission are as follows:

Mr. J. Earle Bowden (Chairman)  
Gulfport, Mississippi  
Mr. Gordon D. Allen  
Gulfport, Mississippi  
Lt. Col. Lloyd J. Caillevet  
Biloxi, Mississippi  
Mr. John R. Cox  
Destin, Florida  
Mr. Robert D. Cramer  
Pensacola, Florida  
Mr. Donald E. Danly  
Pensacola, Florida  
Mr. Paul Frank  
Gulfport, Mississippi

Mr. E. B. Jones  
Pensacola, Florida  
Mr. J. R. Lemon  
Ocean Springs, Mississippi  
Honorable H. Bryant Liggett  
Pensacola, Florida  
Mr. Nicholas A. Mavar, Jr.  
Biloxi, Mississippi  
Mr. Charles E. Moes  
Gulf Breeze, Florida  
Mr. Duncan Moran  
Ocean Springs, Mississippi  
Mr. Dee Parkton  
Crestview, Florida  
Mr. Davage Runnells, Jr.  
Destin, Florida  
Lt. Col. Mercer Richard Smith (Ret)  
Gulf Breeze, Florida  
Mr. James Stevens  
Gulfport, Mississippi  
Mr. G. Earl Wallis  
Milton, Florida  
Mr. E. P. Wilkes  
Biloxi, Mississippi  
Dr. J. Kinabrew Williams, Jr.  
Pascagoula, Mississippi  
Mrs. Erica Woodley  
Pensacola, Florida

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Region, National Park Service, at Area Code 404/526-7560. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia 30344.

DAVID D. THOMPSON, JR.,  
*Regional Director, Southeast  
Region, National Park Service.*

[FR Doc.75-3051 Filed 1-31-75;8:45 am]

**INDEPENDENCE NATIONAL HISTORICAL  
PARK ADVISORY COMMISSION  
Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on February 20, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Pub. L. 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman)  
Mr. John P. Bracken  
Hon. Michael J. Bradley  
Hon. James A. Byrne  
Mr. Filindo B. Masino  
Mr. Frank C. P. McGlinn

Mr. John B. O'Hara  
Mr. Howard D. Rosengarten  
Mr. Charles R. Tyson

The matters to be considered at this meeting include:

1. Management of Independence Mall.
2. Bicentennial Events.
3. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: January 21, 1975.

CHESTER L. BROOKS,  
*Regional Director, Mid-Atlantic  
Region, National Park Service.*

[FR Doc.75-3050 Filed 1-31-75;8:45 am]

**Office of the Secretary**

**ALASKA**

**Availability of Final Environmental  
Statements**

[INT FES 75-22]

**ALASKA COASTAL NATIONAL WILDLIFE  
REFUGE, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Alaska Coastal National Wildlife Refuges in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Alaska Coastal National Wildlife Refuges and their management by the agency indicated below.

Proposal recommends that: Approximately 44,000 acres of public lands and waters along the coast of Alaska be designated by Congress as the Barren Islands, Bering Sea, Chukchi Sea, Kodiak, and Shumagin Islands National Wildlife Refuges.

Management by: Fish and Wildlife Service.

[INT FES 75-17]

**ARCTIC NATIONAL PARK, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Gates of the Arctic National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Gates of the Arctic National Park and its man-

agement by the agency indicated below.

Proposal recommends that: Approximately 9.1 million acres of public lands and waters in northcentral Alaska be designated by Congress as the Gates of the Arctic National Park in the Noatak, Alatna, Tinayguk, Killik (including Eastern Creek) and the North Fork of the Koyukuk Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

[INT FES 75-8]

**ARCTIC NATIONAL WILDLIFE REFUGE,  
ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Arctic National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Arctic National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 4 million acres of public lands and waters in northeast Alaska be designated by Congress as the Arctic National Wildlife Refuge and that portions of the Ivishak and Wind Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service.

[INT FES 75-15]

**BIRCH CREEK NATIONAL WILD RIVER,  
ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Birch Creek National Wild River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Birch Creek National Wild River and its management by the agency indicated below.

Proposal recommends that: A 135-mile segment of Birch Creek and 200,000 acres of adjacent public lands in Interior Alaska be designated by Congress as the Birch Creek National Wild River.

Management by: Bureau of Land Management.

[INT FES 75-16]

**CHUGACH NATIONAL FOREST, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Additions to the Chugach National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Additions to the Chugach National Forest

and its management by the agency indicated below.

Proposal recommends that: Approximately 590,000 acres of public lands and waters in southeast Alaska be designated by Congress as the Chugach National Forest.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-13]

**FORTYMILE NATIONAL WILD AND SCENIC RIVER, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Fortymile National Wild and Scenic River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Fortymile National Wild and Scenic River and its management by the agency indicated below.

Proposal recommends that: 375 miles of the Fortymile River system and 320,000 acres of adjacent public lands and waters in east-central Alaska be designated by Congress as the Fortymile National Wild and Scenic River.

Management by: Bureau of Land Management.

[INT FES 75-18]

**KATMAI NATIONAL PARK, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Katmai National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Katmai National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 1.9 million acres of public lands and waters in southwest Alaska be designated by Congress as the Katmai National Park.

Management by: National Park Service.

[INT FES 75-21]

**MOUNT MCKINLEY NATIONAL PARK, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Mount McKinley National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Mount McKinley National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 3.2 million acres of public lands and waters adjacent to the existing

Mount McKinley National Park in central Alaska be designated by Congress as the Mount McKinley National Park. Management by: National Park Service.

[INT FES 75-23]

**NOATAK NATIONAL ARCTIC RANGE, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Noatak National Arctic Range in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Noatak National Arctic Range and its management by the agencies indicated below.

Proposal recommends that: Approximately 7.59 million acres of public lands and waters in northwest Alaska be designated by Congress as the Noatak National Arctic Range; that the range be included in the National Wildlife Refuge System and be jointly managed with the Bureau of Land Management under a 20-year moratorium; that approximately 265 miles of the Noatak River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service and Bureau of Land Management.

[INT FES 75-20]

**SELAWIK NATIONAL WILDLIFE REFUGE, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Selawik National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Selawik National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 1.4 million acres of public lands and waters east of Kotzebue Sound, Alaska, be designated by Congress as the Selawik National Wildlife Refuge.

Management by: Fish and Wildlife Service.

[INT FES 75-12]

**TOGLAK NATIONAL WILDLIFE REFUGE, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Togiak National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Togiak National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 2.7 million acres of public lands and waters north of Bristol Bay, Alaska, be established by Congress as the Togiak National Wildlife Refuge and that approximately 60 miles of the Kanektok River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service.

[INT FES 75-14]

**UNALAKLEET NATIONAL WILD RIVER, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Unalakleet National Wild River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Unalakleet National Wild River and its management by the agency indicated below.

Proposal recommends that: A 60-mile segment of the Unalakleet River and 104,000 acres of adjacent public lands and waters east of Norton Sound, Alaska, be designated by Congress as the Unalakleet National Wild River.

Management by: Bureau of Land Management.

[INT FES 75-19]

**YUKON DELTA NATIONAL WILDLIFE REFUGE, ALASKA**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Yukon Delta National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Yukon Delta National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 4.7 million acres of public lands and waters adjacent to the Clarence Rhode National Wildlife Range, Alaska, be designated by Congress as the Yukon Delta National Wildlife Refuge.

Management by: Fish and Wildlife Service.

The final environmental statements are available for inspection at the following locations.

North Atlantic Regional Office  
National Park Service  
150 Causeway Street  
Boston, Massachusetts 02114  
Southeast Regional Office  
National Park Service  
3401 Whipple Avenue  
Atlanta, Georgia 30344  
Rocky Mountain Regional Office  
National Park Service  
645-655 Parfet Avenue  
Denver, Colorado 80215

Western Regional Office  
National Park Service  
450 Golden Gate Avenue  
Box 36063  
San Francisco, California 94102

Fish and Wildlife Service  
1500 Plaza Building, Room 288  
1500 NE Irving Street  
P.O. Box 3737  
Portland, Oregon 97208

Fish and Wildlife Service  
Federal Building—Fort Snelling  
Room 630  
Twin Cities, Minnesota 55111

Fish and Wildlife Service  
John W. McCormack P.O. and Courthouse  
Boston, Massachusetts 02109-

U.S. Forest Service  
Federal Building  
Missoula, Montana 59801

U.S. Forest Service  
Federal Building  
517 Gold Avenue, SW.  
Albuquerque, New Mexico 87101

U.S. Forest Service  
630 Sansome Street  
San Francisco, California 94111

Mid-Atlantic Regional Office  
National Park Service  
143 South Third Street  
Philadelphia, Pennsylvania 19106

Midwest Regional Office  
National Park Service  
1709 Jackson Street  
Omaha, Nebraska 68102

Southwest Regional Office  
National Park Service  
P.O. Box 728  
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office  
National Park Service  
Room 931, 4th and Pike Building  
1424 Fourth Avenue  
Seattle, Washington 98101

Fish and Wildlife Service  
500 Gold Avenue, SW.  
Room 9018  
P.O. Box 1306  
Albuquerque, New Mexico 87103

Fish and Wildlife Service  
17 Executive Park Drive, NE.  
Room 411  
Atlanta, Georgia 30329

Fish and Wildlife Service  
10597 West Sixth Avenue  
Denver, Colorado 80215

U.S. Forest Service  
Denver Federal Building  
Denver, Colorado 80225

U.S. Forest Service  
Federal Building  
324 25th Street  
Ogden, Utah 84401

U.S. Forest Service  
319 SW Pine Street  
P.O. Box 2623  
Portland, Oregon 97208

U.S. Forest Service  
1720 Peachtree Road, NW.  
Atlanta, Georgia 30309

Bureau of Land Management  
1600 Broadway  
Room 700  
Denver, Colorado 80202

Bureau of Land Management  
Federal Building  
300 Booth Street  
Reno, Nevada 89502

Bureau of Land Management  
Federal Building, Room 398  
550 W. Fort Street  
Boise, Idaho 83702

Bureau of Land Management  
2120 Capitol Avenue  
P. O. Box 1828  
Cheyenne, Wyoming 82001

Bureau of Land Management  
Federal Building  
316 North 26th Street  
Billings, Montana 92301

Bureau of Land Management  
Robin Building  
7981 Eastern Avenue  
Silver Spring, Maryland 20910

Southeast Regional Office  
Bureau of Outdoor Recreation  
148 Cain Street  
Atlanta, Georgia 30303

Mid-Continent Regional Office  
Bureau of Outdoor Recreation  
Denver Federal Center  
Building 41, P. O. Box 25387  
Denver, Colorado 80225

Northwest Regional Office  
Bureau of Outdoor Recreation  
1000 2nd Avenue  
Seattle, Washington 98104

U.S. Forest Service  
633 W. Wisconsin Avenue  
Milwaukee, Wisconsin 53203

Bureau of Land Management  
Federal Building  
125 South State Street  
Salt Lake City, Utah 84111

Bureau of Land Management  
Federal Building  
Room 3022  
Phoenix, Arizona 85025

Bureau of Land Management  
Federal Building  
P.O. Box 1449  
Santa Fe, New Mexico 87501

Bureau of Land Management  
2800 Cottage Way  
Room E-2841  
Sacramento, California 95825

Bureau of Land Management  
729 Northeast Oregon Street  
P.O. Box 2965  
Portland, Oregon 97208

Northeast Regional Office  
Bureau of Outdoor Recreation  
Federal Office Building  
600 Arch Street  
Philadelphia, Pennsylvania 19106

Lake Central Regional Office  
Bureau of Outdoor Recreation  
3853 Research Park Drive  
Ann Arbor, Michigan 48104

South Central Regional Office  
Bureau of Outdoor Recreation  
5000 Marble Avenue, NE.  
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office  
Bureau of Outdoor Recreation  
450 Golden Gate Avenue  
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior  
Alaska Planning Group  
Washington, D.C. 20240

Department of the Interior  
National Park Service  
524 W. Sixth Avenue  
Room 201  
Anchorage, Alaska 99501

Department of the Interior  
Fish and Wildlife Service  
813 D Street  
Anchorage, Alaska 99501

Dated: January 28, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.75-2999-3011 Filed 1-31-75; 8:45 am]

## DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A129]

MISSOURI

### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 15 Missouri Counties. The Secretary has found that this need exists as a result of a natural disaster shown on the attached sheet which also lists the 15 counties.

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 Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 21, 1975, for production losses and October 21, 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 proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of January, 1975.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

MISSOURI—15 COUNTIES, 1974

Camden	Montgomery
Carter	Reynolds
Crawford	St. Clair
Dunklin	Shannon
Grundy	Shelby
Henry	Texas
Hickory	Warren
Lincoln	

#### Natural disasters:

Excessive rainfall March 1 through June 10, drought June 10 through August 15, and freeze March 23 and 24, 1974, occurred in the following counties:

Camden	St. Clair
Crawford	Shannon
Hickory	Texas
Reynolds	

Excessive rainfall April 1 through June 15, drought June 15 through August 15, and freeze October 1 and 2, 1974, occurred in the following counties:

Dunklin	Montgomery
Grundy	Shelby
Lincoln	Warren

*Carter County* suffered because of drought June 10 through August 15 and freeze March 23 and 24, 1974.

*Henry County* suffered because of excessive rainfall March 1 through June 10, drought June 10 through August 15 and freeze October 1 and 2, 1974.

[FR Doc.75-3014 Filed 1-31-75;8:45 am]

**Soil Conservation Service  
BEAR-PIERCE-CEDAR CREEK  
WATERSHED PROJECT**

**Notice of 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 the Bear-Pierce-Cedar Watershed Project, Gage County, Nebraska.

The environmental assessment of this federal action indicated 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. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, 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 remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 10 single purpose floodwater retarding structures and one grade stabilization structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service  
134 South 12th Street, Room 604  
Lincoln, Nebraska 68508

Requests for the negative declaration should be sent to the above address.

No administrative action in implementation of the proposal will be taken until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 24, 1975.

WM. B. DAVEY,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc.75-3032 Filed 1-31-75;8:45 am]

**BIG MORTAR-SNUFF BOX SWAMP  
WATERSHED PROJECT**

**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 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 Big Mortar-Snuff Box Swamp Watershed Project, Long and McIntosh Counties, Georgia, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-GA.

The environmental impact statement concerns a plan for watershed protection, flood prevention and drainage. The planned works of improvement include conservation land treatment supplemented by channel work, dikes, and streambank protection. The channel work will consist of approximately 4.5 miles of single purpose new channel construction for agricultural and pine forest drainage, approximately 139.5 miles of multiple purpose new channel construction for flood prevention and agricultural and pine forest drainage, 2.2 miles of dikes for flood prevention and 2.1 miles of streambank protection measures. The proposed channel work and dikes will provide improved water management in this flatland watershed which is used primarily for production of pine forest products. Small subsistence type farms are scattered throughout most of the watershed.

With the exception of approximately 0.5 mile of man-made channels, channel work is proposed where none or practically no defined channel exists. Of the approximately 144 miles of channels proposed on or adjacent to drainageways, 49.3 miles will involve those with intermittent flow, and 94.7 miles with only ephemeral flow. To be constructed concurrently with the channels are 13 green tree reservoirs (1,022 acres), 9 public fishing areas, and 27 wildlife watering facilities.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 355 East Hancock Avenue, Athens, Georgia 30601.

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 Charles W. Bartlett, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue, Athens, Georgia 30601.

Comments must be received on or before March 21, 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: January 23, 1975.

WM. B. DAVEY,  
Deputy Administrator for  
Water Resources, Soil Con-  
servation Service.

[FR Doc.75-3031 Filed 1-31-75;8:45 am]

**LUNICE CREEK SUBWATERSHED  
PROJECT**

**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 work remaining to be done in the Lunice Creek Subwatershed Project, Grant County, West Virginia.

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. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505, 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 remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single-purpose floodwater retarding structures and 4,365 linear feet of dike.

The environmental assessment file is available for inspection during regular working hours at the following location: Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 23, 1975.

WM. B. DAVEY,  
Deputy Administrator for Water  
Resources, Soil Conserva-  
tion Service.

[FR Doc.75-3033 Filed 1-31-75;8:45 am]

**SEA RIM STATE PARK RECREATION  
DEVELOPMENT RC&D PROJECT  
Notice of 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 the Sea Rim State Park Recreation Development RC&D Project, Jefferson County, 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, 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 to develop public water-based recreational and educational facilities on a 15,336 acre tract of land. The plan provides an opportunity for the public to learn about the ecology of the marsh as a part of the recreational experience.

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 until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Date: January 28, 1975.

VICTOR H. BARRY, JR.,  
Deputy Administrator  
for Field Services.

[FR Doc.75-3034 Filed 1-31-75; 8:45 am]

**DEPARTMENT OF COMMERCE  
National Bureau of Standards  
CUSTOMARY SYSTEM OF WEIGHTS  
AND MEASURES**

**Commercial Weights and Measures Units**

In the FEDERAL REGISTER of July 27, 1968 (33 FR 10755), the National Bureau of Standards, in accordance with a recommendation of the House Committee on Science and Astronautics and pursuant to the responsibility of the National Bureau of Standards for "the custody, maintenance, and development of the national standards of measurement" (15 U.S.C. 272), published a listing of the common weights and measures used in normal commerce throughout the United States, and related them to the standards developed in accordance with ex-

isting law. In connection with the notice of July 27, 1968, the following explanatory material will assist in the proper interpretation and application of the data in column three under "Linear Measurement, U.S. Customary," and under "Area Measurement, U.S. Customary":

As the July 27, 1968 notice states, all U.S. Customary Units of linear and area measurement that will be found in ordinary commerce are derived from the yard. The yard was last defined in a notice in the FEDERAL REGISTER of July 1, 1959 (24 FR 5348), as being exactly equal to 0.9144 meter.

The foot defined by the equations:

$$3 \text{ feet} = 1 \text{ yard} = 0.9144 \text{ meter, exactly}$$

$$1 \text{ foot} = 0.3048 \text{ meter, exactly}$$

is known as the International Foot. In addition, the July 1, 1959 notice defines the U.S. Survey Foot as follows:

$$1 \text{ survey foot} = \frac{1200}{3937} \text{ meter, exactly}$$

or

$$1 \text{ survey foot} = 0.30480061 \text{ meter, approximately}$$

Accordingly, it is necessary to differentiate between the international foot, used for engineering, and the U.S. survey foot, used for mapping and land measurement. The metric equivalents listed in the July 27, 1968 notice for land measurements: statute mile (U.S. survey mile), acre, square mile, section, and township are approximate; metric equivalents to more figures can be determined from the survey foot. For example, the U.S. survey mile equals 1.609 347 kilometers, approximately, whereas the international mile equals 1.609 344 kilometers, exactly. Metric equivalents of all surveyor's units, e.g., links, rods, and chains, are derived from the survey foot.

The relationship

$$1 \text{ international nautical mile} = 1.852 \text{ kilometers}$$

is exact, but the relationship

$$6\,076.115 \text{ international feet} = 1 \text{ international nautical mile}$$

is not exact.

Dated: January 17, 1975.

RICHARD W. ROBERTS,  
Director.

NOTE.—This document is republished from the issue of January 22, 1975 (40 FR 3486).

[FR Doc.75-2011 Filed 1-21-75; 8:45 am]

**FEDERAL INFORMATION PROCESSING  
STANDARDS COORDINATING AND  
ADVISORY COMMITTEE**

**Meeting**

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Wednesday, March 12, 1975, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Dated: January 28, 1975.

RICHARD W. ROBERTS,  
Director.

[FR Doc.75-2969 Filed 1-31-75; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**National Institutes of Health  
ACUPUNCTURE RESEARCH**

**Notice of a Conference**

The National Institute of General Medical Sciences will sponsor a conference on acupuncture research, March 14, 1975. It is the Institute's intent to bring together those individuals directing NIH supported research projects and other experts knowledgeable in such fields of anesthesiology, neurophysiology, and physical medicine. The conference is aimed at reviewing and discussing current progress in the sponsored research projects and other investigations in order to establish the present state of the field and identify promising areas for further study.

The meeting will be held at the National Institutes of Health in Bethesda, Maryland, Building 31C, Conference Room 8, starting at 9 a.m. Attendance by the public will be limited to space available.

For further information please contact Dr. Howard P. Jenerick, NIGMS, Building 31, Room 4A-31, telephone (301) 496-5163.

Dated: January 27, 1975.

SUZANNE L. FREMEAU,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-2986 Filed 1-31-75; 8:45 am]

**AUTOMATION IN THE CLINICAL  
LABORATORY**

**Notice of a Conference**

The National Institute of General Medical Sciences will sponsor a conference on the Evaluation of Uses of Automation in the Clinical Laboratory, May 14-16, 1975. It is the Institute's intent to bring together individuals knowledgeable in the field of clinical laboratory sciences and related disciplines such as bioengineering, biophysics, statistics, and the life sciences. The conference is aimed at exploring the uses and abuses of automation in the clinical laboratory

in order to establish the state of the art; to summarize the best in current practice; to identify what is wrong with present practice; and to suggest improvements and, if necessary, further studies.

The meeting will be held at the National Institutes of Health in Bethesda, Maryland, Building 31C, Conference Room 6, starting at 9 a.m. Attendance by the public will be limited to space available.

For further information please contact Dr. Robert S. Melville, NIGMS, Westwood Building, Room 954, telephone (301) 496-7081.

(Catalog of Federal Domestic Assistance Program No. 13-860, National Institute of General Medical Sciences, National Institutes of Health)

Dated: January 23, 1975.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc.75-2985 Filed 1-31-75; 8:45 am]

#### BLOOD DISEASES AND RESOURCES

##### Notice of Meeting

The Division of Blood Diseases and Resources, National Heart and Lung Institute, National Institutes of Health, is sponsoring a meeting on the status of platelet inhibiting drugs and their evaluation by clinical trial. The meeting will be held on the National Institutes of Health Campus in Building 31C, Conference Room 9 from 10:30 a.m. to 3 p.m., on March 19, 1975. Attendance by the public will be limited to space available.

The purpose of the meeting is to review experimental data dealing with platelet inhibiting drugs and to discuss current and planned clinical trials. The information developed in this meeting will be presented to the National Heart and Lung Advisory Council in its meeting on March 20-21, 1975.

For additional information, please contact: Dr. Joseph C. Fratantoni, Building 31, Room 4A05, National Heart and Lung Institute, National Institutes of Health, Bethesda, Maryland, 20014, (301) 496-5911.

Dated: January 27, 1975.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc.75-2987 Filed 1-31-75; 8:45 am]

#### CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

##### Cancellation of Meeting

Notice is hereby given of the cancellation of meeting of the Cancer Control Community Activities Review Committee, National Cancer Institute, February 13 and 14, 1975, 9 a.m., National Institutes of Health, Building 31, Conference Room 8, which was published in the FEDERAL

REGISTER on January 16, 1975 (40 FR 2855-2856).

Dated: January 28, 1975.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc.75-3121 Filed 1-31-75; 8:45 am]

#### Office of the Secretary

#### OFFICE OF THE REGIONAL DIRECTOR, REGION VII, KANSAS CITY, MISSOURI Statement of Organization, Functions, and Delegations of Authority

Section 1E87.20J of Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to conform with the standardized functions of the Assistant Regional Director for Financial Management. The amended section reads as follows:

J. Assistant Regional Director for Financial Management Region VII.

1. Provides financial management support to the Regional Director and Regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting controlling fiscal services and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services

5. Performs budget activities as follows: prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralized and decentralized programs based on Regional needs and characteristics; supervises budget execution in the region including the recording and distribution of budget resources based on al-

locations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

Dated: January 27, 1975.

JOHN OTTINA,  
*Assistant Secretary for  
Administration and Management.*

[FR Doc. 75-3058 Filed 1-31-75; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### FAA AIR TRAFFIC CONTROL TOWER; CARBONDALE, ILLINOIS

##### Notice of Takeover

Notice is hereby given that on March 11, 1975, the Airport Traffic Control Tower at the Southern Illinois Airport, Carbondale, Illinois, will be commissioned as an FAA facility. This information will be reflected in the FAA Organizational statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration  
Airport Traffic Control Tower  
Southern Illinois Airport  
Carbondale, Illinois 62901

Issued in Des Plaines, Illinois, on January 17, 1975.

JOHN M. CYROCKI,  
*Director, Great Lakes Region.*

[FR Doc.75-2994 Filed 1-31-75; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket 27416; Order 75-1-72]

**AMERICAN AIRLINES, INC., ET AL.****Excursion Fares****Correction**

In FR Doc. 75-2026, in the issue of Wednesday, January 22, 1975, appearing at page 3489, the word "provision" in the second line, of the second full paragraph, in the second column on page 3490, should be changed to read "proposes".

[Docket 27452; Order 75-1-117]

**RIGHT-O-WAY, INC.****Order of Suspension and Investigation**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1975.

By tariff revision<sup>1</sup> issued December 17, 1974 and marked to become effective January 30, 1975, Right-O-Way, Inc. d/b/a Right-O-Way Air Freight (Right-O-Way), an air freight forwarder, proposes to reduce its basic domestic liability from \$0.50 per pound based upon the number of pounds of the total shipment, irrespective of the number of pounds lost or damaged, to one based upon the number of pounds of the part or parts of the shipment lost or damaged. The forwarder would continue its present minimum liability of not less than \$50 per shipment.

Right-O-Way asserts that the proposal is designed "to correct problems in loss and damage claims," and that it meets "similar competitive rules on file for other forwarders."

The proposal significantly reduces the protection now offered shippers for domestic consignments without adequate justification. Right-O-Way submits no data to support its assertions, and does not indicate its loss and damage problems. Moreover, the carrier fails to identify the "other forwarders" who have such rules. A survey by the Board's staff of current liability rules has revealed that, with respect to domestic traffic, none of the major forwarders, only one of a large sample of smaller forwarders, and only one direct carrier have liability limitations rules based on the weight of the part(s) lost or damaged.<sup>2</sup>

Upon consideration of the foregoing and other relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

<sup>1</sup> Revision to Tariff C.A.B. No. 3, Miller Traffic Service, Inc., Agent.

<sup>2</sup> Only The Flying Tiger Line Inc., among the direct carriers, bases its limitations (for local domestic traffic) on the weight lost or damaged, but at a rate of \$9.07 per pound.

sections 204(a), 403, 404, and 1002 thereof,

*It is ordered, That:* 1. An investigation be instituted to determine whether the provisions in Rule No. 80(D) on 5th Revised Page 10 of C.A.B. No. 3 issued by Miller Traffic Service, Inc., Agent, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 80(D) on 5th Revised Page 10 of C.A.B. No. 3 issued by Miller Traffic Service, Inc., Agent, is suspended and its use deferred to and including April 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 27452, be assigned for hearing before an Administrative Law Judge of the Board at a time and place to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Right-O-Way, Inc. d/b/a Right-O-Way Air Freight, which is hereby made a party to Docket 27452.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 75-3067 Filed 1-31-75; 8:45 am]

[Docket Nos. 27454 and 23080-2, Order 75-1-118]

**SERVICE MAIL RATES FOR AIR NEW ENGLAND, INC.****Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1975.

In the recently concluded *New England Service Investigation* (Docket 22973), Air New England, Inc., was awarded a certificate of public convenience and necessity by the Board to provide passenger, property and mail services over a regional New England route. On January 13, 1975, Air New England filed with the Board a petition requesting the establishment of a service mail rate to be applicable to its certificated services.<sup>1</sup>

The U.S. Postal Service filed an answer in support of Air New England's petition, suggesting that the carrier be made a party to Docket 23080-2 and that the temporary domestic service mail rates be fixed for Air New England's mail

<sup>1</sup> Air New England has previously provided noncertificated mail services in the New England region pursuant to contract with the Postal Service.

services upon commencement of certificated operations by the carrier.

Air New England's petition does not comply with Rule 303 of the Board's rules of practice in that it does not set forth the rates sought to be established nor any economic justification for a proposed rate. The petition will therefore be dismissed.

Since it is necessary that an effective mail rate be established from the date Air New England commences service pursuant to its certificate of public convenience and necessity, we are herein instituting an investigation to determine the fair and reasonable service mail rates to be paid the carrier by the Postmaster General for the carriage of mail in its certificated services. Pending completion of that investigation, we are proposing the establishment of temporary rates.

As noted previously, the Postal Service has suggested that the temporary rates currently applicable to mail service performed by trunkline and local-service carriers pursuant to Board orders in Docket 23080-2 be established for Air New England's service. Although the Postal Service does not set forth any reasons for its suggestion, nevertheless the Board must give consideration to the fact that the user of the service has suggested rates it is willing to pay.

We propose to establish the temporary rates suggested by the Postal Service. Certain of the routes certificated for service by Air New England were previously operated by Delta Air Lines, Inc., and Delta's mail service was subject to the temporary rates established in Docket 23080-2. It appears reasonable that the same service to be performed by Air New England should be compensated at the same rates, on a temporary basis. Furthermore, the Board has determined in Docket 22973 that, for certain purposes, Air New England shall be treated as a local-service carrier.<sup>2</sup> Those carriers are also subject to the temporary service mail rates established in Docket 23080-2. In these circumstances, and in view of the agreement of the Postal Service, we tentatively conclude that the current temporary service mail rates and the final service mail rates to be established in Docket 23080-2 are fair and reasonable for the mail service performed by Air New England pursuant to its certificate of public convenience and necessity.

We therefore propose to issue an order adopting this conclusion and providing that: 1. On and after the date of commencement of certificated air transportation by Air New England, Inc., the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air New England, Inc., for operations between points which it presently or hereafter is authorized to carry

<sup>2</sup> Orders 74-10-101 and 74-10-102.



mail by its certificates of public convenience and necessity are the temporary rates established in Docket 23080-2.

2. The investigation instituted herein is consolidated into Docket 23080-2, and Air New England is made a party to Docket 23080-2.

3. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment, commencing with the date of inauguration of services by Air New England, Inc., pursuant to its certificate of convenience and necessity as may be required by the order establishing final service mail rates in Docket 23080-2.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

*It is Ordered, That:* 1. The petition filed by Air New England, Inc., on January 13, 1975, in Docket 23080-2 is hereby dismissed;

2. An investigation is hereby instituted to determine the fair and reasonable rates to be paid by the Postmaster General to Air New England, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Air New England's entire system on and after the date of commencement of services by Air New England, Inc., pursuant to the certificate of public convenience and necessity issued by the Board;

3. All interested persons, and particularly Air New England, Inc. and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the temporary rates and charges specified herein pending the fixing of final rates and charges;

4. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

5. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates and charges herein specified;

6. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates and charges herein shall be limited to those specifically raised by such answers ex-

cept as otherwise provided in 14 CFR 302.207; and

7. This order shall be served upon the Postmaster General and Air New England, Inc.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.75-3068 Filed 1-31-75;8:45 am]

### COMMISSION ON CIVIL RIGHTS ALABAMA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Press Conference of the Alabama State Advisory Committee will convene at 10 a.m. on February 21, 1975, at the Holiday Inn Midtown, 924 Madison Avenue, Queen Bess Room, Montgomery, Alabama 36104.

Persons wishing to attend this press conference should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this press conference is the release of State Advisory Committee Report on Alabama Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.75-3026 Filed 1-31-75;8:45 am]

### ARIZONA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on February 27, 1975, at Hunter Inn, 1245 24th Street, Phoenix, Arizona 85034—Conference Room #109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this meeting shall be the release of Indian Employment in Arizona—Report MAES follow-up.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.75-3025 Filed 1-31-75;8:45 am]

### ARIZONA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Press Conference of the Arizona State Advisory Committee will convene at 10 a.m. on February 28, 1975, at 235 Federal Building and Post Office, 522 North Central Avenue, Phoenix, Arizona 85004.

Persons wishing to attend this press conference should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this press conference is to release report "Indian Employment in Arizona".

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.75-3027 Filed 1-31-75;8:45 am]

### ENVIRONMENTAL PROTECTION AGENCY

[FRL 303-3]

#### CIVIL SUBSONIC TURBOJET ENGINE- POWERED AIRPLANE NOISE RETROFIT AND FLEET NOISE LEVEL REQUIRE- MENTS

##### Proposed Aircraft Noise Abatement Regulations

Section 611(c) (1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as EPA determines is necessary to protect the public health and welfare.

In compliance with the Act, on January 28, 1975, the EPA submitted two proposed regulations to the Administrator of the FAA. These proposed regulations are Civil Subsonic Turbojet Engine-Powered Airplane Noise Retrofit Requirements and Fleet Noise Level Requirements and have been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

ROGER STRELOW,  
Assistant Administrator,  
Air and Waste Management.

JANUARY 29, 1975.

[FR Doc.75-3070 Filed 1-31-75;8:45 am]

[FRL 329-7]

**SCIENCE ADVISORY BOARD ECOLOGY  
ADVISORY COMMITTEE**

**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., February 24 and 25, 1975, in Room 1112, Building 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia.

This is the first meeting of the Committee. The agenda includes discussion of the organizational structure, operational procedures, and functions of the Committee as an entity of the Science Advisory Board; an overview of the Environmental Sciences Research Program, Office of Research and Development, focusing on the Ecological Processes and Effects research responsive to the Agency's regulatory and standard setting responsibilities; and discussions of environmental problem areas requiring greatly improved ecological understanding for effective policy formulation and decision making. Topics may include such areas as the effects of acid rainfall and the natural occurrence of carcinogens in the environment. It is anticipated that one or more topics will be selected for Committee study.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

**WILSON K. TALLEY,**  
*Assistant Administrator  
for Research and Development.*

JANUARY 29, 1975.

[FR Doc.75-3071 Filed 1-31-75;8:45 am]

[FRL 329-6; OPP-180033]

**TEXAS STATE DEPARTMENT OF HEALTH**

**Issuance of Specific Exemption To Use  
Strychnine To Control Rabid Skunks**

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas State Department of Health (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits in a rabid skunk control program; this program is intended to prevent exposure of domestic animals and man on one 6,000 acre ranch located in Bowie and Red River Counties, Texas.

This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions. All interested parties are referred to the application on file in the Office

of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room 347, East Tower, Washington, D.C. 20460.

**Background.** On May 15, 1974, the EPA granted a specific exemption from the registration provisions of the amended FIFRA to the Texas State Department of Health, Austin, Texas. This exemption, valid only through June 30, 1974, permitted the use of strychnine alkaloid baits for emergency control of rabid foxes, raccoons, skunks, possums, bobcats, and coyotes only in Sutton and Schleicher Counties, on non-Federal lands. Notice of the issuance of this specific exemption was published in the FEDERAL REGISTER on June 5, 1974 (39 FR 19977).

However, a gravid cow with encephalitic symptoms was recently observed in a barn located on the Wood ranch, which covers 6,000 acres of Bowie and Red River Counties, Texas. The cow was sent to the Veterinary Medicine Laboratory at Texas A & M University for diagnosis; since the animal was in the late stages of pregnancy, the calf was delivered by caesarean section. Tests by the veterinary pathologist were negative for encephalitis, but the fluorescent antibody test for rabies in brain tissue was positive. Subsequent investigations have revealed that thirteen (13) workers on the Wood ranch and seven (7) veterinary personnel have been exposed to the rabid cow. These twenty (20) people are currently being treated for rabies. It has also been determined that the rabies are being carried by rabid skunks which frequent the cattle barns on the ranch at night.

The Governor of Texas, through the Applicant, has requested permission to use strychnine poisoned bait in fourteen barns located on the Wood ranch to suppress the skunk population. The program will require five (5) ounces of strychnine.

**Conclusion.** In light of the information provided by the Applicant, the EPA has granted a specific exemption to use a strychnine bait for control of rabid skunks frequenting barns on the ranch in question, subject to the following restrictions:

(1) Bait stations containing not more than one-fourth ( $\frac{1}{4}$ ) grain of strychnine sulfate or strychnine alkaloid will be applied in barns by experienced personnel of the Texas State Department of Health;

(2) The total amount of strychnine will not exceed five (5) ounces;

(3) The bait will be placed in the evening and removed in the morning. Exposure will be five (5) consecutive nights. The program will commence as soon as a suitable strychnine product can be obtained and, in any case, shall be completed prior to February 28, 1975;

(4) The area treated will be fourteen barns located on the Wood ranch. Ranch employees living in houses adjacent to the treated barns will be notified of the poisoned bait applications;

(5) EPA Regional personnel will be contacted to discuss monitoring of the program; and

(6) The Applicant will comply with the provisions of § 166.5 entitled "Procedure to be followed upon approval of a specific exemption" under the amended FIFRA.

Dated: January 29, 1975.

**JAMES L. AGEE,**  
*Assistant Administrator for  
Water and Hazardous Materials.*

[FR Doc.75-3072 Filed 1-31-75;8:45 am]

[OPP-32000/181 &amp; 182 FRL 329-5]

**NOTICE OF 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 after April 4, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will

be accepted for possible EPA adjudication which are received after April 4, 1975.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

APPLICATIONS RECEIVED (OPP—32000/181)

EPA File Symbol 36271-R. American Lava Coating Corp., 41 Cain Dr., Plainview NY 11803. DAIRY & LIVESTOCK SPRAY. Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide, Technical 1.00%; Petroleum Distillate 98.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LA. Dymon, Inc., 3401 Kansas Ave., PO Box 6235, Kansas City KS 66106. C.M.S. 4. Active Ingredients: Aromatic Petroleum Derivative Solvent 45%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LI. Dymon, Inc. I.T.C. 20. Active Ingredients: Aromatic Petroleum Derivative Solvents 45%; Malathion (0,0-dimethyl of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-L. Dymon, Inc. OCTICIDE 1. Active Ingredients: Aromatic Petroleum Derivative Solvent 82%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LT. Dymon, Inc. CHLORMAL-21 CONCENTRATE. Active Ingredients: Aromatic Petroleum Derivative Solvents 40%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

APPLICATIONS RECEIVED (OPP—32000/182)

EPA File Symbol 36271-E. American Lava Coating Corp., 41 Cain Dr., Plainview NY 11803. DAIRY SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EIU. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD OT-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. 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.

EPA File Symbol 5185-EIG. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD MT-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. 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.

EPA File Symbol 100-LTO. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY TECHNICAL AMETRYN FOR FORMULATING USE. Active Ingredients: Ametryne; 2-ethylamino-4-isopropyl-amino-6-methylthio-s-triazine 90%; Related compounds 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OLE. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. GBO-TONE DIPEL HG. Active Ingredients: Bacillus Thuringiensis, Berliner, 4,320 International Units of potency per milligram (at least 6.75 billion viable spores per gram) 0.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9123-RT. Magnolia Fertilizer Co., 500 7th Ave. S., Kirkland WA 98033. LIQUID MOSS-A-WAY. Active Ingredients: Ferrous sulfate 16.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 36146-R. Triton Lab., Inc., 124 Stuyvesant Ave., Brooklyn NY 11221. ODORHYDE II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 36146-E. Triton Lab., Inc., 124 Stuyvesant Ave., Brooklyn, NY 11221. ODORHYDE-450. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876-EUI. Velsicol Chem. Corp., 341 E. Ohio St., Chicago IL 60611. GOLD CREST PROMAR BAIT PACKS CONTAINING APPLE FLAVORED BAIT PELLETS. Active Ingredients: Diphacinone (2-Diphenylacetyl-1,3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EUT. Velsicol Chem. Corp. VELSICOL RAMIK BROWN BAIT PACKS. Active Ingredients: Diphacinone (2 - Diphenylacetyl - 1,3 - Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15265-E. Wausau Chem. Corp., PO Box 953, Wausau WI 54401. W Q-10. 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.

EPA File Symbol 15265-G. Wausau Chem. Corp. SOLU SOFT 30G. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 10.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15265-R. Wausau Chem. Corp. SANIDET. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15265-U. Wausau Chem. Corp. SANI-SOLV 10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32447-R. Woodhill Chem. Sales Corp., PO Box 7183, Cleveland OH 45750. DURO-WOODHILL WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.2%; Other Chlorophenols 8%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following is a change to the list of Applications Received published in the FEDERAL REGISTER January 23, 1975 (40 FR 3634).

EPA File Symbol 961-GNU. Lebanon Chem. Corp., The Bishop Co. Div., PO Box 180, Lebanon PA 17042. AGRICO WEED CONTROL WITH GRASS FOOD. Active Ingredients: Dimethylamine Salt of 2,4-dichloro-phenoxyacetic acid 1.38% . . . Originally published as 1.30%.

[FR Doc.75-2960 Filed 1-31-75;8:45 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[Docket Nos. 20329, 20330, 20331, File Nos. [BPH-8434, 8435, and 8490]

ARTHUR R. TEMPLAR AND SHARON D. TEMPLAR ET AL.

Construction Permits

Requests: 103.9 MHz; Channel No. 280 33 kW(H&V); 300 feet; Tecumseh Broadcasting Corporation Fort Wayne, Indiana. Requests: 103.9 MHz; Channel No. 280 ) kW(H&V); 300 feet, Weber Broadcasting, Inc. Fort Wayne, Indiana. Requests: 103.9 MHz; Channel No. 280 3 kW(H&V); 300 feet.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the three above-captioned applications which are mutually exclusive in that they seek the same channel in Fort Wayne, Indiana.

2. The demographic data submitted with each of the applications reveals that Fort Wayne has an extensive population which is enrolled in school, including several universities in the community. Public and private school enrollment in the county is in excess of 70,000 students. However, neither Weber Broadcasting, Inc. [Weber], nor Tecumseh Broadcasting Corporation [Tecumseh] has included any interviews with student leaders among the individuals consulted in the course of the community leader survey. As this segment of the population is clearly significant, it is not apparent that the efforts of Weber and Tecumseh fully comport with the requirements of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). Accordingly, an appropriate issue will be specified as to both of these applicants to consider this deficiency further.

3. Tecumseh proposes to side-mount its FM antenna on a uniform cross-section guyed tower, located approximately 4,300 feet from the directional antenna system of station WFWR(AM), Fort Wayne, Indiana. In the event that Tecumseh is successful in its application,

the construction permit will be conditioned as follows, in order to determine whether the FM structure will distort the existing pattern:

Prior to the issuance of program test authority for the construction authorized herein, the permittee shall file with the Commission sufficient field intensity measurements of standard broadcast station WFWR made both before commencement and after completion of the construction of the antenna specified herein, to satisfactorily demonstrate that the radiation pattern has not changed because of said construction. Minimum required measurements shall include at least ten (10) consecutive points, including the measured field intensity at the monitoring locations for each of the radials included in the last proof of performance on file with the Commission. Measurement shall be made for both directional and non-directional modes of operation. These measurements, together with their ratio (DA/NDA) shall be submitted in tabulated form. Also, measurement data shall be certified by all parties involved before submission to the Commission. The engineer selected by the permittee to make the measurements shall be acceptable to all parties, and the cost of making the measurements, and any corrective measures that may be required to restore the patterns to the conditions prior to this construction shall be borne by the permittee herein. Also, permittee shall be responsible for maintenance and repair of any detuning circuits necessary to restore the radiation pattern of station WFWR.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

- a. To determine the efforts made by Tecumseh Broadcasting Corporation to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems;
- b. To determine the efforts made by Weber Broadcasting, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems;
- c. To determine which of the proposals would, on a comparative basis, better serve the public interest;
- d. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. It is further ordered, That, in the event that Tecumseh Broadcasting Corporation is successful in its application, the construction permit will contain the special condition discussed in paragraph 3, above.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a writ-

ten appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 24, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.75-3044 Filed 1-31-75;8:45 am]

FEDERAL ENERGY  
ADMINISTRATION

CONSUMER AFFAIRS AND SPECIAL  
IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs and Special Impact Advisory Committee will meet on Thursday, February 20, 1975, at 9 a.m., in Room 3400, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

This Committee was established to provide the Federal Energy Administration with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, developing, and implementing programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The Agenda for the meeting is as follows:

1. Socio-Economic Analysis of the President's Energy Policies and Alternatives.
2. Lifeline Rate Concept.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the

Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 28, 1975.

DAVID G. WILSON,  
Acting General Counsel.

[FR Doc.75-2970 Filed 1-29-75;9:40 am]

FEDERAL POWER COMMISSION

[Docket No. E-8851]

ALABAMA POWER CO.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 16, 1975, the Cooperatives and the Municipalities (Intervenors) jointly filed a motion to extend the procedural dates fixed by order issued July 18, 1974, as most recently modified by notice issued October 21, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, February 24, 1975.

Service of Company Rebuttal, March 31, 1975.  
Hearing, April 14, 1975 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2973 Filed 1-31-75;8:45 am]

[Docket No. RI74-144]

AZTEC OIL & GAS CO.

Formal Hearing

JANUARY 27, 1975.

On January 3, 1975, Aztec Oil & Gas Company (Aztec) filed an application for rehearing of Opinion No. 699-H<sup>1</sup> requesting, inter alia, special relief for sales of its gas to El Paso Natural Gas Company (El Paso) in the San Juan Basin subarea of the Rocky Mountain Area<sup>2</sup> which are involved in Docket No. RI74-144. In Opinion No. 699-H (mimeo at 66-68), the Commission established a just and reasonable rate of 35¢ per Mcf for gas in the Rocky Mountain Area from wells commenced prior to January 1, 1973, which is sold pursuant to contracts dated on or after October 1, 1968. The Commission also required refunds of any amounts collected subject to refund in excess of 35¢.

<sup>1</sup> Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing, ---- F.P.C. ----, Docket No. R-389-B (issued December 4, 1974) (hereinafter referred to as Opinion No. 699-H).

<sup>2</sup> Initial Rates For Future Sales Of Natural Gas For All Areas, Docket Nos. R-389-B, R-389-A, Order No. 435, 46 F.P.C. 68 (1971), affirmed sub nom. American Public Gas Association, et al. v. F.P.C., 498 F. 2d (D.C. Cir., May 23, 1974); Area Rates For The Rocky Mountain Area, Docket No. R-425, Opinion No. 658, 49 F.P.C. 924 (1973).

Previously, on January 2, 1974, Aztec has filed seven rate increases to 57.72¢ per Mcf for sales to El Paso under its FPC Gas Rate Schedule Nos. 2, 4, 5, 12, 28, 29, and 35.<sup>3</sup> By order issued February 1, 1974, Aztec's proposed rates were suspended in Docket No. RI74-144 for five months until July 2, 1974, and thereafter became effective subject to refund.

Aztec claims in its application for re-hearing that Opinion No. 699-H should not apply to its sales in Docket No. RI74-144 and that it should be given an opportunity to show that it is entitled to special relief with respect to such sales. The national ceiling established in Opinion No. 699-H is applicable to a few of the subject sales made by Aztec because the wells were commenced on or after January 1, 1973. There may also be a few sales to which the 35¢ Rocky Mountain rate is applicable. But, the just and reasonable rate for the bulk of Aztec's sales will be determined in Docket No. R-478. While no determination has yet been made in Docket No. R-478, it is reasonably clear that Aztec will also seek special relief there. In these circumstances, we think it best to set for immediate hearing the proceeding in Docket No. RI74-144 so as to give Aztec an opportunity to show that it is entitled to special relief for all of its sales. This seems preferable to holding a hearing now on the few sales covered by Opinion No. 699-H, and later holding another hearing on the sales which will be covered by Docket No. R-478, particularly in light of the rate level sought by Aztec in Docket No. RI74-144. Pending our determination in Docket No. RI74-144, Aztec may continue to collect its increased rates subject to refund in Docket No. RI74-144 for sales involved there and shall not be required to make any refunds pursuant to Opinion No. 699-H for sales covered by that opinion.<sup>4</sup>

Petitions to intervene in Docket No. RI74-144 were previously filed by El Paso (January 31, 1974), Public Utilities Commission of the State of California

(P.U.C.C.) (March 8, 1974), and Southern Union Gas Company (Southern) (April 18, 1974).

The twenty year primary term of each of Aztec's seven basic contracts has expired. Aztec has formally served notices of termination for two of the contracts involved (FPC Gas Rate Schedule Nos. 3 and 12) and the remaining five are continuing on a month to month basis until either party gives 60 day notice of intent to terminate. Each of the five continuing contracts has a clause in it stating that the price of the subject gas shall be the market value at the delivery point (at the beginning of each successive five year period after expiration of the basic contract term) for gas of similar quality and pressure in the area from which the gas is being produced. In its January 31, 1974 petition in opposition to the Aztec filing subsequently suspended in Docket No. RI74-144, El Paso did not question Aztec's right to file for increased rates under the expired contracts, but did contend that Aztec lacked contractual authorization as regards the five continuing contracts, citing "United Gas Pipe Line Co. v. Mobil Gas Service Corp." 350 U.S. 332 (1956). Aztec, in its February 25, 1974 answer to El Paso's petition, contended that the aforementioned "market value" clause satisfied Mobil. The contract issue raised by El Paso shall be decided in this hearing as well as the issues concerning Aztec's entitlement to special relief.

*The Commission finds:* (1) Good cause exists to permit the intervention of El Paso, Southern and P.U.C.C.

(2) A hearing is necessary to determine the just and reasonable rate or rates that Aztec may charge for the sales of natural gas covered by this docket.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74-144 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on March 25, 1975, 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Aztec and any intervenor supporting the application shall file their direct testimony and evidence on or before February 21, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evi-

dence on or before March 11, 1975. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before March 18, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioners are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings; and, *Provided, further,* That such intervenors shall accept the record as it has been established in the proceedings to date.

(H) Petitions to intervene in these proceedings shall continue to be entertained until February 24, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2972 Filed 1-31-75; 8:45 am]

[Docket No. E-9221]

DUKE POWER CO.

Change in Rates

JANUARY 24, 1975.

Take notice that on January 20, 1975, Duke Power Company (Duke) tendered for filing a supplement to its Rate Schedule FPC No. 241 for service to the City of Easley, South Carolina. Duke states that all load previously on Delivery Point No. 2 will be transferred to Delivery Point No. 3 and that the contract demand for Delivery Point No. 3 is increased.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2974 Filed 1-31-75; 8:45 am]

\* See following table.

Rate schedule No.	Supplement No.	Purchaser and producing area <sup>1</sup>
3	31	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan and Rio Arriba Counties, N. Mex.).
4	30	El Paso Natural Gas Co. (Pictured Cliff and Fruitland Formations).
5	8	El Paso Natural Gas Co. (Pictured Cliff Formation).
12	13	Do.
28	8	El Paso Natural Gas Co. (Mesa Verde Formation).
29	10	Do.
35	11	Do.

<sup>1</sup> All in San Juan Basin, N. Mex.

<sup>4</sup> Such action is without prejudice to our determination in Docket No. RI74-144 of the proper effective date for whatever special relief, if any, is granted with respect to sales covered by Opinion No. 699-H. See Opinion No. 699-H, mimeo p. 82, ¶ 2.56 (a)(g), and mimeo pp. 90-91, Ordering Paragraph (E).

[Docket No. CP75-109]

**FLORIDA GAS TRANSMISSION CO. AND  
TRANSCONTINENTAL GAS PIPE LINE  
CORP.****Order Setting Matters for Hearing, Granting  
Intervention, and Establishing Procedures**

JANUARY 27, 1975.

On September 30, 1974, Florida Gas Transmission Company (Florida Gas) and Transcontinental Gas Pipe Line Corporation (Transco) jointly filed in Docket No. CP75-109 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the retention in place and operation of related exchange facilities.

The Applicants request authorization to exchange natural gas on a simultaneous Mcf-for-Mcf basis. Applicants propose that Florida Gas shall deliver to Transco up to 25,000 Mcf of natural gas per day at the point where Florida Gas' 6-inch Helen Gohlke Lateral intersects Transco's 24-inch pipeline in Victoria County, Texas. Transco proposes to simultaneously redeliver to Florida Gas (at points up stream) approximately 25,000 Mcf per day from the outlets of Sun's Oil Company (Sun's) Tijerna-Canales-Blucker Gasoline Plant in Brooks County, Texas, and Sun's Starr Gasoline Plant in Starr County, Texas.

Applicants also request authorization to construct and operate the facilities necessary to provide the initial interconnection between Applicants.

Applicants contend that the purpose of the exchange is to enable Florida Gas to take into its system quantities of gas available from Sun which because of capacity limitations upon its 6-inch line Florida Gas would be unable to receive. The gas resulting from the exchange would be transported on behalf of Florida Gas for the use of Florida Power and Light Company for use in the latter's generating stations. Applicants further contend that the proposed service would allow Florida Gas to accommodate Sun's increased production rates which are presently in excess of Florida Gas' 6-inch lateral by using existing Transco facilities which have sufficient capacity to receive increased quantities of gas.

The exchange was commenced on August 8, 1974, on an emergency basis pursuant to § 157.22 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.22) and expired on October 7, 1974. Believing that the emergency was to continue beyond the 60-day period authorized by § 157.22 the parties filed this application (dated September 30, 1974) to maintain the facilities in place and continue the exchange. The Commission denied Applicant's requests for waiver of the 60-day limit by letter dated October 30, 1974, for lack of a showing as to any adverse effects which would result from such a denial.

After due notice by publication in the FEDERAL REGISTER on October 22, 1974 (39 FR 37539), a petition to intervene

was filed by Sun in support of the instant application. No further petitions to intervene, notices of intervention, or protests to granting the application have been filed.

In view of the factual and legal issues raised by the Applicants joint request for authorization of the proposed exchange of natural gas and retention in place of related exchange facilities we conclude that an evidentiary hearing should be held. Specifically, Florida Gas, Transco, and Sun should present evidence justifying the end use of the increased flow of natural gas resulting from the exchange by Florida Gas for its customer Florida Power (for use as boiler fuel) given existing curtailment rates of Florida Gas' higher priority customers as categorized under § 2.78 of the Commission's regulations. Furthermore the above parties should present all other evidence necessary to show that the authorization sought is required by the present or future public convenience and necessity.

The Commission finds: (1) Good cause exists to set for formal hearing the matters raised by the joint application of Florida Gas and Transco for a grant of permanent authorization for an exchange of natural gas between the two applicants and the facilities necessary therefore.

(2) The participation of Sun as an intervener may be in the public interest.

The Commission orders: (A) Pursuant to the provisions of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing February 20, 1975, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—See Delegation of Authority (18 CFR 3.5(d))—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) On or before February 6, 1975, Florida Gas and Transco shall file and serve their testimony comprising their case in chief upon all parties to this proceeding including Commission Staff. Such presentation shall cover all issues raised by the Applicant's September 30, 1974, filing in Docket No. CP75-109 as well as all issues referred to in this order.

(C) Sun shall be permitted to intervene in this proceeding subject to the rules and regulations of the Commission, *Provided, however*, That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene and *Provided, further*, That the admission of such intervener shall not be construed as recognition by the Commission that intervener may be aggrieved because of any

order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2975 Filed 1-31-75;8:45 am]

[Docket No. RP75-55]

**MOUNTAIN FUEL SUPPLY CO.****Tender of Revised Tariff Sheets**

JANUARY 27, 1975.

Take notice that on January 21, 1975, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing Second Revised Sheet No. 51-A to Rate Schedule X-4 and First Revised Sheet No. 73-A to Rate Schedule X-5, both sheets being applicable to Mountain Fuel's FPC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the purpose of this filing is to make the increase authorized by Opinion No. 699-H effective as of June 21, 1974. Mountain Fuel states further that the proposed increase is also authorized by Article 4 of Rate Schedules X-4 and X-5.

Mountain Fuel states that a copy of this filing has been mailed to Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2976 Filed 1-31-75;8:45 am]

[Docket No. OP75-216]

**COLORADO INTERSTATE GAS CO.  
ET AL.****Application**

JANUARY 29, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, Cascade Natural Gas Corporation (Cascade), P.O. Box 24464, Seattle, Washington 98124, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11368, Salt Lake City, Utah 84139, filed a joint application pursuant to Section 7 of the Natural Gas Act for authority to continue to implement a short-term sale

of natural gas by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

By the instant application, CIG requests authority to sell up to 10,000 Mcf of gas per day for a period commencing February 2, 1975, and terminating April 15, 1975, to Rocky Mountain. According to the application the sale is expected to average about 6,000 Mcf of gas per day or less and will be interruptible, subject to the operations of CIG's system. CIG states that it will charge Rocky Mountain 72.17 cents per Mcf for deliveries up to 6,000 Mcf per day and 97.57 cents for all volumes delivered in excess of 6,000 Mcf per day. The application states that Applicants are advised that Rocky Mountain will not require any additional authorizations to undertake the proposed transaction.

Applicants state that the short-term sale is proposed because Rocky Mountain, which endeavors to obtain its gas supply entirely within the state of Colorado, has been forced to enter into several short-term gas supply arrangements similar to the one proposed in the instant application as a result of declines in local gas production. Applicants further state that Rocky Mountain has informed CIG that without this supplemental supply of gas Rocky Mountain will be forced to curtail partially its firm deliveries in February and March 1975, including residential and small commercial customers.

In order to implement the subject sale, according to the application, CIG, whose system does not connect with Rocky Mountain's has entered into a gas exchange agreement with Cascade and Mountain Fuel whereby Cascade will make deliveries to Rocky Mountain for CIG's account from an existing interconnection in the Divide Creek Field in Mesa County, Colorado, and reduce deliveries to Mountain Fuel at Bonanza, Utah, under Cascade's FPC Rate Schedule No. 1, by a volume equal to the volume delivered to Rocky Mountain, and whereby CIG will deliver to Mountain Fuel for Cascade's account volumes, equal to those which Cascade delivered to Rocky Mountain, at an existing interconnection between CIG's and Mountain Fuel's systems in Sweetwater County, Wyoming. The application further states that should the exchange account between CIG and Mountain Fuel not be in balance on April 15, 1975, the account will be balanced within a reasonable time. No new facilities are proposed by Applicants to effectuate said gas exchange.

The application relates that CIG has been selling gas to Rocky Mountain and that the subject exchange has been in operation pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) since December 4, 1974. Said emergency operations were originally scheduled to terminate, according to the application, on February 1, 1975. Applicants, therefore,

request authorization to continue the sale and exchange as heretofore described for the reasons hereinbefore explained.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-3066 Filed 1-29-75;3:49 pm]

[Docket Nos. RP74-48 and RP75-3]

#### TRANSCONTINENTAL GAS PIPE LINE CO.

#### Conference

JANUARY 29, 1975.

Take notice that on Tuesday, February 11, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such per-

sons have not previously been permitted to intervene by order of the Commission, their attendance at the conference will not be deemed to authorize their intervention or to make them a party to these proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Transcontinental Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-3065 Filed 1-29-75;3:49 pm]

#### [Docket No. CP75-208] NORTH PENN GAS CO. Application

JANUARY 27, 1975.

Take notice that on January 21, 1975, North Penn Gas Company (Applicant), 76-80 Mill Street, Port Allegany, Pennsylvania 16743, filed in Docket No. CP75-208 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon 18,460 feet of 14-inch pipeline together with appurtenances and rights-of-way in Tioga and Richmond Townships, Pennsylvania, and for a certificate of public convenience and necessity authorizing the construction and operation of 55,000 feet of 14-inch pipeline in Delmar, Farmington and Middleburg Townships, Pennsylvania, for the purpose of replacing the pipeline proposed to be abandoned, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the proposed replacement of pipeline is necessitated by the construction of the Tioga-Hammond Dam by the U.S. Army Corps of Engineers (Corps). The Corps, according to Applicant, has taken or will take, the pipeline facilities proposed to be abandoned and will reimburse Applicant for all reasonable and legitimate costs of relocating or rearranging said facilities. Applicant estimates the cost of constructing the new pipeline at \$1,829,780.44.

Applicant states that the pipeline facilities must be replaced in order to maintain a direct connection between the wholesale supplier of Applicant and Applicant's storage facilities, which support pipeline system supplies and offset supplier curtailments during periods of high priority winter loads.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1975, file with the Federal Power

## NOTICES

Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2977 Filed 1-31-75;8:45 am]

[Docket No. E-8882]

**PUBLIC SERVICE COMPANY OF  
COLORADO**

**Filing of Supplement to Service Agreement**

JANUARY 27, 1975.

Take notice that on January 10, 1975, the Public Service Company of Colorado (PSCC) tendered for filing a supplement to its service agreement with the Colorado-Ute Electric Association, Inc., designated FPC Rate Schedule No. 12. PSCC originally filed the service agreement with the Commission on July 1, 1974, and by order issued August 30, 1974, the Commission suspended the proposed service agreement for five months and set the matter for hearing.

Any person desiring to be heard or to protect said supplement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants

parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this supplement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2978 Filed 1-31-75;8:45 am]

[Docket No. CP73-27]

**STINGRAY PIPELINE CO.**

**Tariff Filing**

JANUARY 24, 1975.

Take notice that on January 13, 1975, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-27 First Revised Sheet No. 4 to Original Volume No. 1 of its FPC Gas Tariff to become effective on January 1, 1975.

Stingray states that the rate level reflected in First Revised Sheet No. 4 utilizes a 12.6 percent cost of debt capital (10½ percent x 1.2) for the 75 percent portion of Stingray's capitalization which consists of debt. The interest charge of 12.6 percent for the first quarter of 1975 has been established pursuant to the terms of the Revolving Credit and Term Loan Agreement, dated April 1, 1973 which was introduced as Exhibit No. 8 in the record in Docket No. CP73-27, et al.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before February 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2979 Filed 1-31-75;8:45 am]

[Docket No. RP 74-91-16 etc.]

**TENNESSEE GAS PIPELINE CO., ET AL.**

**Denial of Postponement of Procedural  
Dates**

JANUARY 24, 1975.

In the matter of Tennessee Gas Pipeline Co. (Humphreys County Utility District of Tennessee), Docket No. RP74-91-16; (East Tennessee Natural Gas Co.), Docket No. RP74-91-17; (Pennsylvania Gas and Water Co.), Docket No. RP74-91-18; East Tennessee Natural Gas Co. (Natural Gas Utilities District of Haw-

kins County, Tennessee), Docket No. RP75-41-1; (Colonial Natural Gas Co.), Docket No. RP75-41-2; (Atomic Energy Commission), Docket No. RP75-41-3; (Aluminum Company of America), Docket No. RP75-41-4.

On January 23, 1975, Pennsylvania Gas and Water Company filed a motion to postpone the procedural dates in Docket No. RP74-91-18, with or without severance from consolidated proceeding.

Upon consideration, notice is hereby given that the above motion is denied without prejudice to the renewal of such motion at the commencement of the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2980 Filed 1-31-75;8:45 am]

[Docket No. RP74-91-15 etc.]

**TENNESSEE GAS PIPELINE CO., ET AL.**

**Denial of Extension of Procedural Dates  
and Denial of Severance**

JANUARY 24, 1975.

In the matter of Tennessee Gas Pipeline Co. (Kerr-McGee Chemical Corp.), Docket No. RP74-91-15; (Humphreys County Utility District of Tennessee), Docket No. RP74-91-16; (East Tennessee Natural Gas Co.), Docket No. RP74-91-17; (Pennsylvania Gas & Water Co.), Docket No. RP74-91-18; East Tennessee Natural Gas Co. (Natural Gas Utilities District of Hawkins County, Tennessee), Docket No. RP-7541-1; (Colonial Natural Gas Co.), Docket No. RP75-41-2; (Atomic Energy Commission), Docket No. RP75-41-3; (Aluminum Company of America), Docket No. RP75-41-4; (East Tennessee Group) Docket No. RP75-41-5.

On January 24, 1975, Kerr-McGee Chemical Corporation filed a motion for extension of procedural dates fixed by order issued January 2, 1975, in Docket No. RP74-91-15. Following issuance of the Commission order of January 24, 1975, in the above-designated matter, Kerr-McGee filed a Supplemental motion for extension of procedural dates and motion for severance.

Upon consideration, notice is hereby given that the above motion is denied without prejudice to the renewal of such motion at the commencement of the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2981 Filed 1-31-75;8:45 am]

[Docket No. E-9209]

**WESTERN MASSACHUSETTS ELECTRIC  
CO.**

**Amendment to Rate Schedule**

JANUARY 24, 1975.

Take notice that on January 6, 1975, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed amendment to its FPC Electric Tariff Volume No. 1. WMECO states that no change in rates will result from the proposed amendment.



WMECO further requests an effective date of December 21, 1974 and, in order for said date to be allowed, they ask that Section 35.11 of the Commission Regulations be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-2982 Filed 1-31-75;8:45 am]

[Docket No. CI65-407, etc.]

#### JURISDICTIONAL SALES OF NATURAL GAS

#### Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

JANUARY 20, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to inter-

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

vene is filed within the time required herein if the Commission on its own review of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI65-407- C 12-30-74	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Toicito Dome Field, San Juan County, N. Mex.	\$ 69.188	15.025
CI75-105- A 8-20-74	Tenneco Oil Co., 3000 1 Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Vermilion Block 246, offshore Louisiana.	\$ 52.5314	15.025
CI75-106- A 8-20-74	Tenneco Exploration, Ltd., 3000 1 Shell Plaza, Houston, Tex. 77002.	Tenneco Oil Co., Vermilion Block 246, offshore Louisiana.	\$ 52.5314	15.025
CI75-352- A 11-25-74	Tenneco Oil Co.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Eugene Island Block 339 Field, offshore Louisiana.	\$ 58.0977	15.025
CI75-400- A 12-26-74	Tideway Oil Programs, Inc., P.O. Box 92, Jackson, Miss. 39205.	Northern Natural Gas Co., Hugoton Field, Stanton County, Kans.	\$ 51.0	14.65
CI75-401- A 11-25-74	Tenneco Exploration, Ltd.	Tenneco Oil Co., Eugene Island Block 339 Field, offshore Louisiana.	\$ 58.0977	15.025
CI75-402- (G-12288) B 12-23-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Marshall R. Young Drilling Co., Ansley Field, Hancock County, Miss.	Production and gas deliveries have ceased.	
CI75-403- A 12-27-74	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Northwest Pipeline Corp., Pinon Fruitland, Blanco Mesaverde, and Basin Dakota Fields, Rio Arriba and San Juan Counties, N. Mex.	\$ 51.0	14.73
CI75-404- A 12-30-74	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	United Gas Pipe Line Co., Arnaudville Field, St. Martin Parish, La.	\$ 63.485	15.025
CI75-405- A 12-27-74	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	\$ 65.0	14.65
CI75-407- A 1-2-75	Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.	El Paso Natural Gas Co., Rocky Arroyo Field, Eddy County, N. Mex.	\$ 54.51	14.73

<sup>1</sup> Includes 12.566 cents per Mcf upward Btu adjustment and 1.020 cents per Mcf gathering allowance.

<sup>2</sup> Being renounced, because by amendment to application filed Jan. 3, 1975, Applicant requests a higher price.

<sup>3</sup> Tenneco Exploration, Ltd. (a partnership composed of Tenneco Offshore, Inc., a publicly owned company in which Tenneco Oil does not own any interest, and applicant), owns the gas to be produced from Vermilion Block 246. Applicant will purchase such gas from Tenneco Exploration, Ltd., and will resell to Tennessee. Applicant has committed and will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation on shore by Tennessee under other arrangements to be made later.

<sup>4</sup> Subject to upward and downward Btu adjustment.

<sup>5</sup> Applicant states that it has committed and will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation onshore by Tennessee under other arrangements to be made later.

<sup>6</sup> Being renounced, because by letter filed Jan. 9, 1975, applicant requests a higher price.

<sup>7</sup> Plus 3.825 cents per Mcf tax reimbursement and 8.223 cents per Mcf upward Btu adjustment.

<sup>8</sup> Subject to upward and downward Btu adjustment, estimated adjustment is 3.954 cents per Mcf; and subject to 0.51 cent per Mcf for gathering.

<sup>9</sup> Applicant is willing to accept a certificate in accordance with Opinion No. 699.

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

[FR Doc.75-2900 Filed 1-31-75;8:45 am]

#### GENERAL ACCOUNTING OFFICE

#### REGULATORY REPORTS REVIEW

#### Denial of Clearance of Report Proposal

Notice is hereby given that the General Accounting Office (GAO) will not issue clearance of a proposal by the Interstate Commerce Commission to require household goods carriers to file a new annual performance report. The requirement and data to be included in the report are specified in 49 CFR 1056.7(b). Respondents were to be some 2,500 household goods carriers.

In section 409 of Pub. L. 93-153, the Congress gave GAO responsibility for insuring that the information required by the independent regulatory agencies is obtained with a minimum burden on business enterprises and that the information is not presently available from

other sources within the Federal government. GAO finds that the information sought in the proposal will not result in unnecessary duplication of information already available. However, upon a review of the material submitted with the proposal, as well as recent information submitted to GAO by potential respondents, GAO has determined it would be unduly burdensome to require respondents to compile new performance information retroactively for calendar year 1974. On that basis, we will not issue a clearance of the proposal. This determination is based on the retroactive nature of the proposal, not on its substance.

CARL F. BOGAR,  
Assistant Director,  
Regulatory Reports Review Group.

[FR Doc.75-2648 Filed 1-31-75;8:45 am]

**INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA**

**NIAGARA FALLS**

**Preservation and Enhancement**

In the matter of a public hearing on Preservation and Enhancement of the American Falls at Niagara; 9:30 a.m., Tuesday, 4 March 1975, Riverview Room, Ramada Inn, 401 Buffalo Avenue, Niagara Falls, New York 14303.

The International Joint Commission will conduct a public hearing at the above noted time and place to receive the views and comments of all those interested in measures to preserve or enhance the beauty of the American Falls at Niagara and in the Final Report of the Commission's American Falls International Board.

In 1967, the Governments of Canada and the United States requested the Commission to investigate and recommend what measures are feasible and desirable (a) to effect the removal of the talus at the base of the American Falls and (b) to retard or prevent future erosion as well as other measures which may be desirable or necessary to preserve or enhance the beauty of the Falls. In 1970 the two Governments extended the terms of the Reference to include recommendations as to the measures feasible and desirable to protect the immediate areas of the American Falls and of the Goat Island Flank of the Horseshoe Falls if it were found that these areas were endangered by the possibility of erosion or other geological conditions.

The Board concluded in its Report dated June 1974 that the process of erosion and recession should not be interrupted, but safety measures should be undertaken to protect the viewing public. The Board concluded further that a broad international environmental study should be undertaken of conditions in the vicinity of Niagara Falls in order to determine what other measures might be desirable to enhance the beauty of the Falls.

At the hearing statements may be made orally or in writing and the evidence submitted will be considered by the Commission in formulating its report and recommendations to the Governments. Where written statements are provided it would be helpful to have sufficient copies deposited with the Secretaries for the use of the Commission, the news media and others interested. Copies of the Board's report and a summary brochure are available upon request to the Secretaries of the Commission.

D. G. CHANCE,  
*Secretary, Canadian Section,  
International Joint Commission.*

W. A. BULLARD,  
*Secretary, United States Section,  
International Joint Commission.*

JANUARY 29, 1975.

[FR Doc.75-3168 Filed 1-31-75;8:45 am]

**INTERNATIONAL TRADE COMMISSION**

[337-40]

**ELECTRONIC FLASH DEVICES**

**Notice of Termination of Investigation, in Part**

On January 28, 1975, the Commission ordered the termination of investigation No. 337-40 with respect to Braun North America, a division of the Gillette Company of Cambridge, Massachusetts; Braun North America is one of the parties named in the investigation as importers and distributors of the product the subject of the investigation. This termination was based on the submissions of the parties to this investigation and on the existence of a licensing agreement covering the patents in issue between Honeywell, Inc., and the Gillette Company and Braun A.G. of the Federal Republic of Germany. Braun A. G. is the foreign manufacturer of electronic flash devices imported by Braun North America.

By order of the Commission.

Issued: January 29, 1975.

KENNETH R. MASON,  
*Secretary.*

[FR Doc.75-3056 Filed 1-31-75;8:45 am]

**NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES**

**ADVISORY COMMITTEE RESEARCH PANEL**

**Meeting**

JANUARY 20, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Panel will meet at Washington, D.C. on February 18, 1975.

The purpose of the meeting is to review research grant applications on General Research on Archaeology submitted to the National Endowment for the Humanities 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.75-3024 Filed 1-31-75;8:45 am]

**NATIONAL SCIENCE FOUNDATION  
ADVISORY PANEL FOR MOLECULAR BIOLOGY**

**Notice of Determination**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of an Advisory Panel for Molecular Biology as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Panel:* Advisory Panel for Molecular Biology.

2. *Purpose:* To provide advice on the technical and scientific aspects of specific proposals submitted to the Molecular Biology Section for consideration of funding. The Advisory Panel for Molecular Biology is established as a result of a merger between the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics.

3. *Effective Date of Establishment and Duration:* The panel is established effective 15 days after publication of this Notice and after the filing of the charter with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The panel's duration shall be two years from the effective date.

4. *Membership:* The membership of the panel shall be fairly balanced in terms of the points of view represented and the panel's function. The panel will be comprised of panel members who are currently serving on the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics until completion of their terms, after which new members may be selected from the community of research scientists in Molecular Biology. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Panel Operation:* The panel will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,  
*Director.*

[FR Doc.75-3055 Filed 1-31-75;8:45 am]

**ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS**

**Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Problem Assessment and Experimental Projects Subpanel, to be held at 9 a.m. on February 20 and 21, 1975, in Room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Problem Assessment and Experimental Projects Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Richard W. West, Project Manager, Problem Assessment and Experimental Projects, Rm. 666-W, National Science Foundation, Washington, D.C. 20550, telephone, 202/282-7947.

R. GAIL ANDERSON,  
*Acting Committee  
Management Officer.*

JANUARY 29, 1975.

[FR Doc.75-3053 Filed 1-31-75;8:45 am]

#### ADVISORY PANEL FOR OCEANOGRAPHY Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Oceanography to be held at 9 a.m. on February 19 and 20, 1975, in rooms 338 and 642, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support programs on the scientific community in oceanography.

The agenda for this meeting is as follows:

##### FEBRUARY 19—RMS. 338 AND 642

9:00—Review and evaluation of research proposals in oceanography.

##### FEBRUARY 20—RM. 642

9:00—Introductory Remarks—Dr. Cray, Division Director, Environmental Sciences.

9:30—Energy-related Oceanographic Research—Dr. Harriss, Energy Task Coordinator for the Division of Environmental Sciences.

10:00—US-USSR Cooperative Agreement, Oceanography—Mr. Jennings, Head, Office for the International Decade of Ocean Exploration.

10:30—Estimating Future Requirements for Oceanographic Facilities—Ms. Johrde, Head, Office of Oceanographic Facilities and Support.

11:30—National Academy of Sciences' Report on Biological Oceanography—Dr. Williams, Program Director, Biological Oceanography.

12:30—Lunch

1:00—International Decade of Ocean Exploration—Mr. Jennings, Head, Office for the International Decade of Ocean Exploration.

1:45—Support of Oceanographic Research, Office of Naval Research—Dr. Ostino, Deputy Division Director for Ocean Science and Technology, ONR.

2:30—New Directions in Oceanographic Research—Dr. Cray, Division Director, Environmental Sciences.

3:15—Other Business.

3:30—Adjourn.

The entire session on February 19 will be devoted to reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The February 20 session shall be open to the public. Individuals who wish to attend should inform Ms. Charlene Cardwell, Secretary to the Division Director, Environmental Sciences, by telephone, 202/632-4274, or by mail, Rm. 308, National Science Foundation, Washington, D.C. 20550, prior to the meeting.

For further information concerning this Panel, please contact Dr. A. P. Cray, Division Director, Environmental Sciences, at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Rm. K-720, 1800 G Street, NW., Washington, D.C. 20550.

R. GAIL ANDERSON,  
*Acting Committee  
Management Officer.*

JANUARY 29, 1975.

[FR Doc.75-3054 Filed 1-31-75;8:45 am]

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-298; Operating License DPR-46]

##### COOPER NUCLEAR STATION Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Environmental Technical Specifications Appendix B of Operating License No. DPR-46. These changes would authorize the Nebraska Public Power District (the licensee) to operate the Cooper Nuclear Station with an increased temperature across the condensers during thermal plume mapping studies and periods when ice control is required; and include revisions to administrative controls to reflect current Regulatory practice.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Environmental Technical Specifications Appendix B, of License No. DPR-46, Cooper Nuclear Station, described above: On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is

not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 27th day of January, 1975.

For the Nuclear Regulatory Commission.

JAN A. NORRIS,  
*Acting Chief, Environmental  
Projects Branch 4, Division of  
Reactor Licensing.*

[FR Doc.75-3061 Filed 1-31-75;8:45 am]

[Docket No. 50-298]

#### NEBRASKA PUBLIC POWER DISTRICT Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District which revised Appendix B, Environmental Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment permits modification to the Environmental Technical Specification, Maximum  $\Delta T$  Across Condenser, to provide operational flexibility during thermal plume mapping studies and during periods when a portion of the condenser discharge is recirculated for ice control. In addition, administrative controls have been revised to reflect current regulatory practice.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated January 27, 1975, (2) Amendment No. 10 to License No. DPR-46, with any attachments, and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal, issued concurrently with this notice. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 27th day of January, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operation Reactors  
Branch 2, Division of Reactor  
Licensing.

[FR Doc.75-3060 Filed 1-31-75; 8:45 am]

[Docket No. 50-255]

#### CONSUMERS POWER CO.

##### Consideration of Proposed Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering an amendment, as proposed by the licensee, to Provisional Operating License No. DPR-20 issued to the Consumers Power Company (the licensee) for operation of the Fallsades Plant (the facility) located in Covert Township, Van Buren County, Michigan.

The present license requires that at the end of no more than 90 effective full power days or no more than 6 calendar months from the date of initial criticality after the August 1973 shutdown (which was achieved on September 5, 1974), whichever occurs first, an inspection of the steam generator tubes be conducted in accordance with Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes" (issued June 1974), as that guide applies to inspections after the baseline inspection.

The proposed amendment would delete the calendar time provision of 6 months for this inspection, so that the Regulatory Guide 1.83 inspection will not be required by March 5, 1975. The requirement to conduct this inspection at the end of no more than 90 effective full power days of operation following September 5, 1974, would be retained in its present form. The amendment is proposed by the licensee's application for amendment dated January 23, 1975.

The Commission has determined, pursuant to section 189 of the Atomic Energy Act of 1954, as amended (the Act), that thirty days' notice of the proposed amendment is required. Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before March 5, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the peti-

tioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714 and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by March 5, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Council, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and Judd L. Bacon, Senior Attorney, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201 and R. Rex Renfrow, III, Esquire, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 23, 1975, and the licensee's inspection report dated January 3, 1975. Also related to this action are the following: (1) The Commission's Safety Evaluation dated August 30, 1974, issued in connection with Amendment No. 10 to the operating license dated August 30, 1974, which was issued in response to the licensee's application for amendment dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim Technical Specifications; and (2) the Commission's Safety Evaluation dated November 27, 1974, issued in connection with Amendment No. 11 to the operating license dated November 27, 1974, which was issued in response to the licensee's August 20, 1974 application for amendment as supplemented November 7, 1974. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. 49006. Copies of

any license amendment, related Safety Evaluation, and attachments, when issued, may be inspected at the above locations. A copy of any license amendment and the related Safety Evaluation and attachments, when issued, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch #1, Division of Reactor  
Licensing.

[FR Doc.75-3186 Filed 1-31-75; 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 01/28/75 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

###### NEW FORMS

###### SMALL BUSINESS ADMINISTRATION

Definition of Small Business (Timber), single-time, concerns interested in purchasing Govt. timber, Lowry, R. L., 395-3772.

###### TENNESSEE VALLEY AUTHORITY

Farmer Questionnaire—Vicinity of Proposed Nuclear Power Plants, single-time, farm operators within designated area, Lowry, R. L., 395-3772.

###### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: National Day Care Study RFP (Testing Contractor), OS-5-75, single-time, bidders interested in obtaining contract, Human Resources Division, 395-3532.

Food and Drug Administration: Consumer Expectations From Food Labeling, FDABF 0116, annually, grocery buyers, Sunderhauf, M. B., 395-4911.

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Statement of Work re: The Safety Aspects of Reduced Speed Limits and Reduction in Travel Caused by Energy Crisis, single-time, State highway departments, Strasser, A., 395-3880.

Departmental and other: Miami Bus Rider Survey, annually, express bus riders, Strasser, A., 395-3880.

Federal Highway Administration: Abandoned Automobile Programs of State and Local Government, single-time, State and local governments, Strasser, A., 395-3880.

Departmental and other: Use of Odorants in Natural Gas, single-time, gas distribution system operators, Weiner, N., 395-4890.

## REVISIONS

## DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:

Tart Cherry Objective Yield Survey—Michigan, annually, tart cherry producers, Lowry, R. L., 395-3772.

Onion Stocks and Dispositions, semi-annually, onion growers and shippers, Lowry, R. L., 395-3772.

## DEPARTMENT OF THE TREASURY

Departmental and other:

Short-Term Claims on Foreigners, B-2, monthly, banks in the United States, Hulett, D. T., 395-4730.

Long-Term Liabilities to, and Claims on, Foreigners, B-3, monthly Banks in the United States, Hulett, D. T., 395-4730.

## EXTENSIONS

## GENERAL SERVICES ADMINISTRATION

Qualification Application for Auctioneer Organizational Property, GSA-1399, on occasion, auctioneers, Evinger, S. K., 395-3648.

## VETERANS ADMINISTRATION

Request for Estate Information, FL27-439, on occasion, Evinger, S. K., 395-3648.

Counseling Record—Personal Information (significant facts about applicants life), 21E-1902, on occasion, Evinger, S. K., 395-3648.

## DEPARTMENT OF THE INTERIOR

Departmental and other: Application for Youth Conservation Corps/Applicant Evaluation, on occasion, Lowry, R. L., 395-3772.

## DEPARTMENT OF THE TREASURY

Bureau of Customs:

Declaration and Entry for Personal and Household Effects, CF 8061, on occasion, Evinger, S.K., 395-3648.

Bond Transcript, 53, on occasion, Evinger, S.K., 395-3648.

Notice of Lading of Supplies and Equipment With Benefit of Drawback, CF 7515, on occasion, Evinger, S.K., 395-3648.

Memorandum Regarding Oral Inquiry Tariff Classification, CF 4309, on occasion, Evinger, S.K., 395-3648.

Invoice Details for Cotton Fabrics and Linens, CF 5519, on occasion, Evinger, S.K., 395-3648.

## DEPARTMENT OF TRANSPORTATION

Departmental and other:

Secretary's Youth Opportunity, DOT-Supported Activities Report, External Training Report, External Employment Report, Other (see SF-83), Evinger, S.K., 395-3648.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.75-3110 Filed 1-31-75;8:45 am]

SECURITIES AND EXCHANGE  
COMMISSION

[70-5333]

## MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Exceptions From Tax  
Allocation Provisions

## Correction

In FR Doc. 75-1926, appearing at page 3522 in the issue of Wednesday, January 22, 1975, the agency docket number was omitted and should read as set forth above.

## DEPARTMENT OF LABOR

## Office of the Secretary

## PPG INDUSTRIES, INC.

Certification of Eligibility to Apply for  
Adjustment Assistance

Under date of December 13, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL-CIO, and by the Window Glass Cutters League of America, AFL-CIO, on behalf of workers and former workers of the Mt. Vernon, Ohio plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. The request for certification was made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Director, Office of Foreign Economic Policy, upon receipt of the December 13, 1974 petition, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation 34 FR 18342, 37 FR 2472, 39 FR 44293, 29 CFR 90.11). After that, the Director made a recommendation to me relating

to the matter of certification. In the recommendation she noted that a significant number or proportion of the workers of PPG's Mt. Vernon plant became unemployed or underemployed when the plant began to curtail production in June 1974. She further noted that imports of sheet glass of the types produced at the Mt. Vernon plant decreased substantially from prior levels during 1973 and the first nine months of 1974. The primary cause of production cutbacks and associated layoffs at the plant was the decline in domestic building construction. Residential housing starts in the United States declined significantly from 1972 to 1973, and fell sharply in the first nine months of 1974 compared to the first nine months of 1973. A major portion of the sheet glass produced at the Mt. Vernon plant is used in building construction. Another cause of the production and employment declines was the increased competition which the company faced from float glass in the window glass market. Float glass is a higher quality glass than sheet glass and can be produced in window glass thicknesses at about the same cost as sheet glass. PPG's production of float glass increased substantially from 1971 to 1973.

After due consideration, I have concluded that increased imports of sheet glass were not the major factor causing the unemployment or underemployment of the workers at the Mt. Vernon, Ohio plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. Accordingly, I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 28th day of January 1975.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary  
for Trade and Adjustment Policy.

[FR Doc.75-3022 Filed 1-31-75;8:45 am]

STATES OF ALABAMA, ARIZONA, ARKANSAS,  
CONNECTICUT AND PENNSYLVANIAAvailability of Extended Unemployment  
Compensation and Federal Supplemental  
Benefits

The unemployment compensation laws of the States of Alabama, Arizona, Arkansas, Connecticut, and Pennsylvania establish programs for the payment of extended unemployment compensation in accordance with the Federal-State Extended Unemployment Compensation of 1970, 84 Stat. 708. Extended unemployment compensation is payable under these programs to unemployed individuals who have exhausted their rights to regular unemployment compensation during an extended benefit period which begins and ends according to indicators of insured unemployment as set forth in the law.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides for further extended benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted

their rights to regular unemployment compensation and extended unemployment compensation (or are not entitled to extended unemployment compensation because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period which begins and ends according to indicators in the law which are the same as the indicators for extended benefit periods under the Federal-State Extended Unemployment Compensation Act of 1970.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of extended benefit periods and Federal Supplemental Benefits Periods are announced as follows:

**Alabama:** Tom J. Ventress, Director of the State of Alabama Department of Industrial Relations, has determined that there was a State "on" indicator in Alabama for the week ending on December 28, 1974, and an extended benefit period therefore commenced in that State with the week beginning on January 12, 1975. Similarly, I have determined that there was a Federal Supplemental Benefits "on" indicator in Alabama for the week ending on December 28, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 12, 1975.

**Arizona:** William J. Mayo, Director of the State of Arizona Department of Economic Security, has determined that there was a State "on" indicator in Arizona for the week ending on December 21, 1974, and an extended benefit period therefore commenced in that State with the week beginning on January 5, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Arizona for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975.

**Arkansas:** Henry L. McHenry, Acting Administrator of the State of Arkansas Employment Security Division, has determined that there was a State "on" indicator in Arkansas for the week ending on December 14, 1974, and an extended benefit period therefore commenced in that State with the week beginning on December 29, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Arkansas for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975.

**Connecticut:** Jack A. Fusari, Administrator of the State of Connecticut Labor Department—Employment Security Division, has determined that there was a State "on" indicator in Connecticut for the week ending on December 7, 1974, and an extended benefit period therefore commenced in that State with the week beginning on December 22, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Connecticut for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975, as previously announced in an earlier notice published at 40 FR 3524.

**Pennsylvania:** John M. Clark, Executive Director of the Bureau of Employment Security of the Commonwealth of Pennsylvania Department of Labor and Industry, has de-

termined that there was a State "on" indicator for the week ending on December 14, 1974, and an extended benefit period therefore commenced in Pennsylvania with the week beginning on December 29, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Pennsylvania for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in Pennsylvania with the week beginning on January 5, 1975, as previously announced in an earlier notice published at 40 FR 3524.

Persons who believe they may be entitled to extended unemployment compensation under the laws of those States, or may be entitled to Federal Supplemental Benefits under the Emergency Unemployment Compensation Act of 1974, or who wish to inquire about their rights under those laws, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 28th day of January, 1975.

PETER J. BRENNAN,  
Secretary of Labor.

[FR Doc.75-3023 Filed 1-31-75; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 687]

### ASSIGNMENT OF HEARINGS

JANUARY 29, 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 118142 Sub 77, M. Bruenger & Co., Inc., now being assigned April 7, 1975 (3 days), at Kansas City, Mo., in a hearing room to be designated later.

MC 107496 Sub 965, Ruan Transport Corporation, now being assigned April 10, 1975 (2 days), at Kansas City, Mo., in a hearing room to be designated later.

MC 40978 Sub 21, Chair City Motor Express Company, now assigned March 11, 1975, at Columbus, Ohio, is cancelled and the application is dismissed.

MC 381 Sub 5, Genova Express Lines, Inc., now being assigned April 1, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 139360, Raemarc, Inc., now being assigned April 1, 1975, at Chicago, Ill. (1 day), in a hearing room to be later designated.

MC 112801 Sub 160, Transport Service Co., a Corporation, now being assigned April 2, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 134740 Sub 4, Jack Baulos, Inc., now being assigned April 3, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 139733 Sub 2, J. L. Hutchison, DBA J. L. Hutchison, now being assigned April 4, 1975 (1 day), in a hearing room to be later designated, Chicago, Ill.

MC 105269 Sub 57, Graff Trucking Company, Inc., now being assigned April 7, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12150, Motor Cargo—Purchase—Wholesale Services, Inc., dba R & R Transportation Company and MC 114818 Sub 15, Motor Cargo, Continued to February 18, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-107295 Sub 723, PRE-FAB TRANSIT CO., now being assigned April 2, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8422, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America v. Pilot Freight Carriers Inc., now being assigned April 1, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12321, Akers Motor Lines, Inc.—Control—Central Motor Lines, Inc., now being assigned April 9, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 13900 Sub 18, Midwest Haulers, Inc., now being assigned continued hearing February 19, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 22229 Sub 82, Terminal Transport Co., Inc., now being assigned continued hearing February 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 307, Investigation into the Distribution and Manipulation of Rail Rolling Stock to Depress Prices on Certain Grain Shipments for Export, now being assigned for Pre-hearing Conference on March 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12249, Briggs Transportation Co.—Purchase—Burlington Chicago, Cartages, Inc., continued to March 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-3076 Filed 1-31-75; 8:45 am]

### FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 29, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42931—Sand, Gravel, Crushed Stone, Etc., and Related Articles Between Points in Southern Territory. Filed by M. B. Hart, Jr., Agent, (No. A6340), for interested rail carriers. Rates on sand, gravel, crushed stone, limestone and related articles, in carloads, as described in the application, between points in southern territory.

Grounds for relief—Short-line distance formula and rate relationship.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc. 75-3081 Filed 1-31-75; 8:45 am]

[Notice No. 11]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

JANUARY 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is one file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 107496 (Sub-No. 984TA), filed January 17, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, liquid* (in bulk), from Lafayette, Ind., to points in Illinois and Iowa, for 180 days. Supporting shipper: Eli Lilly and Company, P.O. Box 618, Indianapolis, Ind. 46206. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111397 (Sub-No. 111TA) (Correction), filed January 9, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Radioactive waste materials*, requiring special disposition, and *non-radioactive waste materials*, requiring special disposition for ecological purposes; from the cities of San Francisco and Eureka, and the counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange, Calif., Cimarron, Okla., Albuquerque, N. Mex., to burial site of Nuclear Engineering Company, near Beatty, Nev., (2) *Containers*, used in the transportation of the above materials, between points named in (1), for 180 days. Supporting shipper: Nuclear Engineering Company, Inc., 9200 Shelbyville Road, P.O. Box 7246, Louisville, Ky. 40207. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

NOTE.—The purpose of this republication is to add part (2) to the commodity description, which was previously omitted.

No. MC 119792 (Sub-No. 48TA) (Correction), Filed December 6, 1974, published in the FEDERAL REGISTER issue of December 18, 1974, and republished as corrected this issue. Applicant CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton Ave., Chicago, Ill. 60608. Applicant's representative: Acelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and frozen potato products*, from the plantsite and storage facilities of J. R. Simplot Company, Inc., at Crookston and Minneapolis, Minn., to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Virginia, and Florida, for 180 days. Supporting shipper: Bill R. Daniels, General Manager, J. R. Simplot Company, Inc., P.O. Box 618, Crookston, Minn. 57616. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to correct the name of the applicant.

No. MC 119798 (Sub-No. 2TA), filed January 17, 1975. Applicant: SOUTHWEST SUPPLY, INC., 350 Roanoke Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring protective service, from the warehouse facilities of Southwest Supply, Inc., Bluefield, W. Va., to points in Dickenson, Lee, Russell, Scott, Washington, and Wise Counties, Va., for 180 days. Supporting shipper: Borden, Inc., 180 East Broad Street, Columbus, Ohio 43215. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Oper-

ations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 120950 (Sub-No. 1TA), filed January 16, 1975. Applicant: AMERICAN MOVING & STORAGE COMPANY, INC., 2911 Day Street, Montgomery, Ala. 36108. Applicant's representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the Counties of Autauga, Bullock, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa, and Wilcox, State of Alabama. Restriction: Restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, Calif. 90502. Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 123255 (Sub-No. 46TA), filed January 20, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, aluminum or steel*, separate or combined, and *parts and accessories*, necessary for installation thereof, from the plantsite and warehouse facilities of Anchor Post Products, Inc., located at or near Fremont, Ind., to Akron, Cleveland, Columbus, Cincinnati, Dayton, and Toledo, Ohio, Detroit, Mich., Baltimore, Md., Chicago and Peoria, Ill., Pittsburgh, Pa., and Buffalo, N.Y., and points in their commercial zones. Materials, equipment, and supplies used in the manufacture and shipping of fencing, aluminum or steel, separate or combined, and parts and accessories necessary for installation thereof, from Akron, Cleveland, Columbus, Cincinnati, Dayton, and Toledo, Ohio, Detroit, Mich., Baltimore, Md., Chicago and Peoria, Ill., Pittsburgh, Pa., and Buffalo, N.Y., and points in their commercial zones, to the plantsite and warehouse facilities of Anchor Post Products, Inc., located at or near Fremont, Ind. Supporting shipper: Anchor Post Products, Inc., P.O. Box 703, Fremont, Ind. 46737. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal

Bldg. & U.S. Courthouse, 85 Marconio Blvd., Columbus, Ohio 43215.

No. MC 127355 (Sub-No. 16 TA) (Correction), filed December 9, 1974, published in the FEDERAL REGISTER issue of December 30, 1974, and republished as corrected this issue. Applicant: M & M GRAIN COMPANY, a Corporation, P.O. Box "P", Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cottonseed meal and hulls, fish meal, meat and bone meal, tankage, blood meal, bone meal, linseed oil meal, hominy meal, gluten feed, gluten meal, dehydrated alfalfa (ground or pellets), beet pulp, brewer's grains, malt sprouts, grain screenings (pellets), mill feed (bran, middlings, red dog, shorts germ, and millrun), ground corn cobs, potato meal, oat meal, feather meal, poultry by-products, peanut meal and hulls, soybean meal, sunflower meal, rapeseed meal, pellet binder (ammonium lignin sulfonate), corn screenings (pellets) suncured alfalfa and distillers grains*, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 90 days.

NOTE.—Applicant presently holds the sought authority in all states (except North Carolina, South Carolina, and Virginia).

Supporting shipper: The Pillsbury Company, 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

NOTE.—The purpose of this republication is to correct the commodity description.

No. MC 139396 (Sub-No. 1TA), filed January 20, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Office furniture*, from Carlstadt, N.J., to points in the United States (except Alaska and Hawaii), (2) *Returned shipment* of the commodities in (1) above, from the above-named destination territory to Carlstadt, N.J., and (3) *Materials, supplies and equipment* used in the manufacture and sale of office furniture (except in bulk), from points in Alabama, Connecticut, Indiana, Illinois, Massachusetts, New York, North Carolina, Pennsylvania, and West Virginia, to Carlstadt, N.J., under a continuing contract with Designcraft or Carlstadt, N.J., for 180 days. Supporting shipper: Designcraft, Kero Road, Carlstadt, N.J. Send protests to: Alan C. Tarrant, Dis-

trict Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139396 (Sub-No. 2TA), filed January 17, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tractor and trailer parts* from Denmark, S.C., Holland, Mich., and the International Boundary between the United States and Canada at Buffalo, N.Y. (on traffic from Welland, Ontario, Canada), to Los Angeles and Milpitas, Calif., Portland, Oreg., and Seattle, Wash., for 180 days. Supporting shipper: Holland Hitch Corporation, 901 Ames Street, Milpitas, Calif. 95035. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140484 TA (Correction), filed December 17, 1974, published in the FEDERAL REGISTER issue of January 8, 1975, and republished as corrected this issue. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers Fla. 33901. Applicant's representative: Lester A. Coggins (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural and horticultural commodities, and materials and supplies*, used in the growing, shipping, or marketing of agricultural or horticultural commodities, (1) between points in Florida, California, Pennsylvania, Ohio, and Michigan, on the one hand, and points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Virginia, W. Virginia, Florida, Indiana, Illinois, Louisiana, Texas, New Mexico, Arizona, California, Pennsylvania, and Michigan on the other, for 180 days. Supporting shipper: Yoder Bros., Inc., P.O. Box 230, Barberton, Ohio 44203, and Florida Flower Association, Inc., P.O. Box 1569, Fort Myers, Fla. 33902. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178. The purpose of this republication is to add the destination points, which was omitted in the previous republication.

No. MC 140517 (Sub-No. 1TA), filed January 14, 1975. Applicant: ROBERT L. NORRIS AND JOHN G. SHOCKLEY, a Partnership, doing business as TRANSPORT STEEL, 1721 27th Street, Greeley, Colorado 80631. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel fence posts, rebar, barbed and baling wire, angles, smooth bars, T-Bar stock, fence, nails and*

*welded fabric*, from the plant site of Colorado Steel and Wire Company at or near Loveland, Colorado, to points in Arizona, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. *Raw materials* used in the manufacture of the above named commodities, from the named states to the plantsite at or near Loveland, Colo., for 180 days. Supporting shipper: Colorado Steel & Wire Co., P.O. Box 699, Loveland, Colo. 80537. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140563 TA, filed January 23, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St., NW., Room 246, Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Newspaper supplements, and advertising matter*, when moving in the same vehicle with newspaper supplements, from Sylacauga, Ala., to points in Florida, North Carolina, South Carolina, Georgia, Virginia, West Virginia, Tennessee, Maryland, Mississippi, Kentucky, Louisiana, Ohio, Indiana, Illinois, Texas, and the District of Columbia, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street, NW., Room 546, Atlanta, Ga. 30309.

No. MC 140564 TA, filed January 15, 1975. Applicant: NORTHWEST TRANSPORT, 223 Erie Street, Pomona, Calif. 91768. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion & Brackett, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polystyrene egg cartons*, from the plantsite and facilities of Dolco Packaging Corp., located in the Dallas-Fort Worth commercial zone, to points in Arkansas, Oklahoma, Louisiana, points in Missouri, on and south of Interstate Highway 44 (U.S. Highway 66) and points in Kansas on and south of U.S. Highway 50. Restriction: (1) restricted to movement in truckload lots; (2) restricted to transportation of commodities weighing less than 4 pounds per cubic foot; and (3) restricted to movements in specially designed "double" trailers having a combined capacity in excess of 4,000 cubic feet, for 180 days. Supporting shipper: Colco Packaging Corp., 4405 Riverside Drive, Suite 300, Burbank, Calif. 91505. Send protests to: Philip Yellowitz, District Supervisor, Interstate



Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-3077 Filed 1-31-75;8:45 am]

## TRANSPORT STATISTICS

### Proposed Revision

On page 40337-40338 of the FEDERAL REGISTER of November 15, 1974, there was published a notice of proposed revision to transport statistics. The revision provides for the exclusion of all but the 100 largest Class I motor carriers of property listed in Table 17, Part 7, Transport Statistics in the United States. The statistical information from these carriers will be more useful and offer a uniform set of revenues and expenses in a year to year tabulation. The efficiency gain will not be at the expense of the balance of the deleted Class I motor carriers of property. The statistical data for the eliminated carriers will still be available to interested parties on special computer printouts. Interested persons were given 15 days in which to submit comments, suggestions, or objections regarding the proposed revision.

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

**Effective Date.**—This ICC revision notice is effective January 23, 1975.

Approved January 23, 1975.

Issued in Washington, D.C. on January 27, 1975.

[SEAL] JOHN A. GRADY,  
Director, Bureau of Accounts.

1. Table 17 of Part 7, Motor Carriers, Transport Statistics in the United States is revised to the limit of the 100 largest motor carriers of property.

[FR Doc.75-3079 Filed 1-31-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JANUARY 29, 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 within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a

gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E1), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Phoenix City, Ark., on the one hand, and, on the other, Blytheville, Ala. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E2), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 40 to junction Colorado Highway 94, thence along Colorado Highway 94 to Colorado Springs, Colo., thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to Grand Junction, Colo., thence along U.S. Highway 50 to the Colorado-Utah State line, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) any point in Missouri within 25 miles of Cairo, Ill.; and (4) any point within 30 miles thereof.

No. MC 31462 (Sub-No. E3), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on, east, and south of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 90 to junction Florida Highway 12, thence along Florida Highway 12 to junction Florida Highway 65, thence along Florida Highway 65 to junction Florida Highway 67, thence along Florida Highway 67 to Carrabelle, Fla., on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E4), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 165, thence along Illinois Highway 165 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 125, thence along Illinois Highway 125 to Beardstown, Ill., thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in that part of Alabama on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to junction Alabama County Highway 69, thence along Alabama Highway 69 to junction Alabama County Highway 77, thence along Alabama County Highway 77 to junction Alabama County Highway 22, thence along Alabama County Highway 22 to junction U.S. Highway 78, thence along U.S. Highway 78 to Birmingham, Ala., thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama County Highway 1, thence along Alabama County Highway 1 to junction Alabama County Highway 35, thence along Alabama County Highway 35 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama County Highway 23, thence along Alabama County Highway 23 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 59, thence along Alabama Highway 59 to junction Alabama Highway 225, thence along Alabama Highway 225 to junction Interstate Highway 10, thence along Interstate Highway 10 to Mobile, Ala., thence along Alabama Highway 163 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; and (3) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E6), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points

in that part of Alabama on and east of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 59 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E7), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Alabama-Florida State line, thence along Alabama Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 167, thence along Alabama Highway 167 to junction U.S. Highway 231, thence along U.S. Highway 231 to Sylacauga, Ala., thence along Alternate U.S. Highway 231 to junction Alabama Highway 77, thence along Alabama Highway 77 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E8), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama, on, east, and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 49, thence along Alabama Highway 49 to junction Alabama Highway 120, thence along Alabama Highway 120 to junction Alabama Highway 81, thence along Alabama Highway 81 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 239, thence along Alabama Highway 239 to junction Alabama County Highway 27, thence along Alabama County Highway 27 to junction Alabama Highway 51, thence along Alabama Highway 51 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama County Highway 69, thence along Alabama County Highway 69 to junction Alabama Highway 27, thence along Alabama Highway 27 to junction Alabama County Highway 67, thence along Alabama County

Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) Burlington, Iowa, or any point within 50 miles thereof; and (4) Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 31462 (Sub-No. E10) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, east and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Burlington, Iowa, or any point within 50 miles thereof; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E11), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of (1) Williston, N. Dak., or any point in North Dakota within 200 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; (3) Alden, Minn., or any point in Minnesota within 35 miles thereof; (4) Cairo, Ill., or any point within 25 miles thereof; (5) any point in Georgia; and (6) any point in Tennessee.

No. MC 31462 (Sub-No. E12), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 51 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction

Nebraska Highway 32, thence along Nebraska Highway 32 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to Grand Island, thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E13), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) any point in Missouri within 25 miles of Cairo, Ill.; (4) Burlington, Iowa, or any point within 50 miles thereof; and (5) Alden, Minn., or any point in Minnesota within 35 miles thereof.

No. MC 31462 (Sub-No. E14), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E15), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Alabama-Georgia State line, thence along Alabama County Highway 56 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction Alabama Highway 68, thence along Alabama Highway 68 to junction Alabama County Highway 43, thence along Alabama County Highway 43 to Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 35,

thence along Alabama Highway 35 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line, and points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Missouri State line, thence along U.S. Highway 60 to junction Interstate Highway 44, thence along Interstate Highway 44 to Oklahoma City, Okla., thence along Oklahoma Highway 152 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 54, thence along Oklahoma Highway 54 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 283, thence along U.S. Highway 283 to Altus, Okla., thence along U.S. Highway 62 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E16), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 61403 (Sub-No. E7), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Illinois, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 107 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction North Carolina Highway 209, thence along North Carolina Highway 209 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction North Carolina Highway 208, thence along North Carolina Highway 208 to the North Carolina-Tennessee State line, and, points in South Carolina. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E12), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles,

(1) between points in Missouri, on and north of a line beginning at the Mississippi River and extending along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Missouri-Arkansas State line, except St. Louis, on the one hand, and, on the other, points in New Jersey, points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction unnumbered highway, thence along unnumbered highway to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line, and to points in South Carolina, and Virginia, and (2) from St. Louis, Mo., to points in Connecticut, Delaware, Maine, points in Maryland on and east of U.S. Highway 15, points in Massachusetts, New Hampshire and Rhode Island. The purpose of this filing is to eliminate the gateways of Kingsport, Tenn., and points in Virginia.

No. MC 61403 (Sub-No. E13), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in New Jersey, on the one hand, and, on the other, points in Tennessee and Texas (\*Kingsport, Tenn.), (b) between points in New Jersey west of a line beginning at the Delaware River and extending along unnumbered highway to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction unnumbered highway near Delmont, thence along unnumbered highway to Delaware Bay, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-Georgia State line (\*Kingsport, Tenn.), (b) between points in New Jersey on and east of a line beginning at the Delaware River and extending along unnumbered highway to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey

Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction unnumbered highway near Delmont, thence along unnumbered highway to the Delaware Bay, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the South Carolina-Georgia State line, (\*Kingsport, Tenn.), (c) from points in New Jersey to points in Florida on and west of U.S. Highway 331, and Oklahoma, (\*Kingsport, Tenn., and Sheffield, Ala.), (2) *lacquers and varnishes*, in bulk, in tank vehicles, from Newark, N.J., to points in Florida on and south of Florida Highway 40, (\*Tampa, Fla.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E15), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in North Carolina on and east of U.S. Highway 441, on the one hand, and, on the other, points in Texas and Wisconsin, (\*Kingsport, Tenn.), (b) between points in North Carolina on and west of U.S. Highway 221, on the one hand, and, on the other, points in Pennsylvania, (\*Kingsport, Tenn.), (c) between points in that part of North Carolina bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 221, thence along U.S. Highway 221 to junction North Carolina Highway 194, thence along North Carolina Highway 194 to junction U.S. Highway 19E, thence along U.S. Highway 19E to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to the point of beginning, on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, (\*Kingsport, Tenn.), (d) from points in North Carolina on and west of North Carolina Highway 16, to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island, (\*Kingsport,

Tenn.), and (e) from points in North Carolina to points in Oklahoma, (\*Kingsport, Tenn., and Sheffield, Ala.); and (2) *liquid chemicals*, in bulk, in tank vehicles, (a) from points in North Carolina, to points in Colorado on and east of U.S. Highway 85, Iowa, Kansas, Nebraska, and points in North Dakota and South Dakota on and east of U.S. Highway 85, (\*Kingsport, Tenn., and Marshall, Ill.), (b) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to the North Carolina-South Carolina State line, to points in Kanawha County, W. Va., (\*Elizabethton, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E16), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Pennsylvania, on the one hand, and, on the other, points in Texas, (\*Kingsport, Tenn.), (b) from points in Pennsylvania, to points in Florida on and west of U.S. Highway 331, (\*Kingsport, Tenn., and Sheffield, Ala.), (c) from points in Pennsylvania on and east of U.S. Highway 219, to points in Oklahoma, (\*Kingsport, Tenn., and Sheffield, Ala.), (d) between points in Pennsylvania, south, and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line, (\*Kingsport, Tenn.), (e) between points in Pennsylvania on and east of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee, (\*Kingsport, Tenn.), (f) between points in Pennsylvania on and east of U.S. Highway 202, on the one hand, and, on the other, points in South Carolina on and west of South Carolina Highway 121, (\*Kingsport, Tenn.), (g) between points in Pennsylvania which are both west of U.S. Highway 202, and east of U.S. Highway 219, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the South Carolina-Georgia State line, (\*Kingsport, Tenn.), (h) between points in Pennsylvania west of U.S. Highway 219, on the one hand, and, on the other, points in South Caro-

lina, (\*Kingsport, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E20), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Arkansas on, south, and east, of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 534, thence along Ohio Highway 534 to Lake Erie (\*Kingsport, Tenn.), (b) between points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Texas State line, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 25 (\*Kingsport, Tenn.), (c) between points in Arkansas, on the one hand, and, on the other, points in Tennessee on and east of Tennessee Highway 70, and points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to the Kentucky-Ohio State line (\*Kingsport, Tenn.), and (d) between points in Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in New York, Pennsylvania, and points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line (\*Kingsport, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 78687 (Sub-No. E1), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan,

N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E2), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Philadelphia, Pa., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E3), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty oil drums*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. (Except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E4), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in that part of New York (excluding Buffalo

and Syracuse) on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River, to New York, N.Y., and points in that part of New Jersey east and south of a line beginning at the Perth Amboy, N.J., and extending along U.S. Highway 9, to junction U.S. Highway 1 thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E5), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York (excluding Buffalo and Syracuse) west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 87, thence along U.S. Highway 87 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Kingston, Pa.

No. MC 78687 (Sub-No. E6), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled rags*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E7), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan,

New York 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Broome, Cortland, Onondaga, Ontario, Steuban, and Tompkins Counties, N.Y., to New York, N.Y., and points in that part of New Jersey east and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 9 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E8), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and Zinc scrap metals*, from New York, N.Y., and that part of New Jersey east and south of a line beginning at Perth Amboy, N.J., and extending along U.S. Highway 9 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River, to points in that part of New York (excluding Buffalo and Syracuse) west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E9), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from New York, N.Y., Newark, N.J., and those points in New Jersey within three miles of New York, N.Y., to points in that part of New York (excluding Buffalo and Syracuse) on and west of a line beginning at the New York-Pennsylvania State line, and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. The purpose

of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E10), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, and *salt products*, from the facilities of Morton Salt Company, Division of Morton International, Inc., at Milo Township, N.Y., to points in Ohio, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Retsoff, N.Y.

No. MC 78687 (Sub-No. E11), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from the facilities of Morton Salt Company, Division of Morton International Inc., at Milo Township, N.Y., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Myers, N.Y.

No. MC 95540 (Sub-No. E498), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood, from Uhrichsville, Ohio, to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to junction with South Carolina Highway 14, thence along South Carolina Highway 14 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction with U.S. Highway 178, thence along U.S. Highway 178 to junction South Carolina Highway 3, thence along South Carolina Highway 3 to its junction with South Carolina Highway 64, thence along South Carolina Highway 64 to its junction with U.S. Highway 17, thence along U.S. Highway 17 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Knoxville, and Morristown, Tenn.

No. MC 106920 (Sub-No. E2), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Helsley, 805 McLanchlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen sweet cream and frozen milk*, processed or unprocessed, from Elmira, N.Y., to points in Indiana southwest of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E18), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as defined by the Commission, from Elmira, N.Y., to points in Alabama. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E26), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and butter-milk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line, to points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 79 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Alabama State line, and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E27), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and butter-milk* (except concentrated whole milk

and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Florida and Georgia. The purpose of this filing is to eliminate the gateways of Drake, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E28), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and butter-milk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin on, north, and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 12 to junction Wisconsin Highway 89, thence along Wisconsin Highway 89 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Minnesota State line, to points in Alabama. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E29), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and butter-milk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin east of a line beginning at the Minnesota-Wisconsin State line, and extending along Wisconsin Highway 35 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, to points in Kentucky north and east of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 65 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of

Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E30), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and butter-milk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Minnesota beginning at the United States-Canada International Boundary line and extending along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 220, thence along Minnesota Highway 220 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line, to points in Mississippi east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Mississippi Highway 13, thence along Mississippi Highway 13 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 112668 (Sub-No. E2), filed May 16, 1974. Applicant: HARVEY R. SHIPLEY & SONS, INC., R.F.D., Finksburg, Md. 21048. Applicant's representative: NORMAN E. SHIPLEY (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles (except feed ingredients, rock salt, and rock salt compounds intended for use in the melting of ice and snow), to points in Kent and Sussex Counties, Del. The purpose of this filing is to eliminate the gateway of Glyndon, Md.

No. MC 114211 (Sub-No. E498), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of

which, because of size or weight, requires the use of special equipment or special handling and except those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), between points in that part of Nebraska on and south and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line to points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Duluth, Minn. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Milbank, S. Dak.

No. MC 114211 (Sub-No. E499), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 880, thence along Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 330, thence along Iowa Highway 330 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 96, thence along Iowa Highway 96 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Illinois State line on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to junction Business Route 63, thence along Business Route 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 137, thence along Missouri Highway 137 to junction Texas County Highway T, thence along Texas County Highway T to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E501), 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 rollers*, from points in Arizona to points in Connecticut and Massachusetts, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Canton, S. Dak.

No. MC 114211 (Sub-No. E502), 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 Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the Texas-Oklahoma State line to points in Vermont, New Hampshire, Maine, and to points in that part of Massachusetts on and east and north of a line beginning at the Vermont-Massachusetts State line, thence along U.S. Highway 7 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to the Atlantic Ocean, and to points in that part of New York on and east of a line beginning at the New York-Canada International Boundary line, thence along U.S. Highway 9 to junction New York Highway 196, thence along New York Highway 196 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 67, thence along New York Highway 67 to junction New York Highway 22, thence along New York Highway 22 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E505), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products), and *fittings and accessories* therefor when moving with such pipe from points in that part of Michigan on and east and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., and to points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line, thence along

Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line to points in Idaho, Utah, and Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E508), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E509), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and southeast of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 30 to junction Iowa-Highway 38, thence along Iowa Highway 38 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line 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 Ottumwa, Iowa.

No. MC 114211 (Sub-No. E510), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and southwest of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E511), filed June 4, 1974. Applicant: WARREN

TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and except the transportation of those commodities described in *Mercer Extension Oil-Field Commodities*, 74 M.C.C. 459), between points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E512), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 19, thence along South Dakota Highway 19 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along U.S. Highway 29 to the South Dakota-Iowa State line, on the one hand, and, on the other, points in Kansas and Colorado. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 115093 (Sub-No. E2), filed December 23, 1974. Applicant: MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33682. Applicant's representative: Clayton R. Byrd (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, a division of Mars, Incorporated, at Albany, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, the District of Columbia; and points in New York on and south of New York Highway 7; and the following points in North Carolina; points in and east of

Alleghany, Cabarrus, Iredell, Surry, Union, and Yadkin Counties, N.C.; points in Mecklenburg County, N.C., on and east of a line beginning at the North Carolina South Carolina State line along U.S. Highway 521 to Charlotte, thence along North Carolina Highway 16 to the Mecklenburg-Gaston County line; points in Alexander, Catawba, Gaston, and Lincoln Counties, N.C., on and east of North Carolina Highway 16; and points in Wilkes County, N.C., on and east of a line beginning at the Alexander Wilkes County line, along North Carolina Highway 16 to Wilkesboro, thence along North Carolina Highway 18 to the Wilkes-Alleghany County line; and the following points in Virginia; points in and east of Bland, Carroll, and Wythe Counties, Va., and points in Grayson, Smyth, and Tazewell Counties, Va., on and east of Virginia Highway 16; and the following points in West Virginia: points in and east of Boone, Kanawha, Macon, Mercer, Putnam, and Wyoming Counties, W. Va.; points in Cabell and Lincoln Counties, W. Va., on and east of West Virginia Highway 10; points in Logan County, W. Va., on and east of a line beginning at the Mingo-Logan County line along West Virginia Highway 80 to Man, thence along West Virginia Highway 10 to the Logan-Lincoln County line; points in McDowell County, W. Va., on and east of a line beginning at the Virginia-West Virginia State line along West Virginia Highway 16 to Yukon, thence along West Virginia Highway 83 to Bradshaw, thence along West Virginia Highway 80 to the McDowell-Wyoming County line.

(2) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, a division of Mars, Incorporated, at Atlanta, Decatur and Doraville, Ga., to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and the District of Columbia; and points in Maryland except those points in Garrett County, Md., south of a line beginning at the West Virginia-Maryland State line along Maryland Highway 560 to Oakland, thence along Maryland Highway 39 to the Maryland-West Virginia State line; and points in New York on and south of New York Highway 7; and the following points in North Carolina: points in and east of Cumberland, Granville, Harnett, Hoke, Lee, Richmond, Scotland, and Wake Counties; points in Anson County, N.C. on and east of North Carolina Highway 109; points in Chatham County, N.C., on and east of a line beginning at the Moore-Chatham County line along North Carolina Highway 22 to its junction with North Carolina Highway 902, thence along North Carolina Highway 902 to Pittsboro, thence along U.S. Highway 15 to the Chatham-Orange County line; points in Durham County, N.C., on and east of U.S. Highway 501; points in Montgomery County, N.C., on and south of a line beginning at the Richmond-Montgomery County line along North Carolina Highway 109 to Mount Gilead,

thence along North Carolina Highway 731 to its junction with U.S. Highway 220.

Thence along U.S. Highway 220 to Candor, thence along North Carolina Highway 211 to the Montgomery-Moore County line; points in Moore County, N.C., on and east of a line beginning at the Montgomery-Moore County line along North Carolina Highway 211 to its junction with North Carolina Highway 705, thence along North Carolina Highway 705 to Robbins, thence along Unnumbered highway to Highfalls, thence along North Carolina Highway 22 to the Moore-Chatham County line; points in Orange County, N.C., on and east of U.S. Highway 15; and points in Person County, N.C., on and east of U.S. Highway 501; and the following points in Pennsylvania: points in and east of Butler, Somerset, Venango, Warren, and Westmoreland Counties, Pa., points in Allegheny County, Pa., on and east of a line beginning at the Washington-Allegheny County line along U.S. Highway 19 to Pittsburgh, thence along Pennsylvania Highway 65 to the Allegheny-Beaver County line; points in Beaver County, Pa., on and east of Pennsylvania Highway 65; points in Crawford County, Pa., on and east of U.S. Highway 19; points in Erie County, Pa., on and east of a line beginning at the Crawford-Erie County line along U.S. Highway 19 to Waterford, thence along Pennsylvania Highway 97 to Union City, thence along Pennsylvania Highway 8 to Lowville, thence along Pennsylvania Highway 89 to Colt Station, thence along Pennsylvania Highway 430 to the Pennsylvania New York State line; points in Fayette County, Pa., on and east of a line beginning at the West Virginia Pennsylvania State line along Pennsylvania Highway 381 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Fayette-Washington County line; points in Lawrence County, Pa., on and east of a line beginning at the Beaver-Lawrence County line along Pennsylvania Highway 65 to Energy, thence along Pennsylvania Highway 388 to Eastbrook, thence along Pennsylvania Highway 168 to the Lawrence-Mercer County line; points in Mercer County, Pa., on and east of U.S. Highway 19; and points in Washington County, Pa., on and east of a line beginning at the Fayette-Washington County line along U.S. Highway 40 to Washington.

Thence along U.S. Highway 19 to the Washington-Allegheny County line; and the following points in Virginia: points in and east of Albemarle, Amherst, Appomattox, Charlotte, Frederick, Greene, Mecklenburg, Nelson, Page, and Shenandoah Counties, Va., points in Augusta County, Va., on and east of U.S. Highway 11; points in Belford County, Va., on and north of U.S. Highway 501; points in Campbell County, Va., on and east of U.S. Highway 501; points in Halifax County, Va., on and east of U.S. Highway 501; points in Rockbridge County, Va., on and east of a line beginning at the Amherst-Rockbridge County line along



U.S. Highway 501 to Buena Vista, thence along U.S. Highway 60 to the Rockbridge Amherst County line; and points in Rockingham County, Va., on and east of a line beginning at the Augusta Rockingham County line along U.S. Highway 11 to Harrisonburg, thence along U.S. Highway 33 to the Virginia-West Virginia State line; and the following points in West Virginia: points in Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., points in Grant County, W. Va., on and east of a line beginning at the Pendleton Grant County line along U.S. Highway 220 to Petersburg, thence along West Virginia Highway 42 to Mount Storm, thence along U.S. Highway 50 to the West Virginia-Maryland State line; points in Pendleton County, W. Va., and east of a line beginning at the Virginia-West Virginia State line along U.S. Highway 33 to Franklin thence along U.S. Highway 220 to the Pendleton-Grant County line; and points in Preston County, W. Va., on and east of a line beginning at the Maryland-West Virginia State line along West Virginia Highway 7 to Kingwood, thence along West Virginia Highway 26 to Brandonville, thence along Unnumbered highway through Clifton Mills to the West Virginia Pennsylvania State line. Restrictions: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. In addition, carrier shall not, pursuant to the irregular route authority contained hereinabove, transport shipments moving between any two points authorized hereinabove to be served by it in regular route operations. The purpose of this filing is to eliminate the gateway of Florence County, S.C.

No. MC 115180 (Sub-No. E1), filed May 16, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, N.Y. 10014. Applicant's representative: George A. Olson, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, fresh or frozen*, from points in Iowa and Illinois; (2) *Butter, cheese, and oleomargarine*, from points in Illinois, Indiana, and Ohio; (3) *Meats, meat products, and meat by-products* (except meat, fresh or frozen), *dairy products, and articles distributed by meat packing houses*, as defined by the Commission; (a) from Chicago, and other Illinois points in the Chicago Commercial Zone; (b) from the facilities of Swift & Co., at Rochelle, Ill. (restricted to the transportation of shipments originating at the named origin); (c) from the facilities of the Momence Pork Packers Co., at Momence, Ill. (restricted to the transportation of shipments originating at the named origin); (d) from the facilities of Armour and Co., near Sterling, Ill. (restricted to the transportation of shipments originating at named origin); (e) from the facilities of Swift & Co., at or near Grand Island, Nebr. (restricted to the transportation

of shipments originating at the named origin and against the transportation of hides); (f) from the facilities of Wilson & Co., Inc., at Monmouth, Ill. (restricted (1) to the transportation of shipments originating at the named origins, and (2) against the transportation of hides); (g) from points in Iowa (except Columbus Junction, Mason City, Waterloo, Ft. Dodge, Ottumwa, Cherokee, and Dubuque); (h) from the facilities of Producers Packing Co., near Garden City, Kans. (restricted to the transportation of shipments originating at the named origin and against the transportation of hides); (i) from the facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. (restricted to the transportation of shipments originating at the named origin and against the transportation of hides); to New York, N.Y. Newark, N.J., and points in New Jersey within 15 miles of Newark, N.J. Restricted in each part above against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateways of points in Lehigh and Northampton Counties, Pa.

No. MC 115703 (Sub-No. E1), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Connecticut, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, North Carolina, Ohio, Virginia, West Virginia, and that part of New York on and west of a line beginning at the New York-Pennsylvania State line extending along New York Highway 287 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Berks, York, and Luzerne Counties, Pa.

No. MC 115703 (Sub-No. E2), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in West Virginia, Rhode Island, Ohio, North Carolina, New York, Massachusetts, that part of New Jersey on and north of U.S. Highway 22, and that part of Maryland on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 23, thence along Maryland Highway 23 to junction Maryland Highway 138,

thence along Maryland Highway 138 to junction Interstate Highway 83, thence along Interstate Highway 83 to Hunts Valley, westerly to Reisterstown, thence along U.S. Highway 140 to junction Maryland Highway 91, thence along Maryland Highway 91 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Maryland Highway 28, thence along Maryland Highway 28 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E3), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in the District of Columbia, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Ohio, Rhode Island, and that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 119 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E4), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Maryland on and east of U.S. Highway 15 and on and north of U.S. Highway 50, on the one hand, and, on the other, points in Massachusetts, New York, Ohio, Rhode Island, North Carolina, that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and that part of West Virginia on and west of U.S. Highway 522. The purpose of this filing is to eliminate the gateway of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E5), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Maryland on and west of U.S. Highway 15, on the one

hand, and, on the other, points in Massachusetts, New York, North Carolina, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E6), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Massachusetts, on the one hand, and, on the other, points in North Carolina, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E7), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New Jersey on and north of U.S. Highway 22, on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, and North Carolina. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E8), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New Jersey south of U.S. Highway 22, on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, and North Carolina. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties.

No. MC 115703 (Sub-No. E9), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and west of a line beginning at the Pennsylvania-New York State line at U.S. Highway 220, extending along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario, on the one hand, and, on the other, points in North Carolina, Virginia, and Rhode Island. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E10), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario, and on and north of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in North Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E11), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and south of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 209, to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in North Carolina, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 119988 (Sub-No. E60), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Montana. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E61), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points

in North Dakota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E62), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E63), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the plant site and storage facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E71), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Indiana. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E72), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic



No. MC 119988 (Sub-No. E84), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E85), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E86), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in New Hampshire.

No. MC 119988 (Sub-No. E87), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Commission Act when moving in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Maine. The purpose of this filing is to

eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E89), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Commission when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Colorado. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E90), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Nevada. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E93), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to Los Angeles and San Francisco, Calif. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E94), filed June 3, 1974. Applicant: GREAT WESTERN TRUCK CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b) (7) of the Interstate Commerce Act when trans-

ported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in Colorado. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 121060 (Sub-No. E20), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except those requiring special equipment), between Mobile, Ala., on the one hand, and, on the other, points in Muscogee, Chattahoochee, and Harris Counties, Ga. The purpose of this filing is to eliminate the gateways of Demopolis, Ala., and Russell and Lee Counties, Ala.

No. MC 121060 (Sub-No. E21), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, and urethane and urethane products* (except commodities in bulk), from Mobile, Ala., to points in New Jersey, Delaware, Maryland, the District of Columbia, Pennsylvania, on and east of U.S. Highway 219, Virginia on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 1 to junction Virginia Highway 138, thence along Virginia Highway 138 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 624, thence along Virginia Highway 624 to junction Virginia Highway 614, thence along Virginia Highway 614 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 259, thence along Virginia Highway 259 to the Virginia-West Virginia State line, and West Virginia on and east of a line beginning at the West Virginia-Virginia State line, extending along West Virginia 259 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 220, thence along U.S. Highway 220 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate

the gateways of Birmingham and Demopolis, Ala., and Goldsborough, N.C.

No. MC 121060 (Sub-No. E22), filed November 29, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane and urethane products, and related materials, supplies, and accessories* (except commodities in bulk), from Mobile, Ala., to points in North Carolina, South Carolina, on and north of a line beginning at the Atlantic Ocean extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 278, thence along U.S. Highway 278 to the South Carolina-Georgia State line, and Georgia, on and north of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 34 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Demopolis and Birmingham, Ala.

No. MC 121060 (Sub-No. E23), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except commodities in bulk and Classes A and B explosives), between Mobile, Ala., on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 80 to its junction with unnumbered County Highway, thence along unnumbered County Highway from Uniontown to Suttle, Ala., and its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with unnumbered County Highway, thence along unnumbered County Highway to Perryville, Ala., and its junction with Alabama Highway 219, thence along Alabama Highway 219 to its junction with County Highway 37, thence along County Highway 37 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with unnumbered County Highway, thence along unnumbered County Highway to its junction with Vida, Ala., thence along unnumbered county highway to its junction with County Highway 49, thence along County Highway 49

to its junction with County Highway 57, thence along County Highway 57 to its junction with County Highway 40, thence along County Highway 40 to its junction with Alabama Highway 143, thence along Alabama Highway 143 to its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Demopolis, Ala.

No. MC 123407 (Sub-No. E173), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos composition board*, from Minneapolis Minn., to points in New Jersey, Maryland, West Virginia, Virginia, Delaware, North Carolina, District of Columbia, South Carolina, Georgia, Florida and points in Texas (except within the counties of Dallam, Sherman, Hartley, and Moore). The purpose of this filing is to eliminate the gateway of those parts of the commercial zone of Dubuque, Iowa, within Wisconsin.

No. MC 133485 (Sub-No. E2), filed May 30, 1974. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 10th Floor 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion and precious metals*, in armored vehicles accompanied by armed guards, from those ports of entry on the United States-Canada International Boundary line at Niagara Falls and Buffalo, N.Y., to points in Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. The purpose of this filing is to eliminate the gateways of Providence, R.I.

No. MC 136786 (Sub-No. E1), filed May 31, 1974. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from the plant site of the Broyhill Furniture Factories, at Rutherfordton, N.C., to points in Colorado, New Mexico, and Texas (except Dallas, Fort Worth, Houston, and Beaumont, Tex.) (Trumann, Ark.)\*; (2) *New furniture and furniture parts*, from Dublin and East Dublin, Ga., to points in Colorado (Trumann, Ark.)\*; and (3) *Frozen fruits, frozen berries, and frozen vegetables* from points in California to points in North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia

(Des Moines, Iowa)\*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113678 (Sub-No. E41), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Idaho and Montana (points in Hall County, Nebr.)\*; (2) *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen pizza and pizza pie ingredients*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in New Mexico (Denver, Colo.)\*; and (3) *Dairy products and vegetable food products*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Arizona (points in Colorado east of the Continental Divide)\*. Restriction: The service authorized in (1), (2), and (3) above, is restricted to the transportation of shipments originating at the above-described origin points. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E44), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Marysville, Pa., to points in Oregon, Idaho, and Montana. Restriction: The authority granted herein is restricted to the transportation of shipments originating at Marysville, Pa. The purpose of this filing is to eliminate the gateways of points in Hall County, Nebr.

No. MC 113678 (Sub-No. E45), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to points in Arizona, California, Nevada, and New Mexico (Denver, Colo.)\*; and (2) *Vegetable fat substitutes*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to points in Arizona (Pueblo, Colo.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E47), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

## NOTICES

transporting: *Meats, meat products, and meat by-products*, (a) from Denver, Colo., to Baltimore, Md., Philadelphia, Pa., points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.)\*; and (b) from Denver, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E48), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (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*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from

Greeley, Colo., to Baltimore, Md., Philadelphia, Pa., to points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.)\*; and (b) from Greeley, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E49), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (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), from Denver, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebr.

No. MC 113678 (Sub-No. E54), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen juice concentrates*, from points in Florida to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colo.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-3082 Filed 1-31-75; 8:45 am]