federal register

TUESDAY, MARCH 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 53

Pages 12251–12468

PART I

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

March 18, 1975—Pages 12251–12468

reminders

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

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

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

federal register

Area Code 202 Phone 523–5240

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

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

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

contents

CONTENTS

list of cfr parts affected

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

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

5 CFR
180 12251
213 12251
752 12251

10 CFR
PROPOSED RULES:
212 12287
213 12287

12 CFR
217 12251
250 12252

14 CFR
39 12252
71 (3 documents) 12252, 12253
91 12253

15 CFR
301 12253
Chapter VII 12254
PROPOSED RULES:
500 12276
510 12276

16 CFR
13 (3 documents) 12254–12258

21 CFR
121 12259
310 12259

23 CFR
630 12259
751 12260

24 CFR
PROPOSED RULES:
1917 (9 documents) 12282–12286

31 CFR
215 12260

38 CFR
PROPOSED RULES:
3 12294

40 CFR
164 12261
PROPOSED RULES:
52 12287

45 CFR
1501 12266

46 CFR
PROPOSED RULES:
502 12294

49 CFR
177 12269
PROPOSED RULES:
581 12287

50 CFR
PROPOSED RULES:
25 12270
26 12270
27 12270
28 12270

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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

1 CFR

301 ---- 10441
302 ---- 10442
304 ---- 10442

3 CFR

PROCLAMATIONS:

3279 (Amended by Proc. 4355) ---- 10437
4313 (Amended by Proc. 4353) ---- 8931, 10433
4345 (Amended by Proc. 4353) ---- 8931, 10433
4353 ---- 8931, 10433
4354 ---- 10435
4355 ---- 10437

EXECUTIVE ORDERS:

Dec. 9, 1920 (Revoked in part by PLO 5491) ---- 11727
10973 (Amended by E.O. 11841) ---- 8933
11803 (Amended by E.O. 11842) ---- 8935
11837 (Amended by E.O. 11842) ---- 8935
11841 ---- 8933
11842 ---- 8935

5 CFR

180 ---- 12251
213 ---- 8937, 10655, 11705, 11859, 12251
752 ---- 12251
2401 ---- 10951

7 CFR

20 ---- 11345
53 ---- 11535
68 ---- 10472
106 ---- 11860
271 ---- 8937, 10165
272 ---- 8937
301 ---- 8763, 11705
401 ---- 8770, 8771
612 ---- 12067
650 ---- 10951
905 ---- 11345
907 ---- 10474, 11706
908 ---- 8772
910 ---- 10655, 11860
944 ---- 11346
966 ---- 10953
971 ---- 10165
982 ---- 8773
1207 ---- 11860
1801 ---- 10953
1806 ---- 10953
1813 ---- 11707

PROPOSED RULES:

25 ---- 8824
25A ---- 8824
29 ---- 10190
52 ---- 12092
102 ---- 11728
210 ---- 10192
220 ---- 11729
271 ---- 10481
908 ---- 11587
911 ---- 11876
915 ---- 11876
916 ---- 11729
917 ---- 11729
959 ---- 10996
1094 ---- 11878
1096 ---- 11879
1464 ---- 10192
1701 ---- 10192, 11357

9 CFR

73 ---- 8938
78 ---- 8773
82 ---- 11861
97 ---- 11346
91 ---- 10443
113 ---- 8774, 11587
304 ---- 11346
305 ---- 11346
317 ---- 11346, 11347
381 ---- 11347

PROPOSED RULES:

112 ---- 11879
113 ---- 11587, 11879
317 ---- 10191
381 ---- 10191

10 CFR

Ch. I ---- 8774
202 ---- 11707
211 ---- 10165, 10444
212 ---- 10444
661 ---- 10953
Ch. III ---- 8794

RULINGS:

1975-2 ---- 10655

PROPOSED RULES:

2 ---- 8832
21 ---- 8832
31 ---- 8832
35 ---- 8832
40 ---- 8832
210 ---- 10195, 11363
212 ---- 12287
213 ---- 12287

12 CFR

22 ---- 12068
Ch. II ---- 10660
217 ---- 12251
225 ---- 11710
250 ---- 12252
270 ---- 10661
272 ---- 10661
309 ---- 11547
329 ---- 11711
545 ---- 8795, 11548, 11711
564 ---- 10449
584 ---- 11712
602 ---- 10450
701 ---- 8938
708 ---- 10167
720 ---- 10450

PROPOSED RULES:

11 ---- 10602
205 ---- 11739
206 ---- 10322
335 ---- 10376
531 ---- 11363
541 ---- 12113
544 ---- 12113, 12121
545 ---- 12113, 12121
552 ---- 12113
701 ---- 8967
706 ---- 12124
707 ---- 12125
745 ---- 8967

13 CFR

114 ---- 10661

PROPOSED RULES:

107 ---- 11740
121 ---- 10486, 12125

14 CFR

39 ---- 8795, 8796, 8937, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068, 12252
71 ---- 8796, 8797, 10169–10172, 10662, 10663, 10951, 11550, 11551, 11712, 11862, 11863, 12110, 12252, 12253
73 ---- 8940, 10663, 12110
91 ---- 10451, 12253
97 ---- 10451, 11712
121 ---- 10173
139 ---- 11713
288 ---- 10174, 10663
302 ---- 10967
310 ---- 10663
311 ---- 10664

PROPOSED RULES:

21 ---- 10802
23 ---- 10802
25 ---- 10802
27 ---- 10802
29 ---- 10802
31 ---- 10802
33 ---- 10802
35 ---- 10802
37 ---- 11002
39 ---- 11003, 11596
71 ---- 8830, 8958, 10193, 10194, 10692, 11003, 11597, 11893
73 ---- 11597
91 ---- 10802
121 ---- 8830, 10802, 11004, 11736, 11737
127 ---- 10802
133 ---- 10802
135 ---- 10802
137 ---- 8831
Chapter II ---- 11601
221 ---- 11602

15 CFR

4 ---- 11551
301 ---- 12253
Ch. VII ---- 12254
926 ---- 11863

PROPOSED RULES:

500 ---- 12276
510 ---- 12276

16 CFR

13 ---- 10452, 10453, 10665, 10993–10994, 12254–12258
142 ---- 11714

PROPOSED RULES:

1607 ---- 12111

17 CFR

1 ---- 11561, 12073
18 ---- 11562
19 ---- 11562
200 ---- 8797

17 CFR—Continued

PROPOSED RULES:

200 11739
201 11739
250 8968
270 11613, 11614
275 11613, 11614, 11897

18 CFR

3 8940
35 8946
141 8803, 11347
154 8946, 8947
260 8940
301 10668
701 10668

PROPOSED RULES:

2 11739
141 10196, 11896
154 11739
157 11739
260 10196

19 CFR

111 11562

PROPOSED RULES:

1 8955

20 CFR

404 12095
405 10687, 12100

PROPOSED RULES:

405 10687

21 CFR

90 11716
121 8804, 10454, 11351, 12259
122 11563
128d 11566
133 11865
135 10455, 11348, 11570
135a 11570
135b 11570
135c 11570
135d 11348, 11349, 11571
135e 8804, 10455, 11570
146a 11571
149j 11348, 11349
310 12259
330 11717
331 11718
332 11718
431 11350
436 11349, 11869
442 11350
444 11869, 11870
446 11869, 11870
448 11870
630 8804, 11719
701 8924
740 8917, 8926
1002 10174, 12073
1308 10455

PROPOSED RULES:

1 11731, 11882
630 11884

22 CFR

201 8947
503 8805

23 CFR

420 10951
630 12259
712 8947
751 12260
1214 11870

23 CFR—Continued

PROPOSED RULES:

658 10481
750 11361

24 CFR

200 8948
220 10177
207 10176, 10177
580 12073
1914 10968–10970, 10177, 11571–11574
1915 8807, 8811, 10970, 11575

PROPOSED RULES:

405 11893
1917 12282–12286

26 CFR

1 8948, 10668, 12075
420 12075

PROPOSED RULES:

1 10187, 10476
54 10187

27 CFR

6 10456, 11719

PROPOSED RULES:

4 10476
5 10476
7 10476

28 CFR

2 10973

PROPOSED RULES:

2 10996

29 CFR

529 11872
545 12068
701 11872
1601 8818, 10669
1602 8819
1903 11351
1952 8948, 11351, 11352, 11872

PROPOSED RULES:

29 11340
90 11357
91 11740
92 11740
94 10828
95 10828
96 10828
98 10828
201 11750
202 11750
203 11750
205 11750
206 11750
1910 10693, 11890

30 CFR

601 11720

PROPOSED RULES:

211 10481
216 10481

31 CFR

215 12260

32 CFR

888c 10984
930 10984
1813 10457

33 CFR

117 10987
127 10987
207 8949

33 CFR—Continued

401 11721

PROPOSED RULES:

66 11598
117 8958
127 11598
183 10650, 10652
207 10187

35 CFR

9 12071

36 CFR

PROPOSED RULES:

7 10996, 11876

37 CFR

1 11873

38 CFR

2 8819
17 8819
36 12076

PROPOSED RULES:

3 12294

39 CFR

111 8820
221 11722
224 11722
233 11579
243 8820

40 CFR

2 10460
52 10465, 10466, 10988–10992, 11723, 11724, 11874
164 12267
171 11698
180 8820, 8821, 11352, 11874
432 11874

PROPOSED RULES:

52 10997, 11894, 11895, 12112, 12287
141 11990

41 CFR

1–1 12076
1–7 11580
5A–2 8949
5A–7 8950
5A–16 8951
9–7 10466
9–16 10466
14–3 10467
14–30 10468
14–55 10468
14–63 10468
101–47 12077
114–26 10468
114–43 10468, 12080
114–47 12080

42 CFR

PROPOSED RULES:

51a 10318
52b 12092
53 10686
57 11733
71 11887

43 CFR

2 10670, 11727

PUBLIC LAND ORDERS:

5491 11727

45 CFR

46 ... 11854
153 ... 11240
173 ... 12080
503 ... 10178
1100 ... 8821
1213 ... 10670
1501 ... 12266

PROPOSED RULES:

100c ... 11686
103 ... 8955
116 ... 11472
116a ... 11472
123 ... 11590
126 ... 11885
134b ... 11686
134 ... 11686
134a ... 11686
176 ... 10686
180 ... 12244
249 ... 8956
250 ... 11735
401 ... 12107
402 ... 12107

46 CFR

PROPOSED RULES:

10 ... 10692
12 ... 10692
502 ... 12294

47 CFR

0 ... 10180
15 ... 10673

47 CFR—Continued

73 ... 10180, 10469, 11353, 11354, 11581, 12086, 12088
87 ... 8951
89 ... 8951, 10470
91 ... 8951
93 ... 8952

PROPOSED RULES:

2 ... 11612
73 ... 10181, 10471, 11603, 11610, 11611
74 ... 10999
76 ... 8967, 11000, 11612, 12113
87 ... 11001
91 ... 11612
93 ... 11612
95 ... 11612
97 ... 11612

49 CFR

7 ... 10470
177 ... 12269
192 ... 10181, 10471
195 ... 10181
215 ... 8952
390 ... 10684
391 ... 10684
392 ... 10685
393 ... 10685
394 ... 10685
395 ... 10685
396 ... 10685
571 ... 8953, 11004, 11355, 11584, 12088

49 CFR—Continued

575 ... 11727
1033 ... 8823, 10685, 12089
1034 ... 12090
1300 ... 11356
1303 ... 11356
1304 ... 11356
1306 ... 11356
1307 ... 11356
1308 ... 11356
1309 ... 11356

PROPOSED RULES:

179 ... 11362
256 ... 8958
571 ... 8962, 10483, 11598, 11738
581 ... 11598, 12287
609 ... 10697

50 CFR

2 ... 11874
28 ... 11356, 11585, 12090
33 ... 8954, 11586, 11727, 11875, 12091
216 ... 10182, 11586
280 ... 10988

PROPOSED RULES:

25 ... 12270
26 ... 12270
27 ... 12270
28 ... 12270
216 ... 10193
278 ... 11729

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14
12067–12250	17
12251–12468	18

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 180—EMPLOYEES' PERSONAL PROPERTY CLAIMS

Loss or Damage Claims

As provided in Pub. L. 93-455, Part 180 is amended to reflect the increase in the limit from $6,500 to $15,000 of the amount that may be paid in claims arising under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended. This amendment applies to all claims based upon losses of personal property which occur after October 18, 1974.

Section 180.107(a)(1) is revised as set out below.

§ 180.107 Principal types of claims not allowable.

(a) • • •

(1) Losses or damages totaling less than $10 or more than $15,000;

• • • • •

(§ 3, 78 Stat. 767, as amended; 31 U.S.C. 241)

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

[FR Doc.75-7062 Filed 3-17-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3194 is amended to show that one position of Air Carrier Cabin Safety Specialist, Federal Aviation Administration, is excepted under Schedule A for a period of service not to exceed 2 years.

Effective on March 18, 1975, § 213.3194 (d)(4) is added as set out below.

§ 213.3194 Department of Transportation.

• • • • •

(d) *Federal Aviation Administration.*

• • •

(4) One Air Carrier Cabin Safety Specialist. Service under this authority may not exceed 2 years.

• • • • •

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

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

[FR Doc.75-7061 Filed 3-17-75;8:45 am]

PART 752—ADVERSE ACTIONS BY AGENCIES

Revision of Appeals System; Correction

In FR Doc. 74-20774 appearing at page 32542 in the FEDERAL REGISTER of September 9, 1974, paragraph (f) of § 752.202 is corrected in the sixth line of that paragraph by changing the word "office" in the middle of the line to "official."

Dated: March 18, 1975.

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

[FR Doc. 75-7063 Filed 3-17-75; 8:45 a.m.]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[REG. Q]

PART 217—INTEREST ON DEPOSITS

Certain Time Deposit Contracts; Temporary Suspension

North Dakota member banks, represented by the North Dakota Bankers Association, have asked the Board to suspend temporarily § 217.4(d) of the Board's Regulation Q. This section of Regulation Q defines any amendment of a time deposit contract which results in an increase in the rate of interest paid as a payment of a time deposit before maturity. When a bank pays a time deposit prior to maturity, the depositor must forfeit three months interest on the amount withdrawn and the rate of interest on the deposit is reduced to the rate paid on savings accounts.

Until recently, North Dakota was the one State in the Nation to set interest rate ceilings lower than those established by Regulation Q on the rates which banks located in that State could pay on time and savings deposits. On January 28, 1975, the Governor of the State of North Dakota signed a bill passed by the Legislative Assembly removing the statutory 6 percent interest rate limitation and authorizing the State Banking Board to establish new maximum interest rates at levels equal to those established by the Board. The State Banking Board has issued a rule effective February 15, 1975, authorizing North Dakota banks to pay the same rates on time and savings deposits as member banks in other States.

Member banks located in North Dakota have stated their intention to offer the higher interest rates to new deposit customers and also to raise interest rates on existing time deposits to give their customers the benefit of the statutory and regulatory change. However, the provision in Regulation Q which requires a penalty when the interest rate is increased on an existing time deposit will effectively discourage member banks from offering their existing customers higher rates of interest. The North Dakota Bankers Association has asked the Board to grant member banks a period in which they may adjust the rates on existing time deposits without an imposition of a penalty. When this penalty rule was adopted by the Board and the FDIC in September 1973, the comment period and delayed effective date provided in connection with that action gave member banks, in effect, a "grace period" within which to permit increases to newly authorized interest rates without interest penalty. Because of the 6 percent rate ceiling imposed by State law, pursuant to § 217.3(c) of Regulation Q, member banks in North Dakota were unable to take advantage of the penalty-free conversion period provided in 1973. The temporary suspension of § 217.4(d) of Regulation Q for member banks in North Dakota will provide those banks with the same opportunity that was available to other member banks in 1973.

Section 19(j) of the Federal Reserve Act authorizes the Board to prescribe rules governing the payment of interest and to prescribe different rate limitations according to the nature or location of member banks. Pursuant to that authority the Board has determined it to be in the public interest to grant the request to suspend the penalty rule prescribed in § 217.4(d) in the State of North Dakota only for a period of six weeks, effective immediately. There was no notice, public participation, and deferred effective date with respect to this action because such procedure would result in delay that, for the reasons stated herein, would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's Rules of Procedure, 12 CFR 262.2(e). The suspension granted herein will terminate at midnight on April 18, 1975.

By order of the Board of Governors, effective March 7, 1975.

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

[FR Doc.75-6948 Filed 3-17-75;8:45 am]

PART 250—MISCELLANEOUS INTERPRETATIONS

Foreign Operations Subsidiaries

The Board has considered the issue of whether a member bank may purchase and hold the shares of an operations subsidiary located outside the United States. In view of the general prohibition against member banks holding shares of stock and the statutory scheme enacted by Congress with regard to the foreign operations of member banks, the Board has determined that member banks should not be allowed to purchase and hold shares of stock in operations subsidiaries outside the United States.

Part 250 is amended by adding the following new section:

§ 250.143 Member bank purchase of stock of foreign operations subsidiaries.

(a) In a previous interpretation, the Board determined that a State member bank would not violate the "stock-purchase prohibition" of section 5136 of the Revised Statutes (12 U.S.C. 24 ¶ 7) by purchasing and holding the shares of a corporation which performs "at locations at which the bank is authorized to engage in business, functions that the bank is empowered to perform directly".[1] (1968 *Federal Reserve Bulletin* 681, 12 CFR 250.141). The Board of Governors has been asked by a State member bank whether, under that interpretation, the bank may establish such a so-called "operations subsidiary" outside the United States.

(b) In the above interpretation the Board viewed the creation of a wholly-owned subsidiary which engaged in activities that the bank itself could perform directly as an alternative organizational arrangement that would be permissible for member banks unless "its use would be inconsistent with other Federal law, either statutory or judicial".

(c) In the Board's judgment, the use by member banks of operations subsidiaries outside the United States would be clearly inconsistent with the statutory scheme of the Federal Reserve Act governing the foreign investments and operations of member banks. It is clear that Congress has given member banks the authority to conduct operations and make investments outside the United States only through gradually adopting a series of specific statutory amendments to the Federal Reserve Act, each of which has been carefully drawn to give the Board approval, supervisory, and regulatory authority over those operations and investments.

(d) As part of the original Federal Reserve Act, national banks were, with the Board's permission, given the power to establish foreign branches.[2] In 1916, Congress amended the Federal Reserve Act to permit national banks to invest in international or foreign banking corporations known as "Agreement" Corporations, because such corporations were required to enter into an agreement or understanding with the Board to restrict their operations. Subject to such limitations or restrictions as the Board may prescribe, such Agreement corporations may principally engage in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions of the United States. In 1919 the enactment of section 25(a) of the Federal Reserve Act (the "Edge Act") permitted national banks to invest in federally chartered international or foreign banking corporations (so-called Edge Corporations) which may engage in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions. Edge Corporations may only purchase and hold stock in certain foreign subsidiaries with the consent of the Board. And in 1966, Congress amended section 25 of the Federal Reserve Act to allow national banks to invest directly in the shares of a foreign bank. In the Board's judgment, the above statutory scheme of the Federal Reserve Act evidences a clear Congressional intent that member banks may only purchase and hold stock in subsidiaries located outside the United States through the prescribed statutory provisions of sections 25 and 25(a) of the Federal Reserve Act. It is through these statutorily prescribed forms of organization that member banks must conduct their operations outside the United States.

(e) To summarize, the Board has concluded that a member bank may only organize and operate "operations subsidiaries" at locations in the United States. Investments by member banks in foreign subsidiaries must be made either with the Board's permission under section 25 of the Federal Reserve Act or, with the Board's consent, through an Edge Corporation subsidiary under section 25(a) of the Federal Reserve Act or through an Agreement Corporation subsidiary under section 25 of the Federal Reserve Act. In addition, it should be noted that bank holding companies may acquire the shares of certain foreign subsidiaries with the Board's approval under section 4(c)(13) of the Bank Holding Company Act. These statutory sections taken together already give member banks a great deal of organizational flexibility in conducting their operations abroad.

(Interprets and applies 12 U.S.C. 24, 335)

By order of the Board of Governors, February 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-6949 Filed 3-17-75;8:45 am]

[1] National banking associations are prohibited by section 5136 of the Revised Statutes from purchasing and holding shares of any corporation except those corporations whose shares are specifically made eligible by statute. This prohibition is made applicable to State member banks by section 9 ¶ 20 of the Federal Reserve Act (12 U.S.C. 335).

[2] Under section 9 of the Federal Reserve Act, State member banks, subject, of course, to any necessary approval from their State banking authority, may establish foreign branches on the same terms and subject to the same limitations and restrictions as are applicable to the establishment of branches by national banks (12 U.S.C. 321). State member banks may also purchase and hold shares of stock in Edge or Agreement Corporations and foreign banks because national banks, as a result of specific statutory exceptions to the stock purchase prohibitions of section 5136, can purchase and hold stock in these Corporations or banks.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NE-8; Amdt. 39-2109]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft Model JT9D Engines

Correction

In FR Doc. 75-5314 appearing at page 8544 in the issue of Friday, February 28, 1975 the third line of the heading in the middle of column three on page 8544 should be corrected to read "7H, -7A, -7AH, -7F, and -20 turbofan".

[Airspace Docket No. 75-EA-6]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Newburgh, N.Y., Control Zone (40 FR 411) and Transition Area (40 FR 551).

A recent refinement of the Stewart VOR and Stewart Airport geographic position which is contained in the subject zone and area descriptions will require a change in such descriptions.

Since the amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on March 18, 1975, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Newburgh, N.Y. Control Zone, "41°30'05" N., 74°05'40" W." and by substituting "41°30'10" N., 74°06'11" W." in lieu thereof. Also by de-

leting in the description of the Newburgh, N.Y. Control Zone "41°30'28" N., 74°05'53" W." and substituting in lieu thereof, "41°30'30" N., 74°05'51" W."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Newburgh, N.Y. Transition Area, "41°30'05" N., 74°05'-40" W." and by substituting "41°30'10" N., 74°06'11" W." in lieu thereof. Also by deleting in the description of the Newburgh, N.Y. Transition Area, "41°30'28" N., 74°05'53" W." and substituting in lieu thereof, "41°30'30" N., 74°05'51" W.".

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

Issued in Jamaica, N.Y., on February 24, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-6932 Filed 3-17-75;8:45 am]

[Airspace Docket No. 74-SO-47]

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

Alteration of Transition Area

On February 28, 1975, FR Doc. 75-5316 was published in the FEDERAL REGISTER (40 FR 8515), amending Part 71 of the Federal Aviation Regulations by designating the Brooksville, Fla., transition area.

In the amendment, the latitude of Hernando County Airport was cited as "28°57'50" N." Subsequent to publication of the rule, the latitude has been refined by National Ocean Survey to "28°28'12" N." It is necessary to amend the Federal Register Document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 75-5316 is amended as follows: In line four of the transition area description "* * * 28°57'-50" N * * *" is deleted and "* * * 28°-28'12" N * * *" is substituted therefor.

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

Issued in East Point, Ga., on March 10, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-6933 Filed 3-17-75;8:45 am]

[Airspace Docket No. 74-GL-48]

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

Alteration of Detroit, Mich. Terminal Control Area

On December 30, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 45046) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Group II Terminal Control Area (TCA) for Detroit, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received in response to the NPRM. The Air Transport Association endorsed the proposal. The other commenter stated the Detroit TCA was a safety hazard and should be abolished.

TCAs are established to decrease the midair collision potential in heavily congested terminal airspace and to afford protection for the greatest number of people. They are located at large air traffic hubs, which are defined as communities enplaning one percent or more of the total enplaned passengers within the United States.

The FAA constantly reviews the requirements for TCAs and monitors their effectiveness. There is clear evidence of a decided reduction in the number of incidents occurring where TCAs are now established. The improved safety records at TCA locations as well as the results of studies conducted by the MITRE Corporation during 1973 definitely show that TCAs are beneficial to flight safety. For these reasons we have concluded that the TCAs are justified, and we have no valid reason for changing our policy at this time.

The result of this rule would be to alleviate congestion over the Detroit River by raising the floor of the TCA in this area from 2,300 to 3,000 feet MSL. It would also lessen any impact of noise or air pollution that may have been encountered prior to the airspace change.

In consideration of the foregoing, § 71.401(b) (40 FR 640) of the Federal Aviation Regulations is amended, effective 0901 G.m.t. May 22, 1975, by amending the description of Area B of the Detroit, Mich., Group II Terminal Control Area to read as follows:

AREA B

That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within a 10-mile radius of Detroit Metropolitan Wayne County Airport excluding Area "A" previously described, that airspace east of the west edge of the Detroit River, and the Detroit, Mich. (Willow Run Airport), Control Zone.

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

Issued in Washington, D.C., on March 11, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-6931 Filed 3-17-75;8:45 am]

[Docket No. 14325; Amdt. No. 91-126]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Pilot Responsibility Under IFR After an ATC Clearance Is Received

Correction

In FR Doc. 75-5914 appearing on page 10451 of the issue for Thursday, March 6, 1975, the third paragraph of the preamble should read as follows:

As before, pilots remain responsible for safe altitude management after an approach clearance is received, including compliance with applicable minimum prescribed altitudes. To further ensure this, the new rule requires the pilot to maintain the ATC assigned altitude in effect when the approach clearance is received, unless a different altitude is assigned by ATC. This amendment in no way limits the pilot's right to request any altitude desired after an approach clearance is received. Thus, if a pilot desires an altitude change after an approach clearance is received, he may request an appropriate clearance from ATC until the aircraft is established on a published route or instrument approach procedure. At that time the pilot may, on his own initiative, descend to the published minimum altitude for the route segment or approach procedure segment, as appropriate, unless cleared for another altitude by ATC. In this connection, it should be emphasized that an ATC clearance does not relieve the pilot of his direct responsibility for, and his final authority as to, the operation of his aircraft. This responsibility is clearly set forth in § 91.3(a).

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Part 301 is added to Chapter III of Title 15 of the Code of Federal Regulations to provide for carrying out the functions and responsibilities of the Deputy Assistant Secretary for Resources and Trade Assistance of the Department of Commerce relating to duty-free entry of instruments and apparatus for educational and scientific institutions. Regulations formerly found in Part 701 of Chapter VII of Title 15 of the Code of Federal Regulations [1] are transferred to Chapter III of Title 15 of the Code of Federal Regulations, redesignated as Part 301, and amended as set forth below. The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the changes are procedural and editorial in nature. Accordingly, this revision shall become effective on March 18, 1975. The following procedural and editorial changes are made:

1. The Authority citation to Part 301 is revised to read as follows:

[1] See FR Doc. 75-6943, Title 15, *infra*.

AUTHORITY: Subsection 6(c), Pub. L. 89–651, 80 Stat. 899 (19 U.S.C. 1202); Department of Commerce Organization Order 10–3, 39 FR 27484; Organization and Function Order 44–1 of the Domestic and International Business Administration, 38 FR 9324.

2. Within the text of the regulations, any reference to Part 701, or sections thereof, is changed to Part 301, or sections thereof.

3. As redesignated, § 301.1(a) is revised to read as follows:

§ 301.1 General provisions.

(a) The purpose of this part is to set forth regulations relating to the responsibilities vested in the Secretary of Commerce under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; see particularly section 6(c) thereof and headnote 6(f) to part 4 of Schedule 8, Tariff Schedules of the United States, 19 U.S.C. 1202 as added by said section 6(c). The Act provides, inter alia, that any nonprofit institution (whether public or private) established for educational or scientific purposes may obtain duty-free treatment of certain instruments and apparatus entered for its use, if the Secretary of Commerce determines that no instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument of apparatus is intended to be used, is being manufactured in the United States. The responsibilities of the Secretary of Commerce under the Act have been delegated to the Assistant Secretary for Domestic and International Business of the Department of Commerce, with power or redelegation, by Department of Commerce Organization Order 10–3 of July 5, 1974, who has redelegated these responsibilities to the Deputy Assistant Secretary for Resources and Trade Assistance by Domestic and International Business Administration Organization and Function Order 44–1, effective November 17, 1972.

* * * * *

4. As redesignated, § 301.2(a) is revised to read as follows:

§ 301.2 Definitions.

* * * * *

(a) "Deputy Assistant Secretary" means the Deputy Assistant Secretary for Resources and Trade Assistance of the Department of Commerce, or such official as he may designate to act in his behalf.

* * * * *

5. As redesignated, § 301.3 is revised to read as follows:

§ 301.3 Application for duty-free entry.

(a) Any public or private nonprofit institution established for educational or scientific purposes desiring to obtain duty-free entry of an instrument or apparatus under item 851.60 shall file an application in seven copies on Form DIB–338P, "Request for duty-free entry of scientific instruments or apparatus" (formerly OIPF–768). Applications and attachments shall comply with the language requirement and other provisions of § 301.1(c). Application forms may be obtained from the Deputy Assistant Secretary, from District Offices of the U.S. Department of Commerce, or from U.S. Customs ports. For a period of 60 days from the effective date of this revision, Form OIPF–768, "Request for duty-free entry of scientific instruments or apparatus," may be used if Form DIB–338P is not yet available.

(b) The applicant should answer all applicable questions appearing on Form DIB–338P in accordance with the instructions set forth on the form and in this part. Unless otherwise indicated from context, terms used in the form have the meanings defined in § 301.2. Questions 5, 7, 8, 9, and 12 shall be completed by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is thoroughly familiar with the specific program requiring an instrument, apparatus or accessory having the pertinent specifications of the foreign instrument. Two of such forms shall be executed in original by the aforementioned person, and five shall be true copies. The seven completed copies of the form, with the attachments required to complete the form fully, should be mailed or delivered to:

United States Customs Service
Attention: Classification and Value
Washington, D.C. 20229

(c) Only one application shall be required for a foreign instrument and its accompanying accessories. A single application may be submitted for any quantity of the same type or model of the foreign instrument, apparatus or accessory, provided that all of that quantity are intended to be used for all of the purposes described in the response to question 7. If the purchase order includes different types or models of the same general category of the foreign instrument, and its accompanying accessories, a separate application shall be submitted for each type or model although all may be intended for the same purposes.

Dated: November 22, 1974.

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

Dated: February 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–6944 Filed 3–17–75;8:45 am]

CHAPTER VII—OFFICE OF IMPORT PROGRAMS, DEPARTMENT OF COMMERCE

PART 701—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Part 701 of Chapter VII of Title 15 of the Code of Federal Regulations, the only regulations in this chapter, is hereby transferred to Chapter III of Title 15 and redesignated as Part 301 of that chapter. Chapter VII is hereby vacated and reserved.

(Subsection 6(c), Pub. L. 89–651, 80 Stat. 899 (19 U.S.C. 1202); Department of Commerce Organization Order 10–3, 39 FR 27484; Organization and Function Order 44–1 of the Domestic and International Business Administration, 38 FR 9324.)

Dated: November 22, 1974.

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

Dated: February 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–6943 Filed 3–17–75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2601]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Dillingham Development Co.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Corrective actions and/or requirements: § 13.553 *Corrective actions and/or requirements;* 13.155–45 Maintain records; 13.533–45(m) Records, sales. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605)

[Cease and desist order, Dillingham Development Company, Los Angeles, Calif., Docket C–2601, Nov. 19, 1974]

In the matter of Dillingham Development Company, a corporation.

Consent order requiring a Los Angeles, Calif., developer and seller of recreational Land in Calif., & Nev., among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent, Dillingham Development Company, a corporation, its successors and assigns, and re-

[1] Copies of the complaint, decision and order filed with original document.

spondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to make the required disclosures clearly, conspicuously, and in meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to set forth the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b)(2) of Regulation Z.

3. Failing to set forth the number, amount, due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term, "total of payments," and to identify the amount of any "balloon payment" and state the conditions, if any, under which a "balloon payment" may be refinanced if not paid when due, as prescribed by § 226.8(b)(3) of Regulation Z.

4. Failing to describe the method of computing unearned portions of finance charges and amounts deducted from any rebate or credit to the customer of such charges in the event of prepayment of the obligation, as prescribed in § 226.8(b)(7) of Regulation Z.

5. Failing to use the term "cash price" to describe the cash price of the property purchased, as prescribed by § 226.8(c)(1) of Regulation Z.

6. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as prescribed by § 226.8(c)(3) if Regulation Z.

7. Failing to disclose and itemize on a timely basis all other charges included in the amount financed, but which are not part of the finance charge, as prescribed by § 226.8(c)(4) of Regulation Z.

8. Failing to use the term "unpaid balance" to describe the sum of the unpaid balance of cash price and all other charges which are included in the amount financed but which are not part of the finance charge, as prescribed by § 226.8(c)(5) of Regulation Z.

9. Failing to use the term "amount financed" to describe the difference between the unpaid balance and any amounts required to be deducted under Paragraph (e) of Section 226.8 of Regulation Z, as prescribed by § 226.8(c)(7) of Regulation Z.

10. Failing to disclose itemize the total amount of the finance charge using the term "finance charge," as prescribed by § 226.8(c)(8)(i) of Regulation Z.

11. Failing to use the term "deferred payment price" to describe the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge as prescribed by § 226.8(8)(ii) of Regulation Z.

12. Failing, in any consumer credit transaction to make all disclosures, determinined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That the respondent corporation shall establish and maintain at its offices copies of relevant executed documents for all future and post-January 1, 1973 sales of real property for inspection and review upon request by the Federal Trade Commission. Such documents shall include, where appropriate, copies of the initial Purchase Agreement, Note Secured by Deed of Trust, Deed of Trust and Truth in Lending Disclosure Form.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

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

Decision and order issued by the Commission Nov. 19, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–7047 Filed 3–17–75;8:45 am]

[Docket No. C–2596]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Society of the Plastics Industry, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.17–40 Fire-extinguishing or fire resistant; § 13.195 *Safety;* 13.195–60 Product; § 13.205 *Scientific or other relevant facts;* § 13.245 *Specifications or standards conformance.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–10 Corrective advertising; 13.533–20 disclosures; 13.533–35 Employment of independent agencies. 13.533–50 Maintain means of communication; 13.533–66 Research programs. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* §13.1740 *Scientific or other* fairly or deceptively, to make material *relevant facts.* Subpart—Neglecting, undisclosure: § 13.1870 *Nature;* § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Society of the Plastics Industry, Inc., et al., New York, N.Y., Docket C–2596, Nov. 4, 1974]

In the matter of The Society of the Plastics Industry, Inc., Allied Chemical Corporation, ARCO Polymers, Inc. BASF Wyandotte Corporation, Baychem Corporation, Cook Paint and Varnish Company, The Dow Chemical Company, E. I. DuPont De Nemours & Co., Inc., The Flintkote Company, Inc., Foster Grant Company, Inc., The General Tire & Rubber Company, W. R. Grace & Co., Hooker Chemicals & Plastics Corporation, Jefferson Chemical Company, Inc., Millmaster Onyx Corporation, Mine Safety Appliances Company, Monsanto Company, Olin Corporation, Owens-Corning Fiberglas Corporation, PPG Industries, Inc., Tenneco Chemicals, Inc., Union Carbide Corporation, Uniroyal Inc., United States Steel Corporation, The Upjohn Company, and Witco Chemical Corporation, corporations.

Consent order requiring a trade association and 25 manufacturers of certain plastics products, among other things to alert users of cellular (or foamed) plastics products to the serious hazards these products may present in case of fire; to cease using descriptive terms which could mislead users as to the performance of the products under actual fire conditions; and to establish a $5 million public research program into the flammability of these products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I

It is ordered, That Allied Chemical Corporation, ARCO Polymers, Inc., BASF Wyandotte Corporation, Baychem Corporation, Cook Paint and Varnish Company, The Dow Chemical Company, E. I. duPont De Nemours & Company, The Flintkote Company, Inc., Foster Grant Co., Inc., The General Tire & Rubber Company, W. R. Grace & Company, Hooker Chemicals & Plastics Corp., Jefferson Chemical Company, Inc., Millmaster Onyx Corporation, Mine Safety Appliances Company, Monsanto Company, Olin Corporation, Owens-Corning Fiberglas Corporation, PPG Industries, Inc., Tenneco Chemicals, Inc., Union Carbide Corporation, United States Steel Corporation, Uniroyal, Inc., The Upjohn Company, and Witco Chemical Corporation (hereinafter referred to as "Respondents"), and Respondents' successors, assigns, officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the advertising, offering for sale, selling or distributing in commerce within the United States, of Products

[1] Copies of the complaint, decision and order and appendices filed with the original document.

as defined in Appendix A hereof, do forthwith:

(A) Cease and desist from using, publishing or disseminating, or encouraging others to use, publish or disseminate, directly or indirectly, orally or in writing, whether or not in conjunction with or with reference to any tests or standards, such descriptive terminology or expressions as: "non-burning", "self-extinguishing", "non-combustible", or any other term, expression, product, designation or trade name of substantially the same meaning except that such terminology may be used with respect to any Product hereafter developed which, is, in fact, non-combustible, non-burning, or self-extinguishing as the case may be, under actual fire conditions, and except that reference may be made to numerical flame spread ratings where (in the case of written reference) the following statement is included as prominently as, and in close conjunction to, such reference:

This numerical flame spread rating is not intended to reflect hazards presented by this or any other material under actual fire conditions.

or where (in the event of oral reference) a disclosure that the numerical flame spread rating is not intended to reflect hazards under actual fire conditions is made in conjunction with such oral reference. Reference to tests or standards in which such terminology appears shall not in itself be considered as prohibited by this paragraph.

(B) Individually establish and implement a program to identify previous purchasers from Respondent of Products, other than precursors from which such Products are not directly foamed, since January 1, 1968 and in conjunction with or through The Society of the Plastics Industry, Inc. (hereinafter referred to as "SPI") to supply each purchaser so identified with a notice in the form of Appendix B hereof within 120 days from the date this Order becomes final.

(C) In conjunction with or through SPI, cause to be published in each of the publications identified in Appendix C hereof a notice not less than one quarter of a page in size in the form of Appendix B or Appendix B–1 as shall be specified in Appendix C hereof.

(D) In conjunction with or through SPI, establish and implement a program to identify officials, governmental bodies and insurance underwriters and publishers of major building materials compendia concerned with fire safety codes and building codes embodying the tests or standards or terminology referred to in Appendix B and Paragraph (A) hereof, and to supply persons so identified within 120 days from the date this Order becomes final with a notice in the form of Appendix B hereof.

(E) In conjunction with or through SPI, mail each member of the American Society for Testing and Materials a notice in the form of Appendix B hereof within sixty (60) days from the date this Order becomes final.

(F) Collectively establish, implement and maintain a Research Program with the objectives of (a) determining the most effective manner for employing Products and systems containing Products to minimize hazards associated with fire in end-uses of Products or such systems, (b) developing guidelines for the safe and effective use of Products, and (c) developing tests or standards, including large-scale tests as well as methods by which the results of small scale tests can be correlated to provide an index of the behavior of Products in various burning conditions, which will permit, to the extent feasible, accurate and reliable determination, evaluation, prediction, or description of the burning characteristics of Products under actual fire conditions.

The Research Program shall be coordinated and managed by a Products Research Committee composed of nine persons of proved technical competence who are acceptable to the Federal Trade Commission and to Respondents, four of whom shall at all times be representatives of the Industry and none of the remainder of whom shall be representatives of a competing industry. Any vacancy on the Committee shall be filled by the affirmative vote of not less than two-thirds of the remaining members of the Committee; *provided, however*, That any such vacancy occurring among the industry representatives shall be filled from a list of three nominees submitted by the Executive Committee of SPI. The Federal Trade Commission shall designate a Chairman of the Committee from among the members of the Committee, who shall prepare agenda, preside at meetings, and sign vouchers and checks but who shall have no other responsibilities or authority greater than any other member of the Committee. The Committee shall keep complete and accurate minutes of meetings, and records of all contracts, reports, test results and supporting data, and shall make such materials available to the Federal Trade Commission and to Respondents on reasonable notice. The Committee may implement the Program by direct grants, contracts or such other means as it deems appropriate, and shall submit an annual report of Program activities to the Federal Trade Commission and to Respondents. All Committee action, other than the filling of vacancies on the Committee, shall be effected by a majority vote of the membership.

The Research Program shall have available $5 million, not to exceed $1.5 million in any year, in cash funds or, to the extent desired by the Products Research Committee, in manpower support or other value in kind (hereinafter all referred to as Program Funds) to be expended over a period of five years beginning on the date this Order becomes final. There shall be a credit against the provision of Program Funds in an amount, not to exceed $2.5 million equal to the value expended by or through SPI to support programs, including current programs, designed to accomplish an objective of the Research Program, *provided*, That such credit shall not be allowed as to any program after a determination by the Products Research Committee that the Program is not designed to accomplish, or is not accomplishing an objective of the Research Program. The Products Research Committee shall be supplied with the research contract, project proposal, and a detailed project description of each program as to which value expended by or through SPI is proposed as a credit against the provision of Program Funds, sufficient to show that each such program is in fact designed to accomplish an objective of the Research Program, and Respondents in conjunction with or through SPI shall cause to be maintained and made available to the Committee upon request complete records concerning the operations and results of such programs. The Committee shall annually review all continuing programs, including those for which credit has been extended, to determine their continued conformance with objectives of the Research Program. The balance of Program Funds shall be supplied by Respondents, as required to meet program commitments, *provided*, That Respondents' obligation shall be *pro tanto* reduced by any supply of Program Funds by others, and shall be available for disbursement for the Research Program in such manner and for such programs as the Products Research Committee may direct. Respondents shall also provide such reasonable administrative support for the Committee as is required for its operations, including meeting facilities, secretarial assistance, office supplies and accounting and disbursements assistance, the cost of which shall not exceed $25,000 per year. Nothing contained herein shall prevent the Products Research Committee from taking appropriate actions, including but not limited to the formation of a trust or non-profit corporation, for the carrying out of the objectives of this paragraph.

Program Funds shall be made available based on a formula mutually agreed upon among Respondents. Each Respondent shall be, severally, obligated to provide only those funds specifically charged to it pursuant to said formula.

(G) Individually take all necessary and appropriate actions to inform present and future employees having managerial, sales, marketing, or research responsibility regarding Products, other than precursors from which such Products are not directly foamed, of the provisions of Paragraph (A) and Appendix B of this Order and to enforce compliance therewith by such employees by:

(1) furnishing each such present employee within thirty (30) days from the effective date of the Order, and each such future employee within thirty (30) days of his assignment to managerial, sales, marketing, or research responsibility regarding Products, with a copy of Paragraph (A) and Appendix B together with a written notice, over the signature of the Respondent's chief executive officer, which promulgates the policy required in Paragraph (A); and which notifies each such person that the Respondent will take appropriate disciplinary action, which shall, in the event of willful or

repeated violations, consist of fine, suspension or dismissal, against any persons who engage in acts or practices prohibited by Paragraph (A);

(2) requiring appropriate periodic written assurance from each such person that his business practices conform with the requirements of Paragraph (A).

(H) Individually submit to the Commission a report within sixty (60) days and one hundred twenty (120) days after the effective date of this Order, setting forth the specific steps which the Respondent has taken and intends to take during the period ending on the next anniversary of the effective date to implement the provisions of this Order, and thereafter to file such a report annually beginning on the anniversary of the effective date, for a period of five (5) years, as well as such other reports relating to the subject matter of this Order as the Commission may thereafter direct.

(I) Individually notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries engaged in the manufacture or distribution of products in the United States, or any other change in the corporation which may affect compliance obligations arising out of the Order.

II

It is further ordered, That The Society of the Plastics Industry, Inc. (hereinafter referred to as "Respondent" or, "SPI") and Respondent's successors, assigns, officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the promotion or in commerce within the United States, of Products as defined in Appendix A hereof, do forthwith:

(A) Cease and desist from using, publishing or disseminating, or encouraging others to use, publish or disseminate, directly or indirectly, orally or in writing, whether or not in conjunction with or with reference to any test or standards, such descriptive terminology or expressions as: "non-burning", "self-extinguishing", "non-combustible", or any other term, expression, product designation or trade name of substantially the same meaning except that such terminology or expressions may be used with respect to any Product hereafter developed which is, in fact, non-combustible, non-burning, or self-extinguishing as the case may be, under actual fire conditions, and except that reference may be made to numerical flame spread ratings where (in the case of written reference) the following statement is included as prominently as, and in close conjunction to, such reference:

This numerical flame spread rating is not intended to reflect hazards presented by this or any other material under actual fire conditions.

or where (in the event of oral reference) a disclosure that the numerical flame spread rating is not intended to reflect hazards under actual fire conditions is made in conjunction with such oral reference. Reference to tests or standards in which such terminology appears shall not in itself be considered as prohibited by this paragraph.

(B) In conjunction with or on behalf of Allied Chemical Corporation, ARCO Polymers, BASF Wyandotte Corporation, Baychem Corporation, Cook Paint and Varnish Company, The Dow Chemical Company, E. I. duPont De Nemours & Company, The Flintkot Company, Foster Grant Co., Inc., W. R. Grace & Company, Hooker Chemicals & Plastics Corp., Jefferson Chemical Company, Inc., Millmaster Onyx Corporation, Mine Safety Appliance Company, Monsanto Company, Olin Corporation, Owens-Corning Fiberglas Corporation, PPG Industries, Inc., Tenneco Chemicals, Inc., Union Carbide Corporation, United States Steel Corporation, Uniroyal, Inc., The Upjohn Company, and Witco Chemical Corporation (hereinafter referred to as "other Respondents") supply each purchaser identified by other Respondents pursuant to their consent order with the Federal Trade Commission in File No. 732 3040, with a notice in the form of Appendix B hereof within 120 days from the date this Order becomes final.

(C) In conjunction with or on behalf of other Respondents, cause to be published in each of the publications identified in Appendix C hereof a notice not less than one quarter of a page in size in the form of Appendix B or Appendix B–1 as shall be specified in Appendix C hereof.

(D) In conjunction with or on behalf of other Respondents, establish and implement a program to identify officials, governmental bodies and insurance underwriters and publishers of major building materials compendia concerned with fire safety codes and building codes embodying the tests or standards or terminology referred to in Appendix B and Paragraph (A) hereof, and to supply persons so identified within 120 days from the date this Order becomes final with a notice in the form of Appendix B hereof.

(E) In conjunction with or on behalf of other Respondents, mail each member of the American Society for Testing and Materials a notice in the form of Appendix B hereof within sixty (60) days from the date this Order becomes final.

(F) Take all steps necessary and appropriate to implement and maintain the Research Program established by other Respondents pursuant to Paragraph (F) of their consent order with the Federal Trade Commission in File No. 732 3040 including (1) the submission by the Executive Committee of SPI to the Products Research Committee a list of three nominees of persons of proved technical competence to fill any vacancies occurring among the industry representatives to the Products Research Committee; (2) the submission of the research contract, research proposal, and a detailed project description of each program as to which the value expended by or through SPI is proposed as a credit against the provision of program funds sufficient to show that each such program is, in fact, designed to accomplish the objectives of (a) determining the most effective manner for employing Products and systems containing Products to minimize hazards associated with fire in end-uses of Products or such systems, (b) developing guidelines for the safe and effective use of Products, and (c) developing tests or standards, including large-scale tests as well as methods by which the results of small scale tests can be correlated to provide an index of the behavior of Products in various burning conditions, which will permit, to the extent feasible, accurate and reliable determination, evaluation, prediction, or description of the burning characteristics of Products under actual fire conditions; and (3) the maintenance of complete records concerning the operations and results of programs for which such a credit is given which shall be available to the Products Research Committee upon request.

(G) Take all necesary and appropriate actions to inform present and future employees having administrative, managerial, promotional or technical responsibility regarding Products, of the provisions of Paragraph (A) and Appendix B of this Order and to enforce compliance therewith by such employees by:

(1) furnishing each such present employee within thirty (30) days from the effective date of the Order, and each such future employee within thirty (30) days of his assignment to administrative, managerial, promotional, or technical responsibility regarding Products, with a copy of Paragraph (A) and Appendix B together with a written notice, over the signature of Respondent's chief executive officer, which promulgates the policy required in Paragraph (A); and which notifies each such person that the Respondent will take appropriate disciplinary action, which shall, in the event of willful or repeated violations, consist of fine, suspension or dismissal, against any persons who engage in acts or practices prohibited by Paragraph (A);

(2) requiring appropriate periodic written assurance from each such person that his business practices conform with the requirements of Paragraph (A).

(H) Submit to the Commission a report within sixty (60) days and one hundred twenty (120) days after the effective date of this Order, setting forth the specific steps which the Respondent has taken and intends to take during the period ending on the next anniversay of the effective date to implement the provisions of this Order, and thereafter to file such a report annually beginning on the anniversay of the effective date, for a period of five (5) years, as well as such other reports relating to the subject matter of this Order as the Commission may thereafter direct.

(I) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate Respondent such as dissolution, assignment or sale resulting in the emergence of a successor cor-

poration, the creation or dissolution of subsidiaries engaged in the manufacture or distribution of products in the United States, or any other change in the corporation which may affect compliance obligations arising out of the Order.

APPENDIX A

For purposes of this Order, Products shall mean cellular or foamed plastic material (as hereinafter defined) which is used in the construction of homes, buildings and similar structures, or Furniture (as hereinafter defined) in such structures, but not including flooring or flooring underlay or interior or exterior trim (as hereinafter defined), or carpet underlay or synthetic grass underlay.

As used herein, the term cellular or foamed plastic material shall mean (a) in the case of material used in the construction of homes, buildings and similar structures, a heterogeneous system comprised of at least two phases, one of which is a continuous polymeric organic material, and a second of which is deliberately introduced for the purpose of distributing a gas in voids throughout the material, thus achieving a reduction in mass density to less than 95% of the density of the unfoamed polymeric organic material, and in the case of material used in Furniture such a heterogeneous system with a density less than 20 pounds per cubic foot, and (b) both foamed and unfoamed polymeric or monomeric precursors (pre-polymer, if used) unless sold for use in other materials, but not including plasticizers, fillers and extenders, catalysts, blowing agents, colorants, stabilizers, lubricants, surfactants, pigments, reaction control agents, processing aids, and flame retardants.

As used herein, the term Furniture shall mean articles used to equip the interior of a structure, which are moveable, but shall exclude articles which are regulated or become regulated with respect to fire hazards under federal statutes or regulations.

As used herein, interior trim shall mean Products with a density of 20 pounds per cubic foot or greater used around openings or on walls or ceilings, including casings, baseboards, chair-rails, and moldings applied for decoration which do not exceed ten percent of the aggregate wall and ceiling areas of any room or space; exterior trim shall mean Products with a density of 20 pounds per cubic foot or greater used around openings, and on exterior walls and roofs, including casings, moldings and shutters, which do not exceed ten per cent of the aggregate space on any wall or roof; and flooring and flooring underlay shall mean Products with a density of 20 pounds per cubic foot or greater used in flooring or flooring underlay.

APPENDIX B—IMPORTANT NOTICE REGARDING THE FLAMMABILITY OF CELLULAR PLASTICS USED IN BUILDING CONSTRUCTION, AND LOW DENSITY CELLULAR PLASTICS USED IN FURNITURE

The flammability characteristics of cellular plastics used in building construction, and low density cellular plastics used in furniture are tested under numerous test methods and standards. Included among these are ASTM D-568, 635, 757, 1433, 1692, E-84, 162 and 286; UL 94 and 723; and NFPA 255. The Federal Trade Commission considers that these standards are not accurate indicators of the performance of the tested materials under actual fire conditions, and that they are only valid as a measurement of the performance of such materials under specific, controlled test conditions. The terminology associated with the above tests or standards, such as "non-burning", "self-extinguishing", "non-combustible" or "25 (or any other) flame spread" is not intended to reflect hazards presented by such products under actual fire conditions. Moreover, some hazards associated with numerical flame spread ratings for such products derived from test methods and standards may be significantly greater than those which would be expected of other products with the same numerical rating.

The Commission considers that under actual fire conditions, such products, if allowed to remain exposed or unprotected, will under some circumstances produce rapid flame spread, quick flashover, toxic or flammable gases, dense smoke and intense and immediate heat and may present a serious fire hazard. The manufacturer of the particular product or The Society of the Plastics Industry, Inc., should be consulted for instructions for use to minimize the risks that may be involved in the use of these products.

The Federal Trade Commission, Washington, D.C. 20580 requests that any representation that is inconsistent with the terms of this Notice be brought to its attention. This Notice is distributed by The Society of the Plastics Industry, Inc., 250 Park Avenue, New York, New York 10017.

APPENDIX B-1—(TO BE USED IN LIEU OF APPENDIX B AS REGARDS CONSUMER JOURNALS) IMPORTANT NOTICE CONCERNING CERTAIN CELLULAR PLASTICS PRODUCTS

The Federal Trade Commission believes that certain cellular plastic products may present serious hazards in case of fire. If improperly used or allowed to remain exposed or unprotected, these products may burn rapidly in a fire and produce dense smoke and toxic gas. Some of these products are polyurethane foam, polystyrene foam, polyvinyl chloride foam, ABS foam, cellulose acetate foam, epoxy foam, phenolic foam, polyethiene foam, polypropylene foam, urea foam, ionmer foam, silicone foam, and foamed latex. These products are sometimes used in building construction, particularly as insulation, and flexible foamed plastics of this type are sometimes used in furniture.

The Federal Trade Commission believes that terms such as "non-burning," "self-extinguishing" or "non-combustible" do not accurately reflect the hazards that may be presented by such products since in fires such products are not self-extinguishing and will burn rapidly if not properly protected.

You may have purchased these products from a building supply store or from a contractor or applicator, or they may have been installed in the original construction of your home. If you are uncertain how to minimize risks that may result from the improper use of these products you should consult The Society of the Plastics Industry, Inc., or the manufacturer.

This Notice is distributed by The Society of the Plastics Industry, Inc., 250 Park Avenue, New York, New York.

APPENDIX C

The notice set forth in Appendix B shall be published once in each of the following journals. The schedule for such publication shall be made in the first journal within each given category not more than ninety (90) days from the effective date of this Order, in the second journal within the given category the following month and in each subsequent journal during each successive month until such time as the notice has been carried once in each journal.

JOURNALS

Architectural Journals:
Architectural Digest.
Progressive Architecture.
Architectural Record.
Building and Construction Journals:
Building Products Guide.
Engineering News Record.
Professional Builder.
House & Home.
NAHB Journal of Homebuilding.
Fire Protection Journals:
Fire Command.
Fire Chief Magazine.
Fire Engineering.
Furnishings Journals:
Home Furnishings Daily.
Heating, Plumbing & Air Conditioning Journals:
D. E. Journal.
ASHRAE Journal.
Insurance Journals:
Best's Review.
National Underwriter.
Interior Decoration:
Family Handyman.
Interiors.
Plastics Journals:
Modern Plastics.
Plastic World.
Plastics Design & Processing.
Plastics Technology.

The notice set forth in Appendix B-1 shall be published in each of the following journals not more than ninety (90) days from the effective date of this Order:

Consumer Journals:
Better Homes & Gardens.
House and Garden.
Time.
Popular Mechanics.
Farm Journals:
Farm Journal.
American Farmer.

Decision and order issued by the Commission Nov. 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-7048 Filed 3-17-75;8:45 am]

[Docket No. C-2600]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

West Coast Credit Corp. and Fidelity Finance Co., Inc.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general; 13.533-70 Vacate court actions.[1] Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, West Coast Credit Corporation t/a Fidelity Finance Co., Inc., Seattle, Wash., Docket C-2600, Nov. 19, 1974]

In the Matter of West Coast Credit Corporation, a Corporation Doing Business as Fidelity Finance Co., Inc.

Consent order requiring a Seattle, Wash., money lender, among other

[1] Revised Nov. 19, 1974.

things to cease instituting collection lawsuits except in the county where the defendant either resides or where the contract was signed, and using promissory notes, etc., containing provisions governing the choice of forum county in the event of suit.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: *

It is ordered, That respondent West Coast Credit Corporation, a corporation doing business as Fidelity Finance Co., Inc., and its successors, assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the extension or collection of credit obligations of consumers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Instituting suits except in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county. The term "county" includes the equivalent political subdivision where no county exists.

2. Using promissory notes or other contracts containing any provision which governs or purports to govern choice of forum county in the event of suit.

It is further ordered, That, where respondent learns subsequent to institution of a suit that Paragraph 1 above has not been complied with, it shall forthwith terminate the suit and vacate any default judgment entered thereunder. In lieu of such termination, respondent may effect a change of forum to a county permitted by Paragraph 1, *provided that* respondent gives defendant notice of such action and opportunity to defend equivalent to that which defendant would receive if a new suit were being instituted. In all cases respondent shall provide defendants with a clear explanation of the action taken and of defendants' rights to appear, answer and defend in the new forum.

It is further ordered, That, where respondent terminates a suit or vacates a judgment pursuant to the preceding Paragraph, it shall give notice to such termination or vacation to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C. Section 603), which respondent has been informed or has reason to know has recorded the suit or judgment in its files. Additionally, respondent shall furnish such notice to any other person or organization upon request of the defendant.

It is further ordered, That when respondent institutes suit in any superior court in Washington state, it shall attach, to any summons served upon defendants, a notice or explanation to defendants which gives clear and adequate directions as to the proper procedure for responding to the summons without defaulting. The notice or explanation shall use clear and unconfusing language, and shall appear clearly, conspicuously, and in type at least as large as typewriter pica type. Should superior court rules or procedures change respondent shall forthwith modify the notice accordingly. The initial form of the notice, and any modifications thereof, shall be subject to approval by the Seattle Regional Office or other authorized representative of the Federal Trade Commission.

It is further ordered, That respondent prepare and maintain a summary of Washington superior court suits instituted, pending, terminated, or acted upon subsequent to judgment. This summary shall contain each defendant's (1) name, (2) address, and (3) county of residence; (4) county where the contract sued upon was signed by the defendant, if the suit was not instituted in the residence county; (5) date served; (6) date filed; (7) docket number; (8) name and location of court in which filed; (9) amount claimed; and (10) whether a default judgment has been entered. Where a suit has been instituted in a county other than where defendant resides or signed the contract, the reason for this choice of forum shall be explained. This summary shall cover a continuous two-year period commencing with service upon respondent of this order. A summary of suits instituted in King County Superior Court shall be prepared for the year immediately prior to this service, including only items 1–4 and 10, above. A copy of this summary shall be submitted to the Federal Trade Commission on a semiannual basis except that the summary of activity for the year preceding service of this order upon respondent shall be submitted within sixty days after service.

It is further ordered, That respondent shall forthwith deliver a copy of this order to each of its branches, subsidiaries, and operating divisions.

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

It is further ordered, That the respondent herein shall within sixty days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and order issued by the Commission Nov. 19, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-7049 Filed 3-17-75;8:45 am]

* Copies of the complaint & decision and order filed with the original document.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 344-6; OPP-262302A]

PART 121—FOOD ADDITIVES

Methoprene; Correction

In FR Doc. 75-5402 appearing on page 8804 in the issue for Monday, March 3, 1975, the petition number for a pesticide food additive tolerance submitted by Zoecon Corp., 975 California Ave., Palo Alto CA 94304, was incorrectly cited. It should read FAP 4H5055.

Dated March 7, 1975.

LEONARD R. AXELROD,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-7086 Filed 3-17-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Diethylstilbestrol as Postcoital Oral Contraceptive; Drug Labeling

Correction

In FR Doc. 75-3201 appearing at page 5351 of the issue for Wednesday, February 5, 1975, in 310.501(a)(7), page 5354, the phrase "met on or before May 6, 1975, the date of publication of this section on the FEDERAL REGISTER." should read "met within 90 days of the date of publication of this section in the FEDERAL REGISTER."

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Advance Construction of Federal-Aid Projects; Amendment

This will amend the regulations of the Federal Highway Administration by revising § 630.701 and § 630.702 of 23 CFR 630, subpart G. Subpart G, dealing with the advance construction of Federal-aid projects, was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26414). Sections 630.701 and 630.702 are amended to reflect the changes in section 115 of title 23 U.S.C. which were brought about as a result of the passage of section 111 of the Federal-Aid Highway Amendments of 1974. These changes allow advance construction of Interstate projects without the former apportionment restrictions. This relief will apply to the Interstate System only.

The proposed regulation will codify a revision of paragraph 1 and paragraph 2(a) of Volume 6, Chapter 3, section 2, subsection 7 of the Federal-aid Highway Program Manual.

Inasmuch as the material published relates to benefits, grants, or contracts

within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

Sections 630.701 and 630.702 are hereby revised to read as follows:

§ 630.701 Purpose.

The purpose of this directive is to prescribe procedures for the construction by a State of projects on any of the Federal-aid systems, in advance of apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate System only, and for the subsequent reimbursement to the State of the Federal share of the cost of the project, pursuant to 23 U.S.C. 115 as amended.

§ 630.702 Requirements and conditions.

a. The State must have obligated all funds for any of the Federal-aid systems, other than the Interstate System, apportioned to it under 23 U.S.C. 104 of the particular class of funds for which the project is proposed.

This revision will take effect immediately.

Issued on: March 12, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-7056 Filed 3-17-75;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 751—JUNKYARD CONTROL AND ACQUISITION

Correction

In FR Doc. 75-5301, appearing at page 8551 of the issue for Friday, February 28, 1975 make the following changes:

1. On page 8553 since several lines in § 751.1 were transposed or dropped the section is reprinted below:

§ 751.1 Purpose.

Pursuant to 23 U.S.C. 136, this Part prescribes Federal Highway Administration [FHWA] policies and procedures relating to the exercise of effective control by the States of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this Part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

2. On page 8554 the third line of § 751.19(d) should be corrected to read "involved are not included in the State's".

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 215—WITHHOLDING OF CITY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

In order to implement Pub. L. 93-340 (which added a new section 5520 to title 5 of the United States Code) and Executive Order 11833, January 13, 1975, the Department of the Treasury published in the January 31, 1975, FEDERAL REGISTER at pages 4659 and 4660, proposed regulations to govern the withholding of city income and employment taxes from the pay of Federal employees.

The proposed regulations set out a text of a Standard Agreement proposed by the Secretary of the Treasury, and prescribed the procedures to be followed by cities in entering into agreements with the Secretary of the Treasury.

Interested persons were given 30 days within which to submit written comments, and comments received were considered by this Department.

The regulations to be adopted are similar to the proposed regulations. The principal differences between the regulations to be adopted and the proposed regulations are: (1) the term "territorial jurisdiction" in § 215.6 has been changed to "political boundaries"; (2) the definition of "regular place of Federal employment" in § 215.2(f) has been rewritten; and (3) a requirement that the Secretary give 30 days notice before he amends or waives a part of the agreement has been added to § 215.10.

Since the Secretary of the Treasury is required by Pub. L. 93-340 to enter into an agreement within 120 days of a request from a qualified city, and since, with regard to certain cities' requests, this period has already expired, the Department finds, in accordance with 5 U.S.C. 533(d)(3), that there is no good cause to postpone the effective date of the adopted regulations.

Therefore, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations is hereby amended by the addition of a new part, designated Part 215, to read as follows:

Subpart A—General Information

AUTHORITY: The provisions of this Part 215 are issued under 5 U.S.C. 5520 and section 6 of Executive Order 11833, January 13, 1975 (40 FR 2673).

Subpart A—General Information

§ 215.1 Scope of regulations.

The regulations in this part govern agreements between the Secretary of the Treasury (hereinafter referred to as the Secretary) and qualified cities for the withholding of city income or employment taxes from the compensation of Federal employees subject to those taxes. Subpart A is informational. Subpart B prescribes the procedures to be followed in entering into an agreement for the withholding of such city taxes. Subpart C is the Standard Agreement which the Secretary will enter into with any qualified city. The Department of the Treasury intends to adhere to the Standard Agreement and, thus, will not agree to other provisions which may be proposed by a qualified city unless the city's unique circumstances require such provisions.

§ 215.2 Definitions.

As used in this part—

(a) "Agency" means (1) an executive agency as defined in section 105 of title 5 of the United States Code, (2) the judicial branch, and (3) the United States Postal Service.

(b) "Armed Forces" includes all regular and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Employee" as applied to employees of an agency includes officers and means individuals (1) appointed by a Federal officer or employee acting in his official capacity, (2) engaged in the performance of a Federal function under authority of law or executive act, and (3) subject to the supervision of a Federal officer or employee in the performance of the duties of his position. The term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the Federal Government who are not performing active service, or persons receiving remuneration for services on a contract-fee basis.

(d) "City" means a city which is duly incorporated under the laws of a State and has within its political boundaries, on the date of the agreement, 500 or more persons who are regularly employed by all agencies of the Federal Government.

(e) "City income or employment taxes" means any form of tax for which, under a city ordinance, collection is provided by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the city. Whether the tax is described as an income, wage, pay roll, earnings, occupational license, or otherwise, is immaterial.

(f) "Regular place of Federal employment" means the official duty station, or other place, where an employee actually performs his services, irrespective of his residence. If the employee's services are performed in a travel or temporary duty status, his "regular place of Federal employment" will be the official duty station, or other place, to which he is expected to proceed when his travel or temporary duty status ends.

(g) "Compensation" as applied to employees of an agency shall mean "wages" as defined in section 3401(a) of the Internal Revenue Code of 1954, and regulations issued thereunder.

Subpart B—Procedures

§ 215.3 Procedure for Standard Agreement.

(a) A city which has an ordinance which provides for a city income or em-

ployment tax and wishes to enter into the Standard Agreement as set out in Subpart C shall, by a letter addressed to the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, signed by an appropriate city official, state its agreement to be bound by all of the provisions of the Standard Agreement set forth below. Copies of all applicable city ordinances, regulations, instructions, and forms shall be enclosed. The letter shall also state the title and address of the official whom the agencies may contact to obtain forms and other information necessary to implement withholding.

(b) Within 120 days of the receipt of the letter from the city official, the Fiscal Assistant Secretary or his designee will by letter notify the city either (1) that the Standard Agreement has been entered into as of the date of the Fiscal Assistant Secretary's letter, or (2) that an agreement cannot be entered into with the city and the reasons for that determination.

§ 215.4 Procedure for agreement other than Standard Agreement.

(a) If a city which has an ordinance which provides for a city income or employment tax proposes an agreement which varies from the Standard Agreement, the city shall follow the procedure in § 215.3, except that its letter shall state which provisions of the Standard Agreement are not acceptable, propose substitute provisions, and give the reasons therefor.

(b) Within 60 days, the Fiscal Assistant Secretary or his designee will notify the city which substitute provisions may be included in the agreement. The city shall, by letter, notify the Fiscal Assistant Secretary if it accepts such an agreement. When accepted by the city, the effective date of that agreement shall be the date such acceptance is received by the Fiscal Assistant Secretary.

Subpart C—Standard Agreement Text

§ 215.5 Parties.

The parties to this agreement are the Secretary of the Treasury, acting through his designee, and the city which has entered into this agreement pursuant to §§ 215.3 or 215.4.

§ 215.6 Compliance by agencies.

Except as otherwise provided in this agreement, the head of each agency of the United States shall comply with all ordinances of the city which provide for a city income or employment tax, and all regulations and procedural instructions issued thereunder, with respect to employees of the agency who are subject to the tax and whose regular place of Federal employment is within the political boundaries of the city.

§ 215.7 Employee withholding certificates.

Each agency may require its employees to complete a withholding certificate as the basis for calculating the amount to be withheld regularly from each employee's compensation. The agency may rely on the information in the certificate, unless it is contrary to information in the possession of the agency. The agency may use the certificate which the city has prescribed, if any, or any other certificate, approved by the Department of the Treasury, which the agency finds suitable. Copies of such certificates will be provided to cities by agencies upon request.

§ 215.8 Agency withholding procedures.

(a) Where it is the practice of an agency to file returns and make payments of the Federal income taxes withheld on an estimated basis subject to later adjustments based on audited figures, such practice may be followed in the withholding of city income and employment taxes if the agency has made appropriate arrangements with the city.

(b) In calculating the amount to be withheld from an employee's compensation, each agency shall use the method prescribed by the city, or any percentage or formula method which produces approximately the tax required to be withheld by the city ordinance.

(c) Procedures for the withholding, the filing of returns, and the payment of tax to the city shall conform to the usual fiscal practices of agencies.

(d) Federal Form W–2, "Wage and Tax Statement," may be used by agencies for the reporting of withheld taxes to the city.

(e) Agencies shall not withhold the city income or employment tax from the unpaid compensation of a deceased employee.

§ 215.9 Miscellaneous provisions.

(a) This agreement does not (1) allow agencies to collect delinquent city taxes or penalties from Federal employees, (2) apply to pay for service as a member of the Armed Forces, or (3) permit the withholding of city income or employment taxes from the pay of a Federal employee who is not a resident of the State in which the city is located unless the employee consents to the withholding.

(b) Agencies may not accept pay from the city for services performed in withholding the city income or employment tax.

§ 215.10 Amendment cancellation.

This agreement is subject to the provisions of 5 U.S.C. 5520 and other applicable laws, and any rules or regulations issued thereunder, including amendments to such provisions occurring after the effective date of this agreement. The Secretary or his designee may, after giving 30 days notice to the city, amend or waive any part of this agreement. Either the Secretary or his designee or the city may cancel this agreement after giving 30 days written notice to the other party.

§ 215.11 Effective date; commencement of withholding.

(a) The effective date of this agreement shall be:

(1) In the case of a city accepting all of the provisions of this agreement, the date of the letter to the city from the Fiscal Assistant Secretary of the Treasury or his designee stating that the agreement has been entered into, or

(2) In the case of an agreement which varies from this Standard Agreement, the date that the Fiscal Assistant Secretary receives the letter from the city accepting the Department's determination as to the inclusion of such variations.

(b) The withholding of the city income or employment tax shall commence within 90 days after the effective date of this agreement.

Dated: March 13, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-7034 Filed 3-17-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 344-4]

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

Subpart D—Rules of Practice for Applications Under Sections 3 and 18 To Modify Previous Cancellation or Suspension Orders

On February 10, 1975, the Environmental Protection Agency ("EPA") published notice in the FEDERAL REGISTER (40 FR 6229) of the filing of an application under section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA"), and regulations thereunder, for the use of pesticides containing DDT (1,1,1-trichlorophenyl ethane) on cotton to control the tobacco bud worm. EPA also published on February 10, 1975, notice in the FEDERAL REGISTER (40 FR 6228) of informal public hearings with respect to Louisiana's application to be held in Baton Rouge, Louisiana, on February 27–28, 1975 and in Washington, D.C., on March 3–5, 1975.

The objective of EPA in holding these informal hearings was to provide all interested parties with an opportunity informally to present their views and to allow EPA to reach a determination as soon as practicable. As these informal hearings progressed it became apparent that the questions raised by the Louisiana application directly relate to the prior cancellation determination of the Administrator with respect to DDT, following extensive adjudicatory hearings and judicial review. After the informal hearings were announced, concern developed within EPA that because of these prior administrative and judicial proceedings, informal hearings alone may not fully satisfy the requirements of the FIFRA, the Administrative Procedures Act and due process. EPA has concluded that the law requires that revised procedures be instituted for the

Louisiana application and for similar cases in the future, in order to provide required notice and opportunity for formal public hearings to all affected parties. If the procedures were not revised and the ultimate determination were to grant the petition, court challenges to the procedures would cause additional delays and may even result in reversal on procedural grounds. In such a situation, Louisiana would be denied the benefits of a favorable ruling for spring cotton planting because of procedural irregularities. The purpose of this notice is to set forth the required procedures and to explain reasons for requiring such procedures. With respect to the Louisiana application this notice also serves to confirm a tentative time schedule announced at the Washington, D.C. informal hearings on March 5, 1975, within which these procedures will operate.

Since the registration of DDT for pests on cotton, including the tobacco bud worm, constituted at least 75% of DDT usage subject to the cancellation order of the Administrator of June 14, 1972 (37 FR 13369) and amounted to 10 million pounds of DDT annually, the Louisiana application for use of 2.25 million pounds in Louisiana in 1975 squarely presents the question of whether the final cancellation order should be reconsidered. EPA has determined that any application under section 3 or section 18 of FIFRA for the use of a pesticide at a site and on a pest for which registration has been finally cancelled or suspended by the Administrator is in substance a petition for reconsideration of such order. Because of the extensive notice and hearing opportunities mandated by FIFRA and the Administrative Procedures Act before a final cancellation or suspension order may be issued, EPA has determined that such orders may not be reversed or modified without affording interested parties—who may in fact have participated in lengthy cancellation proceedings—similar notice and hearing opportunities.

Section 6 of FIFRA permits the Administrator to issue notice of intent to cancel a pesticide registration upon a finding by him that the pesticide "generally causes unreasonable adverse effects on the environment. "Such notice is required to be sent to the registrant and made public. The registrant, or other person adversely affected, may then request a hearing. The final decision of the Administrator is required to be made after the conclusion of the hearing. The United States Court of Appeals for the District of Columbia has characterized the cancellation procedures as providing "extensive safeguards" and "elaborate procedural protection" to pesticide registrants and others and, as a result, "a substantial time, likely to exceed one year, may lapse between issuance of notice of cancellation and final order of cancellation. * * *" *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 328 F. 2d 528, 533 (1972).

The application filed by Louisiana involves the requested use of DDT on cotton. The extensive administrative and judicial proceedings leading up to final cancellation of DDT registrations not only relate directly to the Louisiana petition but also demonstrate the exhaustive proceedings which precede final EPA actions in contested cancellation or suspension proceedings.

PROCEEDINGS LEADING TO THE FINAL CANCELLATION OF DDT

(1) *The EDF Petition of October 1969.* On October 31, 1969, the Environmental Defense Fund, The National Audubon Society, the Sierra Club and the West Michigan Environmental Action Counsel ("EDF") filed a petition with the Secretary of Agriculture ("USDA"), requesting him (1) to issue notices of cancellation for all pesticide products containing DDT, and (2) to suspend the registrations during the cancellation proceedings. EDF's petition precipitated, as the Administrator's Order noted, "approximately 3 years of intensive administrative inquiry into the uses of DDT." Order of June 14, 1972 at 1 ("Order").

(2) *The Secretary of Agriculture's Response.* In response to EDF's petition, three things occurred. First, USDA cancelled four uses of DDT (on shade trees, tobacco, around the home and in aquatic areas); second, USDA requested comments on other DDT products; and third, USDA took no action on the request for suspension.

On November 25, 1969, USDA published a notice which stated (34 FR 18827):

> The department is considering cancellation of any other uses of DDT unless it can be shown that certain uses are essential in the protection of human health and welfare and only those uses for which there are no effective and safe substitutes for the intended use will be continued.

On December 11, 1969, a reply to the petition was sent to EDF by the Director of Science and Education for USDA, stating that the Department had been "concerned for some time over the potential hazards that may result from the presence of DDT and other persistent pesticides in the environment," and listing several actions, including the above cancellations, that had been taken. No specific mention was made of EDF's request for suspension.

(3) *Environmental Defense Fund, Inc.* v. *Hardin (DDT I).* On December 29, 1969, EDF filed a petition in the Court of Appeals for the District of Columbia seeking review of USDA's failure to comply fully with their requests.

On May 28, 1970, in *Environmental Defense Fund, Inc.* v. *Hardin*, 138 U.S. App. D.C. 391, 428 F.2d 1093 (1970), the Court held that EDF had standing to challenge the Secretary's determinations under FIFRA, that a refusal to suspend was reviewable, and that the inaction on the suspension request was ripe for review. This Court noted that:

> Numerous scientific studies and several reports to government agencies have concluded that DDT has a wide spectrum of harmful effects on nontarget plant and animal species; it increases the incidence in animals of cancer and reproductive defects; and its residues persist in the environment and in the human body long enough to be found far in time and space from the original application. 428 F.2d at 1096–97.

and remanded to the Secretary:

> Either for a fresh determination on the question of suspension, or for a statement of reasons for his silent but effective refusal to suspend the registration of DDT. If he persists in denying suspension in the face of the impressive evidence presented by petitioners, then the basis for that decision should appear clearly on the record, not in conclusory terms but in sufficient detail to permit prompt and effective review. 428 F.2d at 1100.

In addition, the Court ordered USDA to decide "on the record" whether to issue the remaining requested cancellation notices or to explain the reasons for deferring the decision still further. *Ibid.*

(4) *The "Statement of Reasons" of the Secretary and Additional Cancellations.* On June 29, 1970, the Secretary filed a "Statement of Reasons Underlying the Decisions on Behalf of the Secretary with Respect to the Registrations of Products Containing DDT." At the outset he adhered to "the prior determination that no DDT registrations should be suspended at this time, and that further action with respect to cancellations should await completion of (USDA's intra-agency) use-by-use evaluations presently in progress." Statement of Reasons at 1. He went on to make the following findings:

(1) "that there are reports of carcinogenicity resulting from the administration of large doses of DDT in test animals" (p. 1);

(2) DDT is persistent and accumulates in animal tissues (p. 3);

(3) "DDT is present in most forms of animal life" (ibid.);

(4) "there is information which suggests that DDT is interfering with the reproduction of certain raptorial birds and may be a contributor, among other factors, to the decline of some of these species" (*ibid.*);

(5) "DDT is moderately toxic to honey bees" (*ibid.*);

(6) "DDT in lakes and streams has been a factor in fish mortality and reproductive failures" (*ibid.*); and

(7) When DDT accumulates in "detritus food some harm may be done to detritus feeders" (pp. 3–4).

He concluded (p. 8) that:

(1) DDT is not an "imminent hazard to human health";

(2) "there are some adverse effects upon certain species of fish and wildlife";

(3) "DDT has indisputably important and beneficial uses in connection with human health and agriculture, and there are not yet available substitutes for *all* [emphasis added] essential uses";

(4) DDT use should be reduced to "uses which are essential to the public health and welfare"; and

(5) there should be "continuation of the review of the possible effects (both beneficial and deleterious) of DDT."

In addition to issuing the Secretary's statement of reasons, USDA took other

action subsequent to the filing of EDF's initial petition. Specifically, on February 26, May 6 and August 18, 1970, in order to protect man and the environment from the hazardous use of DDT, notices of cancellation were issued covering registrations for a number of vegetable, grain, fruit, forestry, livestock, nursery and lawn uses of products containing DDT.

(5) *Environmental Defense Fund* v. *Ruckelshaus* (*DDT II*). On January 7, 1971, after reviewing USDA's Statement of Reasons, the Court remanded the case a second time, this time to the Administrator of the newly-created Environmental Protection Agency, who had just been given authority for administration of the FIFRA. *Environmental Defense Fund* v. *Ruckelshaus*, 142 U.S. App. D.C. 74, 439 F. 2d 584 (1971).

The Court determined that the Secretary's refusal to suspend or cancel all registrations of DDT had been predicated on an "incorrect interpretation of the controlling statute." 439 F. 2d at 588. Noting in particular that the Secretary had found that DDT at large dosages caused cancer in experimental animals and that DDT was toxic to certain birds, bees, and fish, the Court stated that it was "plain that he found a substantial question concerning the safety of DDT." 439 F. 2d at 594-95. When such a question exists, this Court held, the administrative procedure must be "triggered." Accordingly, the case was remanded to the Administrator with instructions to issue notices of cancellation with respect to the remaining uses of DDT.

(6) *The Administrator's Issuance of Notices of Cancellation.* On January 15, 1971, the Administrator issued notices of cancellation with respect to all remaining registrations of DDT products.

More than 50 registrants filed objections and a request for a public hearing. Two registrants, Montrose Chemical Company and Crop King sought advisory committee consideration. In addition to EDF, several other parties intervened in the hearing, namely: USDA, The National Agricultural Chemicals Association (NACA), H. P. Cannon & Son (a Delaware food processor, only as to use of DDT on sweet peppers) and Eli Lilly & Company, a former registrant of one DDT product. Montrose and Crop King were not parties to the public hearing.

(7) *The Administrator's March 18, 1971 Refusal to Suspend.* In response to Court order that he reconsider the question of suspension, the Administrator issued a statement of "Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin" on March 18, 1971. It set forth the reasons why the Administrator deemed suspension of DDT products unnecessary in view of the administrative proceeding then underway, and articulated general standards relating to pesticide cancellation and suspension matters. The Administrator noted that:

> This determination is supported by the nature of the present effects of DDT. DDT is a hazard by virtue of its potential toxicity at prolonged low levels of exposure. This hazard is made acute by the persistence, mobility, and biomagnification of DDT in the environment. Recognizing these characteristics, the four government committees which have studied the DDT problem in depth between 1963 and 1969 have all recommended that its use be phased out over a period of time. [Footnote omitted] None have recommended an immediate ban. However, the time has come for resolution of the DDT issue in light of the standards set out in the FIFRA. This is now being done through the orderly administrative forum provided by the statute in the cancellation proceedings.

(8) *Advisory Committee Report.* The advisory committee requested by Crop King and Montrose, and composed of experts nominated by the National Academy of Sciences, began deliberations on DDT in May, 1971. On September 9, 1971, the committee issued its report and recommendations. After a lengthy discussion of the scientific evidence of the hazards of DDT use, the committee found that DDT posed an imminent hazard to the environment and recommended that all DDT uses be rapidly phased out. Previously, four Presidential and other scientific commissions recognized the inherent hazards of DDT. "Use of Pesticides," A Report of the President's Science Advisory Committee (May, 1963); "Restoring the Quality of Our Environment," Report of the Environmental Pollution Panel, President's Science Advisory Committee (November, 1965); Report of the Committee on Persistent Pesticides, Division of Biology and Agriculture, National Research Council, to U.S. Department of Agriculture (May 1969); the Report of the (H.E.W.) Secretary's Commission on Pesticides and Their Relationship to Environmental Health (Mrak Commission) (December, 1969).

(9) *EDF v. Ruckelshaus* (*DDT III*). EDF returned to Court a third time to challenge the Administrator's refusal to suspend. Since the advisory committee report was issued just prior to oral argument, the case was remanded to EPA for further consideration of the suspension issue in light of the advisory committee findings.

(10) *The Administrator's November 1, 1971 Statement.* In a statement filed with the Court on November 1, 1971, the Administrator again determined not to suspend DDT products. In reaching that decision he noted that the advisory committee had found:

> DDT spreads from its site of application and is carried 'throughout the global biosphere' (Conclusion 2, page 39); and DDT and its metabolites persist for years in the environment and become concentrated in certain species of fish and wildlife, which suffer either present or potential danger therefrom (Conclusion 3, page 39).

However, the Administrator concluded, as the advisory committee had similarly concluded,

> • • • there will be no appreciable difference in hazard to the public whether the registration of DDT is immediately suspended or whether it is cancelled in the near future, if warranted. Therefore, the harm to the public from DDT cannot be lessened by immediate suspension as opposed to appropriate cancellations upon the orderly completion of the cancellation procedures.

(11) *EDV v. Ruckelshaus* (*DDT IV*). With the administrative proceedings in process, the Court on December 9, 1971, denied EDF's suspension petition, while at the same time granting EDF the right to renew its petition if the administrative proceedings were not completed by April 15, 1972.

(12) *Formal Public Hearings.* Formal public hearings commenced on August 17, 1971, before a hearing examiner and concluded on March 16, 1972. During those eight months, 123 witnesses [1] testified, and 363 exhibits were introduced into evidence. The DDT industry presented 17 witnesses and introduced 58 exhibits; USDA, in a dual role as registrant (of two agricultural pest quarantine products) and intervenor, presented 40 witnesses and 94 exhibits; EDF presented 13 witnesses and introduced 66 exhibits; and the EPA staff presented 47 witnesses and introduced 132 exhibits. The remaining witnesses and exhibits were introduced by H. P. Cannon and Eli Lilly. The transcript of the evidentiary hearing contains more than 9,300 pages.

(13) *The Examiner's Recommended Decision.* The Hearing Examiner's recommended decision was issued on April 25, 1972. Stating that in order to cancel DDT, he would either have to find that DDT directly causes cancer in man or makes the "earth uninhabitable" the Examiner concluded that the "DDT products in issue were not misbranded under the FIFRA (7 U.S.C. 135b(2), (z)(2) (c), (d) and (g))"; that, as a matter of law, DDT use is not a carcinogenic, mutagenic or teratogenic hazard to man; and that DDT did not have a deleterious effect on fish or wildlife. Rec. Dec. pp. 92–94.

(14) *Oral Argument Before the Administrator.* On May 16, 1972, the Administrator personally heard over three hours of oral argument on the exceptions raised by the various parties.

(15) *The Administrator's Cancellation Order of June 14, 1972.* On June 14, 1972, the Administrator issued an order cancelling all DDT registrations except those for public health and agricultural pest quarantine use. The order established December 31, 1972, as the effective date of the cancellations.

At the outset, he stated that he was "persuaded • • • that the long-range risks of continued use of DDT for use on cotton and most other crops is unacceptable and outweighs any benefits." Order at 1.

The Administrator found that DDT is persistent, highly mobile in the environment, biomagnified in food chains, and has deleterious effects on beneficial organisms. The bulk of his Opinion and Findings were concerned with the harmful effects resulting from these properties and assessment of the asserted bene-

[1] 38 of the witnesses were wildlife biologists, 32 were entomologists, 9 were toxicologists or pharmacologists, 5 were cancer experts, 6 were chemists, 5 were medical doctors, 2 were economists, and 6 were businessmen. The remaining witnesses represented other miscellaneous disciplines and fields.

fits of the DDT uses in issue. He found that DDT is a potential human carcinogen and presents a real carcinogenic risk to man. See Findings at 3.

He also found widespread hazards to birds, fish and other animal life caused by use of DDT, specifically (*ibid*):

1. DDT affects phytoplankton species' composition and the natural balance in aquatic ecosystems.
2. DDT is lethal to many beneficial agricultural insects.
3. DDT can have lethal and sublethal effects on useful aquatic freshwater invertebrates, including arthropods and molluscs.
4. DDT is toxic to fish.
5. DDT can affect the reproductive success of fish.
6. DDT can have a variety of sublethal physiological and behavioral effects on fish.
7. Birds can mobilize lethal amounts of DDT residues.
8. DDT can cause thinning of bird eggshells and thus impair reproductive success.

He then found minimal benefits because adequate alternative pest control measures were available. Finding V–10. He ultimately concluded that almost all uses of DDT were not safe, that the risks of use far outweighed any benefits and that it was therefore misbranded under FIFRA.

(16) *EDF v. EPA (DDT V)*. Coahoma Chemical Company, EDF and other parties sought review of the Administrator's final cancellation order in the Court of Appeals. Observing that the order was issued "after a lengthy administrative review. . . ," the Court affirmed the determination and order of the Administrator. *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 489 F. 2d 1247, 1249 (D.C. Cir. 1973). In so doing the Court rejected industry argument that:

> • • • the Administrator's findings are insufficient in that they are based to a large extent on data which does not directly and specifically relate to the use of DDT to combat the boll weevil and the bollworm in the cotton growing areas of the Southeast.

The Court went on to find that:

> It is true that much of the evidence in the record concerning dangers of DDT does not specifically relate to this one area or to the use on cotton crops. However, it is not necessary to have evidence on such a specific use or area in order to be able to conclude on the basis of substantial evidence that the use of DDT in general is hazardous. The Administrator has pointed to evidence in the record showing that use of DDT except in minuscule amounts in highly controlled circumstances should be curtailed because of unreasonable risks to health and the environment. Reliance on general data, consideration of laboratory experiments on animals, etc., provide a sufficient basis to support the Administrator's findings, even with regard to each special use of DDT. 489 F.2d at 1253–54 (footnotes omitted).

Other Cancellation and Suspension Proceedings. In each of the other major cancellation and suspension proceedings initiated pursuant to Section 6, EPA has similarly provided extensive notice and formal hearing opportunities.

The aldrin and dieldrin suspension order issued by the Administrator on October 1, 1974 followed almost three years of administrative proceedings. The initial cancellation notice for the major uses of aldrin and dieldrin was issued by the Administrator on March 18, 1971. Formal administrative hearings commenced on August 7, 1973. During the following twelve months of hearing, 249 witnesses testified, and over 35,000 pages of transcript and exhibits were considered and the suspension is now subject to judicial review by the Court of Appeals for the District of Columbia.

Similarly, the two administrative proceedings currently in progress with respect to pesticide products containing mercury and mirex have involved lengthy hearings. The notice of intent to hold hearings on mirex was issued on March 28, 1973. The formal hearings were begun on December 3, 1973 and have not yet concluded. To date, over 60 witnesses have testified in those hearings resulting in a record of over 12,400 pages. As in the aldrin and dieldrin proceedings, a scientific advisory committee report on mirex was prepared prior to the commencement of the formal hearings.

The cancellation notice of pesticide products containing mercury was issued on March 22, 1972. The formal administrative hearings began on October 1, 1974 and are still in progress. Forty witnesses have testified thus far in those hearings generating a record of over 2,400 pages.

The Required Procedures

In cancellation and suspension cases such as those outlined above, where EPA has finally determined to cancel or suspend a pesticide registration after exhaustive notice and opportunities for hearing as mandated by FIFRA and the Administrative Procedure Act ("APA"), fairness requires that such final orders not be modified or reversed lightly. Such prior orders should not be modified or reversed without notice and opportunity for formal public hearings. The formal on-the-record decision making process imposed by FIFRA and the APA as a necessary prerequisite to final cancellation or suspension would be rendered meaningless if the Administrator were to modify or reverse such orders without notice to the public, without an opportunity for formal hearings and without limiting his consideration to a formal hearing record. Such an informal process could greatly prejudice the interests of parties to the original proceedings. In the original proceedings they had the opportunity to be represented by counsel, to present witnesses and documentary evidence and to cross-examine witnesses of other parties. They had the opportunity to argue their cases before an independent hearing examiner and before the Administrator. An informal process to modify or reverse final orders would not prove such opportunities, would not protect the procedural rights of affected persons and would undercut the statutory scheme required by FIFRA.

Formal reconsideration of prior orders should only be granted where there is substantial new evidence which may materially affect the order. The provisions of FIFRA relating to notice and to the opportunity of adversely affected parties to join in formal hearings are broadly drafted to permit maximum participation in the cancellation proceedings by other Federal agencies, the States, industry, environmental groups, and private citizens. With such broad opportunities to participate in the original proceedings, the public interest—and the interests of the parties who participated in such proceedings—requires that the issues before the Administrator not be relitigated without a threshold determination that there is substantial new evidence which may materially affect the prior order. This procedure does not prejudice the interests of parties seeking modification. If there is substantial new evidence, a formal hearing should be convened to demonstrate the materiality of such evidence. Moreover, the public interest demands that public agencies not be required to expend limited resources on reconsideration of facts previously adjudicated. Public resources should not be committed to reconsider a prior final order unless there is substantial new evidence which may materially affect such order.

For the foregoing reasons, EPA is adopting a new Subpart D to the Rules of Practice (40 CFR Part 164) setting forth the procedures to be followed in the case of an application under FIFRA sections 3 or 18 which requests use of a pesticide at a site and on a pest for which registration has been finally cancelled or suspended. These revised procedures require that in any such case the Administrator will initially determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior order and whether such evidence could not have been discovered by due diligence on the part of the parties to the original proceeding. If it is determined that there is no such evidence, then the application will be denied. If it is determined that there is such evidence, then a formal hearing will be convened to determine whether such evidence materially affects the prior order and requires its modification. This determination will be made on the basis of the record in the hearing and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated uses in the future. The procedures adopted today also provide that in emergency circumstances the Administrator may rule on the application without convening a formal hearing when he determines that: (1) the application presents a situation involving need to use the pesticide to prevent an unacceptable risk to (i) human health, or (ii) fish and wildlife when such use would not pose a human health hazard; and (2) there is no other feasible alternative solution to such risk; and (3) the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a

hearing; and (4) the public interest requires the granting of the requested use as soon as possible.

Notice of the Administrator's determinations regarding substantial new evidence will be published in the FEDERAL REGISTER, as will notice of findings of emergencies which require action without hearing.

In the case of the petition by the State of Louisiana it is anticipated that the Administrator will make his determination as to whether substantial new evidence exists on or about March 14, 1975. If it is determined that no substantial new evidence is presented then the petition will be denied. If it is determined that substantial new evidence is presented then notice of a formal public hearing will be issued as soon as possible and it is anticipated that, depending on the date of the Administrator's determination, the hearing would commence on March 21, 1975, and be scheduled for approximately five days, with the presiding officer's recommendations due approximately four to five days after the hearing and a final determination by the Administrator anticipated to be made approximately four to five days thereafter. Notice of the revised procedures set forth in this publication and of this tentative time schedule was given to all parties involved in the informal public hearings held in Washington, D.C., on March 5, 1975. Because of the March 5, 1975 notice to interested parties, including the State of Louisiana, the publication of this regulation on the eve of the Administrator's anticipated decision as to substantial new evidence will not prejudice the interests of interested parties including the State of Louisiana. All interested parties received notice of these procedures on March 5 and were encouraged to submit an additional brief statement summarizing what they maintain to be substantial new evidence on March 10, 1975. The State of Louisiana, and other interested parties have submitted such statements.

In addition, the Louisiana application was filed under FIFRA section 18 pursuant to which. Louisiana is required to show that there is a pest outbreak for which no alternatives are available and which will result in significant economic or health problems (40 CFR Part 166). Louisiana has questioned whether EPA is now changing the substantive standard by which its application will be evaluated. The procedures set forth in this regulation do not, however, change the substantive rules by which the Louisiana application will be measured. The issues raised by the Louisiana application under section 18 were adjudicated and finally decided in the 1972 DDT cancellation case. In that case the Administrator was required to make, and made, specific findings and conclusions with respect to the risks and benefits associated with DDT use on cotton. The Administrator's findings and conclusions were then affirmed by the Court of Appeals for the District of Columbia. Thus, no showing under section 18 of a pest outbreak, of unavailability of alternatives and of significant economic problems could now be made without substantial new evidence. The procedures set forth in this regulation clarify the application of the general rules under sections 3 and 18 to specific cases, such as the Louisiana application, which in substance request modification or reversal of a prior final order.

Following the 1972 DDT cancellation order, EPA permitted limited quantities of DDT for temporary use to control the pea leaf weevil and the tussock moth in specific areas. In 1973 and 1974 DDT was authorized for use for the pea leaf weevil in Idaho and Washington. These authorizations considered the available evidence "in light of the terms of the June 1972 (cancellation) order * * *." (39 FR 10322). However, the use of DDT for the pea leaf weevil was not cancelled by the Administrator in his 1972 order and thus the pea leaf weevil applications did not in substance request the use of a pesticide on a site and against a pest which was cancelled by final order.

In 1974 DDT was authorized for use on the Douglas-fir tussock moth in Oregon, Idaho and Washington. That decision specifically stated that: "The use of DDT for control of the tussock moth was not specifically addressed in (the 1972 DDT cancellation) order, but there is no present registration of DDT for this purpose." 39 FR 8377. The use of DDT on the Douglas-fir tussock moth was not cancelled by the Administrator in his 1972 order. This use had been registered in 1947 by the Forest Service, but the registration was later withdrawn without objection.

To the extent that the procedures announced in this notice may differ from prior agency practice as observed in the pea leaf weevil, tussock moth and other cases, EPA has concluded that such differences are necessitated for the reasons set forth in this preamble.

In accordance with 5 U.S.C. section 553, the procedures set forth in these regulations shall take effect upon publication, without notice and public procedure thereon, because they contain rules of agency procedure and practice which are not required to be issued as proposed rulemaking. For the reasons set forth in this preamble, EPA finds for good cause that the effective date of these regulations will not be postponed for 30 days after publication because the currently pending application by the State of Louisiana requests a determination as soon as possible and EPA has determined that these procedures should be implemented immediately so that the Louisiana application may be processed in accordance with them.

For the reasons set forth herein, Title 40, Part 164 of the Code of Federal Regulations is hereby amended by adding a new Subpart D to read as follows:

Dated: March 12, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Rules of Practice for Applications Under Sections 3 and 18 To Modify Previous Cancellation or Suspension Orders

Sec.
164.130 General.
164.131 Review By Administrator.
164.132 Procedures governing hearing.
164.133 Emergency waiver of hearing.

AUTHORITY: Sec. 25(a) and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 997).

Subpart D—Rules of Practice for Applications Under Sections 3 and 18 To Modify Previous Cancellation or Suspension Orders

§ 164.130 General.

EPA has determined that any application under section 3 or section 18 of the Act to allow use of a pesticide at a site and on a pest for which registration has been finally cancelled or suspended by the Administrator constitutes a petition for reconsideration of such order. Because of the extensive notice and hearing opportunities mandated by FIFRA and the Administrative Procedures Act before a final cancellation or suspension order may be issued, EPA has determined that such orders may not be reversed or modified without affording interested parties—who may in fact have participated in lengthy cancellation proceedings—similar notice and hearing opportunities. The procedures set forth in this Subpart D shall govern all such applications.

§ 164.131 Review by Administrator.

(a) The Administrator will review applications subject to this Subpart D and supporting data submitted by the applicant to determine whether reconsideration of the Administrator's prior cancellation or suspension order is warranted. The Administrator shall determine that such reconsideration is warranted when he finds that: (1) the applicant has presented substantial new evidence which may materially affect the prior cancellation or suspension order and which was not available to the Administrator at the time he made his final cancellation or suspension determination and (2) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order.

(b) If after review of the application and other supporting data submitted by the applicant, the Administrator determines, in accordance with paragraph (a), of this section, that reconsideration of his prior order is not warranted, then the application will be denied without requirement for an administrative hearing. The Administrator shall publish notice in the FEDERAL REGISTER of the denial briefly describing the basis for his determination as soon as practicable. Such denial shall constitute final agency action.

(c) If after review of the application and other supporting data submitted by the applicant, the Administrator deter-

mines, in accordance with paragraph (a) of this section, that reconsideration of his prior order is warranted, he will then publish notice in the FEDERAL REGISTER setting forth his determination and briefly describing the basis for the determination. Such notice shall announce that a formal public hearing will be held in accordance with 5 U.S.C. section 554. The notice shall specify: (1) the date on which the hearing will begin and end, (2) the issues of fact and law to be adjudicated at the hearing, (3) the date on which the presiding officer shall submit his recommendations, including findings of fact and conclusions, to the Administrator, and (4) the date on which a decision by the Administrator is anticipated.

§ 164.132 Procedures governing hearing.

(a) The burden of proof in the hearing convened pursuant to § 164.131 shall be on the applicant and he shall proceed first. The issues in the hearing shall be whether: (1) substantial new evidence exists and (2) such substantial new evidence requires reversal or modification of the existing cancellation or suspension order. The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in his cancellation or suspension determination and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated to occur in the future as a result of granting the requested reversal or modification. The granting of a particular petition for use may not in itself pose a significant risk to man or the environment, but the cumulative impact of each additional use of the cancelled or suspended pesticide may re-establish, or serve to maintain, the significant risks previously found by the Administrator.

(b) The presiding officer shall make recommendations, including findings of fact and conclusions and to the extent feasible, as determined by the presiding officer, the procedures at the hearing shall follow the Rules of Practice, set forth in Subparts A and B of this Part 164.

§ 164.133 Emergency waiver of hearing.

(a) In the case of an application subject to this Subpart D which is filed under Section 18 of FIFRA, and regulations thereunder, and for which a hearing is required pursuant to § 164.131, the Administrator may dispense with the requirement of convening such a hearing in any case in which he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by § 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible.

(b) Notice of any determination made by the Administrator pursuant to paragraph (a) of this section shall be published in the FEDERAL REGISTER as soon as practicable after granting the requested use and shall set forth the basis for the Administrator's determination.

[FR Doc.75-7060 Filed 3-17-75;8:45 am]

Title 45—Public Welfare

CHAPTER XV—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1501—SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Pursuant to the authority contained in Section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education", a notice of proposed rule making was published in the FEDERAL REGISTER on December 2, 1974 (Vol. 39, No. 232). The amendments to the regulations, reflected in §§ 1501.2–3, 1501.5–7, 1501.9–11, would: (a) redefine the special focus program objectives and establish national projects competitions; (b) revise the existing definitions and criteria for the review and selection of applications and preapplications; and (c) incorporate appropriate sections of the Office of Education's General Provisions Regulations (45 CFR Part 100a) and revoke some corresponding provisions in the existing regulations. Interested persons were given thirty (30) days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

One response was received which included two recommendations: (1) that the Fund include examples of projects that have not been funded in order to clarify the criteria for selecting proposals; and (2) that the Fund not include reference to "attitudes and values" in section 1501.9 under the description of the Special Focus Program, "Education and Certification for Competence."

Neither suggestion would appear to call for a change in the amendments. In response to the first recommendation, it was not considered appropriate to include in the FEDERAL REGISTER examples of projects which have not been funded. The Fund's program is designed to generate ideas from the field; no specific types of project proposals are foreclosed.

In response to the second recommendation, the mention of "attitudes and values" as a possible goal specification is only suggestive; applicants are under no obligation or requirement to include attitudes or values among the goals included in the project proposal. It should be noted that the Fund has no specific attitude or value in mind as desirable goal specifications.

Effective date. The notice of proposed rulemaking was transmitted to Congress on December 2, 1974 pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(a)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore, these criteria shall become effective on March 18, 1975.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

Dated: March 12, 1975.

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

Sec.

AUTHORITY: Sec. 404, General Education Provisions Act, as added by sec. 301(a)(2) of Public Law 92-318, 86 Stat. 327 (20 U.S.C. 1221d), unless otherwise noted.

§ 1501.1 Purpose.

The purpose of the regulations in this part is to implement the provisions of section 404 of the General Education Provisions Act as amended which provides for grants to, and contracts with, institutions of postsecondary education and other public and private educational institutions and agencies to improve postsecondary educational opportunities. The program is administered by the Fund for the Improvement of Postsecondary Education, a unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare, with the advice of a Board of Advisors.

(20 U.S.C. 1221d)

§ 1501.2 Applicability of civil rights provisions and general provisions regulations.

(a) *Civil rights*

(1) Federal financial assistance under this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Pub. L. 88-352).

(2) Federal financial assistance under this part is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(b) *General provisions*

Assistance under this part is subject to the provisions set forth in Parts 100 and 100a of this title (relating to fiscal,

administrative, property management, and other matters) except that such assistance shall not be subject to the provisions of § 100a.26(b) relating to criteria for awards. For purposes of this part, references in Part 100a to the Commissioner shall be deemed to be reference to the Assistant Secretary for Education.

(20 U.S.C. 1681–86; Pub. L. 92-318, section 906; 42 U.S.C. 2000d; 20 U.S.C. 1221d)

§ 1501.3 Definitions.

As used in this part—

"Combination of institutions of postsecondary education" means a group of institutions of postsecondary education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of postsecondary education for the purpose of carrying out a common objective on their behalf.

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

"Fund" means the Fund for the Improvement of Postsecondary Education, the unit within the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare which administers the program covered by this part.

"Institution of postsecondary education" means an educational institution which admits as regular students only person who have completed or left elementary or secondary school.

"Local government" means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government, exclusive of institutions of postsecondary education and hospitals.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit.

"Nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Other educational institution or agency" means an entity which (1) has engaged in activities involving education prior to submitting an application to the Fund, or (2) has jurisdiction over educational matters pursuant to state or local law.

"Personal property" means property of any kind, tangible or intangible, except real property.

"Private" means not under public supervision or control.

"Public," as applied to an institution or agency, means that the institution or agency is a legally constituted organization of government under public administrative control and direction, except that an institution or agency of the Federal Government shall not be considered a public institution or agency.

"Recipient" means an applicant receiving assistance under this part.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of postsecondary education and hospitals.

(20 U.S.C. 1221d)

§ 1501.4 Eligibility for assistance.

Institutions of postsecondary education, combinations thereof, and other public and private educational institutions and agencies are eligible to receive assistance under this part. The fact that an applicant has been only recently established will not in itself prejudice such applicant's application.

(20 U.S.C. 1221d)

§ 1501.5 Types of assistance.

An applicant which is not public or nonprofit may receive assistance only in the form of contracts. Grants may be made to a combination of institutions of postsecondary education only if all institutions in the combination are public or nonprofit. Assistance may be awarded in one payment or in a number of payments, not necessarily equal, over a period of time.

(20 U.S.C. 1221d)

§ 1501.6 Program categories.

The Fund shall accept applications for assistance in three program categories:

(a) a comprehensive program solicitation, under which preapplications shall first be required for preliminary screening of applicants,

(b) special focus program solicitations, to be announced by the Fund for each fiscal year, and (c) national project solicitations, to announced by the Fund for each fiscal year.

(20 U.S.C. 1221d)

§ 1501.7 Criteria for evaluating applications.

(a) A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in terms of its relationship to the general goals of the Fund.

(b) An application or (in the case of the comprehensive program) a preapplication for initial assistance under this part shall be evaluated in terms of the extent to which the proposal therein:

(1) Has the potential for advancing one or more of the following general goals of the Fund:

(i) To provide effective educational options not generally available;

(ii) To increase the cost-effectiveness of educational services;

(iii) To achieve far-reaching improvements in postsecondary education;

(iv) To promote learner-centered improvements in postsecondary education;

(2) Represents an improvement upon, or significant departure from, existing practice;

(3) Involves processes, features, or products applicable in other postsecondary educational settings;

(4) Meets the following operational standards:

(i) Is feasible and has sound project design, including budget and evaluation plans;

(ii) Has the potential for having available financial resources for continuation beyond the period of Fund support, unless the project is self-terminating;

(iii) Gives evidence of commitment to the project, such as financial contributions, on the part of the applicant institution and any other institutions or organizations to be involved in the project;

(5) Is unlikely to be supported by other sources; and

(6) Meets (i) one or more of the objectives of the comprehensive program set forth in section 1501.8, or (ii) the objectives of one of the special focus programs or national projects as set forth in section 1501.9.

(20 U.S.C. 1221d.)

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants whose preapplications are approved) directed toward one or more of the following objectives:

(a) To provide new approaches to teaching and learning, specifically through projects which:

(1) Employ one or more of the following techniques or processes to achieve these purposes: (i) The integration of learning experiences, (ii) the individualization of educational services, or (iii) the improvement of teaching/learning techniques; or

(2) Develop and implement new kinds of education assessment to measure and achieve these purposes;

(b) To provide educational services for new clientele, specifically through projects which involve the restructuring of educational services and programs on behalf of these groups.

(c) To revitalize institutional missions, specifically through projects involving one or more of the following activities:

(1) The introduction of new structures or activities designed to channel institutional energies more effectively toward the implementation or refinement of an institution's existing mission, or

(2) The phasing out of programs or activities no longer central to an institution's mission. A proposal directed at furthering this objective will be evaluated by the Fund in terms of the extent to which it (i) will serve an important social objective, (ii) will be central to the institution's principal mission, (iii) will have a long-term effect on the institution, and (iv) will actively involve and be supported by constituencies relavant to the institution's mission.

(d) To implement new missions, specifically through projects which:

(1) Redirect missions of existing institutions, or

(2) Create new institutions.

(e) To encourage openness in postsecondary education, specifically through projects involving the improvement of one or more of the following:

(1) The nature of information about postsecondary education and the ways in which such information is communicated to students, educational institutions, and makers of educational policy.

(2) The standards, practices, and structures used in recognizing and evaluating the performance of individuals and institutions in postsecondary education, and the utilization of the judgments thereby made by other educational and social institutions and agencies.

(3) The forms and techniques by which financial support for postsecondary education is provided, particularly those which affect incentives for teachers and structure relationships among teachers and learners.

(4) The ways in which postsecondary education is regulated by public agencies.

(20 U.S.C. 1221d)

§ 1501.9 Special focus program and national project objectives.

In fiscal year 1975, in addition to the comprehensive program, the Fund will accept applications for assistance under:

(a) One special focus program, entitled Education and Certification for Competence, encompassing educational approaches in which learning goals and outcomes are specified in terms of the skills, attitudes, values and/or areas of knowledge required for success in various endeavors. Proposals will be reviewed in terms of the extent to which they are designed to develop the goal specifications, assessment procedures, and patterns of implementation for competency-based learning. In judging the significance and feasibility of a proposal related to any or all of these facets of competency-based learning, special attention will be given to:

(1) The extent of involvement of relevant constituencies;

(2) The extent to which the proposed competencies are generalizable; and

(3) The extent to which project outcomes are likely to be of broad applicability.

(b) Three national projects, in which institutions are invited to submit proposals describing their current activities in specified areas. Applicants determined to be sponsoring exemplary programs in these areas will receive awards averaging $25,000 to conduct further program assessment and to participate in collaboration with other applicants receiving awards under each project in developing approaches to the dissemination and communication of results to the field. The specified areas are as follows:

(1) A project (entitled alternatives to the revolving door) incorporating approaches which have demonstrated success in meeting the educational needs of low-achievers;

(2) A project (entitled elevating the importance of teaching) incorporating institutional approaches which have strengthened the significance of faculty roles in teaching, or have demonstrated more effective methods of evaluating teaching effectiveness; and

(3) A project (entitled improving information for student choice) incorporating approaches to providing prospective students with more and better quality information regarding the nature and results of educational programs.

(20 U.S.C. 1221d)

§ 1501.10 Application procedures.

(a) An application or preapplication for assistance under this part must be filed with the Fund on or before the closing date or dates published in the FEDERAL REGISTER by the Fund for each fiscal year.

(b) Except as provided in paragraph (f) of this section, an application or preapplication must have a title page providing the following information:

(1) Name and address of applicant.

(2) Name, address, title, phone number, and signature of applicant's authorizing officer.

(3) Name, address, title, and phone number of proposed project director.

(4) Dates of proposed project, including evaluation time.

(5) Amount of assistance requested.

(6) Proposal title.

(7) A brief, one-paragraph description of the proposal.

(c) Except as provided in paragraph (f) of this section, a preapplication must contain the following information, in a format to be selected by the applicant: (1) A statement of the problem being addressed; (2) a description of the specific criteria by which the success or failure of the project could be determined; (3) a description of how the objectives are to be accomplished; (4) a statement of the potential long-range outcomes of the project; and (5) a statement of the estimated budget range and the nature and amount of major anticipated expenditures.

(d) Except as provided in paragraph (f) of this section, an application submitted under the Comprehensive and Special Focus programs must contain the following information, in a format to be selected by the applicant:

(1) A diagnosis of the problem addressed, including a description of the problem and, as applicable, a discussion of pertinent empirical data and past attempts to deal with the problem.

(2) A description of the proposed project, including its methodology and schedule, qualifications of the persons who would conduct it, its short-term and long-term objectives and its specific allocation of available funds in the form of a budget.

(3) Evidence of commitment, including an indication of (i) the nature and extent of involvement in the project on the part of the applicant institution and any other institutions or organizations to be involved in the project, and (ii), unless the project is self-terminating, expected sources of financial support after the period of Fund support has elapsed.

(4) An evaluation plan, including the criteria by which the project will be evaluated, the methods and schedules for such evaluation, and the cost of such evaluation.

(e) Except as provided in paragraph (f) of this section, an application submitted under the National Projects competitions must contain:

(1) A description of the applicant's current approach to the specified topic;

(2) Evidence of the success of this approach and a description of the evaluation methodology utilized;

(3) An assessment of the significance of the approach for postsecondary education; and

(4) A budget, itemizing costs for the major categories of project activity.

(f) A State or local government seeking assistance under this part must apply in accordance with such procedures, and using such forms, as the Fund may specially prescribe in conformity with pertinent directives of the Office of Management and Budget. Much of the material required of such applicants pursuant to such directives is similar to the material required of applicants proceeding under paragraphs (b), (c), (d) and (e) of this section.

(g) Prior to its disposition of applications for assistance under this part, the Fund may obtain the review and advice of qualified persons net employed by the Department of Health, Education, and Welfare. Any such review shall be in addition to the review of applications by the Fund in accordance with such procedures as it may establish, including consultation with the Board of Advisors to the Fund.

(h) No application for assistance under this part to an institution of postsecondary education shall be approved until the Fund has submitted it to the State postsecondary education commission, if there is one, established or designated pursuant to section 1202 of the Higher Education Act of 1965 in the State in which the institution is located and afforded the commission an opportunity to submit its comments and recommendations as to the application to the Fund.

(i) No application for assistance under § 1501.8 or § 1501.9(a) of this part shall be approved until the procedure for implementating the evaluation plan required under paragraph (d) of this sec-

tion or, as applicable, paragraph (f) of this section has been established and a schedule for the submission of reports on such evaluation by the applicant to the Fund has been agreed upon.

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

§ 1501.11 Reporting.

The recipient shall comply with the schedule for reporting on its evaluation of the project agreed upon pursuant to § 1501.10(i).

(20 U.S.C. 1221d; OMB Circular No. A-102, Attachment M)

[FR Doc.75-7035 Filed 3-17-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-110; Amdt. No. 177-31]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Handling of Hazardous Materials on Motor Vehicles

On December 2, 1974, the Hazardous Materials Regulations Board ("the Board") published Amendment Nos. 173-87 and 177-31 (39 FR 41741) under Docket No. HM-110 prescribing, inter alia, new regulations pertaining to the use of cargo heaters in motor vehicles containing hazardous materials (§ 177.834(L)) and repairs and maintenance to vehicles containing hazardous materials (§ 177.854(g)). Compliance with the amendments has been authorized as of December 2, 1974. The mandatory effective date was specified as April 1, 1975.

Petitions for reconsideration relative to the amendments to §§ 177.834(L) and 177.854(g) have been received. The Board believes the petitions warrant further consideration before it makes the new requirements in the two amended sections mandatory.

In consideration of the foregoing, the Board has revised the next to last paragraph of FR Doc. 74-28079 (39 FR 41741) to read as follows:

Amendments 173-87 and 177-31 as published herein are effective April 1, 1975 except the Amendments to §§ 177.834(L) and 177.854(g) which are effective October 1, 1975. However, compliance with the regulations as amended herein is authorized immediately.

Issued in Washington, D.C. on March 11, 1975.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.75-7001 Filed 3-17-75;8:45 am]

proposed rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 25, 26, 27, 28]

NATIONAL WILDLIFE REFUGE SYSTEM

Public Use Regulations

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by various acts and in accordance with the Administrative Procedure Act as amended [5 U.S.C. 533], it is proposed that "Part 25—General Provisions, Part 26—Restricted or Prohibited Acts, Part 27—Enforcement Provisions, Part 28—Public Access, Use, and Recreation" of Title 50, Code of Federal Regulations, be reorganized and revised as set forth below.

The purpose of the revision is to present the regulations in a more logical arrangement for clarity and ease of understanding. Editorial and conforming changes have been made which more closely align the regulations to situations faced on units of the National Wildlife Refuge System.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections with respect to the proposed revisions to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, by May 15, 1975.

Parts 25, 26, 27, 28 of Chapter 1, Subchapter C of 50 CFR are revised, respectively to read as follows:

PART 25—ADMINISTRATIVE PROVISIONS

Subpart A—Introduction

Sec.
25.11 Purpose of regulations.
25.12 Definitions.
25.13 Other applicable laws.

Subpart B—Administrative Provisions

25.21 Closing national wildlife refuges.
25.22 Lost and found articles.

Subpart C—Public Notice

25.31 General Provisions.

Subpart D—Permits

25.41 General provisions.
25.42 Permits required to be exhibited on request.
25.43 Revocation of permits.

Subpart E—Fees and Charges

25.51 General provisions.

Subpart F—Concessions

25.61 General Provisions.

Subpart G—Safety Regulations

Sec.
25.71 Public safety.
25.72 Reporting of accidents.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, 45 Stat. 449 (16 U.S.C. 690d); sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); sec. 4, 76 Stat. 654 (16 U.S.C. 460k); sec. 4, 80 Stat. 927 (16 U.S.C. 668dd).

Subpart A—Introduction

§ 25.11 Purpose of regulations.

(a) The regulations of this subchapter govern the general administration of national wildlife refuges, public notice of changes in Service policy regarding the national wildlife refuges, the issuance of permits required on national wildlife refuges, and other administrative aspects of national wildlife refuges.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

§ 25.12 Definitions.

(a) As used in the rules and regulations in this subchapter: "National Wildlife Refuge System" means all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction.

"National wildlife refuge" means any area of the National Wildlife Refuge System except wildlife management areas.

"Wildlife management area" (sometimes referred to as "coordination areas") means any area of acquired land or public land withdrawn by the U.S. Fish and Wildlife Service and made available to the various States, or instrumentalities thereof, by cooperative agreement for management of wildlife resources in accordance with the Act of March 10, 1934 (48 Stat. 401 16 U.S.C. 661), as amended.

"Waterfowl production area" means any small wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

"Big game" means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, wild hogs, and peccary, or such species as the separate States may so classify within their boundaries.

"Migratory bird" means and refers to those species of birds listed under § 10.13 of this chapter.

"Authorized official" means any Federal, State or local official empowered to enforce provisions of this Subchapter C.

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of Subchapter C of this Title 50.

§ 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

Subpart B—Administrative Provisions

§ 25.21 Closing national wildlife refuges.

Once opened, all or any part of a national wildlife refuge may be closed in accordance with the provisions in 25.31 without advance notice to public access and use in the event of an emergency endangering life or property or to protect the resources of the area.

§ 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

Subpart C—Public Notice

§ 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this Subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of § 26.33 of this Subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted public access, use, or recreational activity.

Subpart D—Permits

§ 25.41 General provisions.

Permits required by this Subchapter C can be obtained from the administrative office responsible for the refuge where the activity is to take place. If the applicant is required to obtain the applicable permit from the Director or Secretary, the refuge manager will so inform the applicant, giving the applicant all the necessary information as to how and where to apply.

§ 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 25.43 Revocation of permits.

A permit may be terminated or revoked at any time for noncompliance with the terms thereof or of the regulations in this Subchapter C, for nonuse, for violation of any law, regulation or order applicable to the refuge, or to protect public health or safety or the resources of a national wildlife refuge.

Subpart E—Fees and Charges

§ 25.51 General provisions.

Reasonable charges and fees may be established for public recreation use of national wildlife refuges. Regulations regarding recreation fees are contained in 43 CFR Part 18.

Subpart F—Concessions

§ 25.61 General provisions.

Public use facilities may be operated by concessionaires under appropriate contract on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Subpart G—Safety Regulations

§ 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this Subchapter C for each individual refuge and with any safety provisions which may be included in leases, agreements, or use permits.

§ 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required under applicable State law.

PART 26—PUBLIC ENTRY AND USE

Subpart A—Introduction

Sec.
26.11 Purpose of regulations.

Subpart B—Public Entry

26.21 General trespass provision.
26.22 General exception for entry.
26.23 Exception for entry to the headquarters office.
26.24 Exception for entry when accompanied by refuge personnel.
26.25 Exception for entry to persons with an economic use privilege.
26.26 Exception for entry for use of emergency shelter.
26.27 Exception for entry on designated routes of travel.

Subpart C—Public Use and Recreation

26.31 General provisions.
26.32 Recreational uses.
26.33 Special regulations.
26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.
26.35 Cabin sites.
26.36 Public assemblies and meetings.

AUTHORITY: Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, 45 Stat. 449 (16 U.S.C. 690d); sec. 10, Stat. 1244 (16 U.S.C. 715); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); sec. 4, 76 Stat. 654 (16 U.S.C. 460k) sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 690d).

Subpart A—Introduction

§ 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

Subpart B—Public Entry

§ 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this Subchapter C or in other applicable Federal regulations.

(b) No domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of § 26.34 or § 29.2 of this Subchapter C.

§ 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this Subchapter C, the provisions of any special regulations and any other official notification as is the provisions of Subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

(b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under appropriate under § 25.31 of this chapter.

§ 26.23 Exception for entry to the headquarters office.

The headquarters office of any national wildlife refuge is open to public access and admission during regularly established business hours.

§ 26.24 Exception for entry when accompanied by refuge personnel.

A permit is not required for access to any part of a national wildlife refuge by a person when accompanied by refuge personnel.

§ 26.25 Exception for entry to persons with an economic use privilege.

Access to and travel upon a national wildlife refuge by a person granted economic use privileges on that national wildlife refuge are to be in strict accordance with the provisions of their agreement, lease, or permit.

§ 26.26 Exception for entry for use of emergency shelter.

A permit is not required for access to any national wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

§ 26.27 Exception for entry on designated routes of travel.

Entrance to, travel on, and exit from any national wildlife refuge is permitted only on public waters and roads, and such roads, trails, footpaths, walkways, or other routes which are designated for public use under the provisions of this Subchapter C.

Subpart C—Public Use and Recreation

§ 26.31 General provisions.

Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations.

§ 26.32 Recreational uses.

Recreational uses such as, but not limited to, sightseeing, nature observation and photography, interpretive centers and exhibits, hunting and fishing, bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities may be permitted on National Wildlife Refuges. When such uses are permitted the public will be notified under the provisions of this Subchapter C.

§ 26.33 Special regulations.

(a) Special regulations shall be issued for public use, access, and recreation within certain individual national wildlife refuges where there is a need to

amend, modify, relax or make more stringent the regulations contained in this Subchapter C. The issued special regulations will supplement the provisions in this Part 26.

(b) Special recreational use regulations may contain the following items:

(1) Recreational uses authorized.

(2) Seasons, period, or specific time of use.

(3) Description of areas open to recreation.

(4) Specific conditions or requirements.

(5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER and may be codified in the Code of Federal Regulations. They shall be issued in compliance with procedures contained in the Departmental Manual.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

NOTE.—For FEDERAL REGISTER citations to regulations effecting temporary and special regulations on national wildlife refuges, see List of CFR Sections affected which may be obtained from the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 26.35 Cabin sites.

(a) There shall be no new private cabin site permits issued for national wildlife refuges. All appropriate provisions of 43 CFR 21 apply to the phaseout of existing permits on national wildlife refuges.

(b) No new government owned cabin site permits for private recreational purposes shall be issued nor shall existing permits be renewed.

§ 26.36 Public assemblies and meetings.

(a) Public meetings, assemblies, demonstrations, parades and other public expressions of view may be permitted within a national wildlife refuge open to public use, provided a permit therefore has been issued by the refuge manager.

(b) Any application for such permit shall set forth name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The refuge manager may issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The activity will present a clear and present danger to public health or safety, or undue disturbance to the other resources of the area; or

(3) The activity is of such nature that it cannot be reasonably accommodated in the particular national wildlife refuge; or

(4) The activity conflicts with the purposes of the national wildlife refuge.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the national wildlife refuge for the purpose for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

PART 27—PROHIBITED ACTS

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, Stat. 449 (16 U.S.C. 690d); sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; sec. 4, 76 Stat. (16 U.S.C. 460k); sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 685, 752, 690d); (16 U.S.C. 715s).

Subpart A—Introduction

§ 27.11 Purpose of regulations.

(a) The regulations in this part govern those acts by the public which are prohibited once the public is allowed to enter a national wildlife refuge as provided in Part 26 of this subchapter, except as permitted in this part and under Subpart D of Part 25 of this subchapter.

Subpart B—Taking Violations

§ 27.21 General provisions.

No person shall take any animal on any national wildlife refuge, except as authorized under Parts 31 and 32 of this chapter.

§ 27.22 Taking wildlife from rights-of-way.

No wildlife, as defined in § 10.12 of this chapter, may be taken at any time, by any means, from, on, or across any highway, road, railroad, trail, or other rights-of-way, whether public or private, within the exterior boundaries of any national wildlife refuge.

Subpart C—Disturbing Violations: With Vehicles

§ 27.31 General provisions regarding vehicles.

Travel in or use of any motorized vehicles, including those used on water, ice, snow, is prohibited on national wildlife refuge except on designated routes of travel, as indicated by the appropriate traffic control signs or signals and in designated areas posted or delineated on maps by the refuge manager and subject to the following requirements and limitations:

(a) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(b) No operator of a vehicle shall be under the influence of intoxicating beverages or controlled substances.

(c) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the travel way is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

(d) The vehicle speed limit shall not exceed 25 m.p.h. except as otherwise posted by the refuge manager.

(e) Every motor vehicle shall at all times be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out bypass, or similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited. Until the Environmental Protection Agency establishes a Federal quantitative noise level, this Service will use a rating of not more than 82 decibels on an A Scale as measured 50 feet from the vehicle moving at less than

10 miles per hour, or adherence to State standards where such are in effect. A refuge manager, by posting of appropriate signs or by marking on a map which shall be available at the refuge headquarters, may require that any motor vehicle operating in the designated area shall be equipped with a spark arrestor that meets standard 5100–1a of the United States Forest Service, Department of Agriculture, which standard includes the requirements that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(f) The operation of a vehicle which does not bear valid license plates and is not properly certified, registered, or inspected in accordance with applicable State laws is prohibited.

(g) Driving or permitting another person to drive a vehicle without valid license is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized official.

(h) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon any road, trail, or fire lane so as to obstruct the free movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized official.

(i) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

(j) Load, weight and width limitations, as may be necessary, shall be prescribed and the public advised under provisions of § 25.31 of this chapter. Such limitations must be complied with by the operators of all vehicles.

(k) A motor vehicle involved in an accident is not to be moved until an investigating officer arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

(l) A motor vehicle shall not be operated at anytime without proper brakes, or from sunset to sunrise without working headlights and taillights which comply with the regulations for operation on the roads of the State within whose boundaries the refuge is located.

(m) Such other requirements which are established under the provisions of this Subchapter C.

§ 27.32 Boats.

(a) The use of boats in national wildlife refuges is prohibited except as may be authorized under and subject to the requirements set forth below.

(b) When the use of boats is permitted on any national wildlife refuge, the public will be notified under the provisions of this Subchapter C and the following operational requirements and limitations will apply:

(1) In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, Titles 33 and 46 Code of Federal Regulations, are applicable on navigable waters of the United States. Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boats and the operation and use of boating. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(2) No operator or person in charge of any boat shall operate or knowingly permit any other person to operate a boat in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person, property or wildlife.

(3) No person shall operate or be in actual physical control of a boat while under the influence of intoxicating beverages or controlled substances.

(4) No person shall operate a boat in a manner which will unreasonably interfere with other boats or with free and proper navigation of the waterways of the areas. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(5) No person shall operate a boat on refuge waters that has a marine head (toilet) so constructed so as to discharge any sewage into the waters directly or indirectly.

(6) Every sailboat when underway from sunset to sunrise shall carry and exhibit a bright white light visible all around the horizon for a distance of two miles.

(7) Leaving any boat unattended, outside of designated mooring or beaching areas, for a period in excess of 72 hours without written permission of the refuge manager is prohibited and any boat so left may be impounded by the refuge manager.

(8) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the refuge manager.

§ 27.33 Water skiing.

When water skiing is permitted upon national wildlife refuge waters, the public will be notified under the provisions of this Subchapter C and the following requirements and limitations will apply:

(a) Water skiing is permitted only during daylight hours and during periods posted or otherwise designated under the provisions of this Subchapter C.

(b) When a skier is in "tow" there must be two persons in the boat at all times, with one person acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear U.S. Coast Guard approved ski belts, life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any designated swimming area.

§ 27.34 Aircraft.

The unauthorized operation of aircraft to harass wildlife and the unauthorized landing of aircraft on a national wildlife refuge except in an emergency are prohibited.

Subpart D—Disturbing Violations: With Weapons

§ 27.41 General provisions.

Carrying, possessing, or discharging firearms, fireworks, or explosives on national wildlife refuges is prohibited unless specifically authorized under the provisions of this Subchapter C.

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of Part 32 of this chapter.

(b) Persons carrying firearms in vehicles and boats over routes of travel designated under the provision of Subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special permits to possess or use firearms for the protection of property, for field trails, and other special purposes.

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provisions of this Subchapter C.

Subpart E—Disturbing Violations: Against Plants and Animals

§ 27.51 Disturbing, injuring, and damaging plants and animals.

(a) Disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on any national wildlife refuge is prohibited unless otherwise permitted under this Subchapter C.

(b) The collection of specimens of plants and animals by scientific institutions and government agencies may be authorized under special permit.

§ 27.52 Introduction of plants and animals.

Plants and animals taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

Subpart F—Disturbing Violations: Against Nonwildlife Property

§ 27.61 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects or private property on or from any national wildlife refuge is prohibited.

§ 27.62 Search for and removal of objects of antiquity.

No person shall search for or remove from national wildlife refuges objects of antiquity except as may be authorized by 43 CFR 3.

§ 27.63 Search for and removal of other valued objects.

(a) No person shall search for buried treasure, treasure trove, valuable semiprecious rocks, stones, or mineral specimens on national wildlife refuge unless authorized by permit or by provision of this Subchapter C.

(b) Permits are required for archeological studies on national wildlife refuges in accordance with the provisions of this Subchapter C.

§ 27.64 Prospecting and mining.

Prospecting, locating, or filing mining claims on national wildlife refuges is prohibited unless otherwise provided by law. See § 29.21 of this chapter for provisions concerning mineral leasing.

§ 27.65 Tampering with vehicles and equipment.

Tampering with, entering, or starting any motor vehicle, boat, equipment or machinery or attempting to tamper with, enter, or start any motor vehicle, boat, equipment or machinery on any national wildlife refuge without proper authorization is prohibited.

Subpart G—Disturbing Violations: Light and Sound Equipment

§ 27.71 Motion or sound pictures.

The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR Part 5.

§ 27.72 Audio equipment.

The operation or use of audio devices including radios, recording and playback devices, loudspeakers, television sets, public address systems and musical instruments so as to cause unreasonable disturbance to others in the vicinity is prohibited.

§ 27.73 Artificial lights.

No unauthorized person shall use or direct the rays of a spotlight or other artifical light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any national wildlife refuge or along rights-of-way for public or private roads within a national wildlife refuge.

Subpart H—Disturbing Violations: Personal Conduct

§ 27.81 Alcoholic beverages.

Entering or remaining in any national wildlife refuge when under the influence of alcohol, to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity, is prohibited.

§ 27.82 Possession and delivery of controlled substances.

(a) Definitions for the purpose of this section:

(1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (21 U.S.C. 812) or any drug or substance added to these schedules pursuant to the terms of the Controlled Substance Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer and/or distribution of a controlled substance, whether or not there exists an agency relationship.

(b) Offenses. (1) The delivery of any controlled substance on a national wildlife refuge is prohibited, except where the distribution is by a practitioner in accordance with applicable law is permitted.

(2) The possession of a controlled substance on a national wildlife refuge is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a national wildlife refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a national wildlife refuge is prohibited.

§ 27.83 Indecency and disorderly conduct.

Any act of indecency or disorderly conduct as defined by State or local laws is prohibited on any national wildlife refuge.

§ 27.84 Interference with persons engaged in authorized activities.

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

§ 27.85 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any national wildlife refuge is prohibited.

§ 27.86 Begging.

Begging on any national wildlife refuge is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

Subpart I—Other Disturbing Violations

§ 27.91 Field trails.

The conducting or operation of field trails for dogs on national wildlife refuges is prohibited except as may be authorized by special permit.

§ 27.92 Private structures.

No person shall without proper authority construct, install, occupy or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction on any national wildlife refuge.

§ 27.93 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any national wildlife refuge is prohibited.

§ 27.94 Disposal of waste.

(a) The littering, disposing, or dumping in any manner of garbage, refuse, spoil, sewage, sludge, earth, rocks, or other debris on any national wildlife refuge except at points or locations designated by the refuge manager, or the draining or dumping of oil, acids, or poisons, in, or otherwise polluting any waters, water holes, streams or other areas within any national wildlife refuge is prohibited.

(b) Persons using a national wildlife refuge shall comply with the sanitary requirements established under the provisions of this Subchapter C for each individual refuge; the sanitation provisions which may be included in leases, agreements, or use permits, and all applicable Federal and State laws.

§ 27.95 Fires.

On all national wildlife refuges persons are prohibited from the following:

(a) Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material except as authorized by the refuge manager or at locations designated by him for that purpose.

(b) Leaving a fire unattended or not completely extinguished;

(c) Throwing or placing a burning cigarette, match, or other ignited substance in any place where it may start a fire; and

(d) Smoking on any lands, including roads, or in any buildings which have been designated and posted with no smoking signs.

§ 27.96 Advertising.

Except as may be authorized posting, distributing, or otherwise displaying

private or public notices, advertisements, announcements, or displays of any kind in any national wildlife refuge, other than business designations carried on private vehicles or boats is prohibited.

§ 27.97 Private operations.

Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited unless properly authorized.

PART 28—ENFORCEMENT, PENALTY, AND PROCEDURAL REQUIREMENTS FOR VIOLATIONS OF PARTS 25, 26, AND 27

Subpart A—Introduction

Sec.
28.11 Purpose of regulations.

Subpart B—Enforcement Authority

28.21 General provisions.

Subpart C—Penalty Provisions

28.31 General penalty provisions.
28.32 Penalty provisions concerning fires and timber.

Subpart D—Impoundment Procedures

28.41 Impoundment of abandoned property.
28.42 Impounding of domestic animals.
28.43 Destruction of dogs and cats.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, 45 Stat. 449 (16 U.S.C. 690d); sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); sec. 4, 76 Stat. 654 (16 U.S.C. 460k); sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 301).

Subpart A—Introduction

§ 28.11 Purpose of regulations.

The regulations in this part govern the enforcement, penalty, and procedural requirements for violations of Parts 25, 26, and 27 of this Chapter.

Subpart B—Enforcement Authority

§ 28.21 General provisions.

Refuge managers and other authorized personnel are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9) to protect fish and wildlife and their habitat and prevent their disturbance, to protect Service property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State, and local laws and regulations; the provisions of this Subchapter C and any special regulations issued pursuant thereto; and the prohibitions and restrictions as posted.

Subpart C—Penalty Provisions

§ 28.31 General penalty provisions.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this Subchapter C, or any items, conditions, or restrictions in a permit, license, grant, privilege, or any other limitation established under this Subchapter C, shall be subject to the penalty provisions of this section.

(b) Failure of any person, utilizing the resources of any national wildlife refuge or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this Subchapter C or to comply with any applicable provisions of Federal or State law may render such person liable to:

(1) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k–3; sec. 4, 80 Stat. 927, as amended, 16 U.S.C. 668dd(e); sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; sec. 7, 48 Stat. 452, 16 U.S.C. 718g; sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41).

(2) Denial of future privileges on national wildlife refuges.

§ 28.32 Penalty provisions concerning fires and timber.

(a) Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

(b) Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

Subpart D—Impoundment Procedures

§ 28.41 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any national wildlife refuge for a period in excess of 72 hours is subject to removal. The expense of the removal shall be borne by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with § 203m of the Federal Property and Administrative Services Act of 1959, as amended (40 U.S.C. 484m), and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 28.42 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any national wildlife refuge may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elasped from the date a legal notice of the impounding has been posted at the county courthouse and published twice in a newspaper of general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for, capturing, impounding, advertising, care, forage, and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Federal Government in all livestock trespass cases on national wildlife refuges, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to national wildlife refuge property injured or destroyed, and all related expenses incurred in the impounding, caring for and disposing of the animal. The salary of Service employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be prorated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the U.S. Fish and Wildlife Service.

§ 28.43 Destruction of dogs and cats.

Dogs and cats running at large on a national wildlife refuge and observed by an authorized official in the act of killing, injuring or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

MARCH 11, 1975.

[FR Doc.75-7060 Filed 3-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of Trade Adjustment Assistance

[15 CFR Parts 500, 510]

TRADE ADJUSTMENT ASSISTANCE

Certification of Eligibility of Firms and Communities

Notice is hereby given of the proposed amendment of 15 CFR Part 500 and the addition of a new Part 510 prescribing new regulations which implement section 251 contained in Chapter 3 and section 271 contained in Chapter 4 of the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq., relating to certification of eligibility of firms (Part 500) and of communities (Part 510), respectively, to apply for adjustment assistance. The provisions of Chapters 3 and 4 of the Trade Act become effective April 3, 1975. The proposed regulations in Part 500 will supersede subparts *A* and *B* of the existing Adjustment Assistance Regulations, 15 CFR Part 500. Existing regulations implementing provisions of the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq., relating to the administration of adjustment assistance previously authorized under the Trade Expansion Act, which have not been repealed, and which are also found in 15 CFR Part 500, will remain in effect until republished separately.

The regulations promulgated hereunder relate only to the certification of eligibility of firms and communities to apply for trade adjustment assistance. In order for any program benefits to be conferred upon firms and communities that have been certified eligible, such firms and communities must apply for adjustment assistance and meet criteria for such benefits established in the Trade Act, as implemented by rules and regulations which will be published separately. In view of the fact that the following regulations deal only with the identification of firms and communities which have been adversely affected by imports, it has been determined that the regulations will have no major inflationary impact.

Interested persons are invited to submit written comments or suggestions regarding the proposed regulations to the Assistant Secretary for Domestic and International Business, Room 3850, U.S. Department of Commerce, Washington, D.C. 20230. All relevant material received by March 28, 1975, will be considered. In view of the fact that these proposed regulations must be issued in final form and become effective April 3, 1975, the statutory effective date of Chapters 3 and 4 of Title II of the Trade Act, it is deemed impracticable to provide a lengthier period for submission of comments.

Issued at Washington, D.C., and dated March 14, 1975.

FREDERICK B. DENT,
Secretary of Commerce.

PART 500—FIRM ADJUSTMENT ASSISTANCE REGULATIONS

AUTHORITY: Pub. L. 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

Subpart A—General

§ 500.10 Scope and purpose.

The Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq. (the "TEA"), established a program of adjustment assistance for firms adversely affected by increased imports resulting in major part from concessions granted under trade agreements authorized by the TEA. The adjustment assistance provisions of Chapter 3, Title II, of the Trade Act of 1974, 88 Stat. 1978, 19 U.S.C. 2101 et seq., effective April 3, 1975, supersede the adjustment assistance provisions of the TEA, liberalizing the criteria under which firms may be eligible to apply for financial and technical assistance. The TEA provisions governing the granting of adjustment assistance and the regulations issued thereunder remain in effect with respect to firms to which assistance was either provided or approved under the TEA prior to April 3, 1975. Part 500 of this Chapter replaces subparts *A* and *B* of the Adjustment Assistance Regulations, 15 CFR Part 500 (which dealt with certification of eligibility to apply for adjustment assistance), with the following Subparts, which set forth the regulations implementing the responsibilities of the Secretary of Commerce under Chapter 3, Title II, of the Trade Act and the procedures under which firms may petition for certification of their eligibility to apply for adjustment assistance. Regulations issued under the TEA for the administration of the Adjustment Assistance Program for firms, presently found at 15 CFR Part 500, Subparts C, D, E, F and G, will be republished separately.

§ 500.11 Definitions.

For purposes of these regulations:

(a) "Trade Act" means the Trade Act of 1974, Public Law 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

(b) "TEA" means the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq.

(c) "Secretary" means the Secretary of Commerce or his delegate.

(d) "Department" means the Department of Commerce.

(e) "Assistant Secretary" means the Assistant Secretary of Commerce for Domestic and International Business.

(f) "Deputy Assistant Secretary" means the Deputy Assistant Secretary of Commerce for Resources and Trade Assistance.

(g) "OTAA" means the Office of Trade Adjustment Assistance, Department of Commerce.

(h) "Director" means the Director of the OTAA.

(i) "Firm" means an entity located in any state which is an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy and receiver under decree of any court. For purposes of these Regulations and when determined necessary by the Secretary to prevent unjustifiable benefits, a firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same person or persons may be considered a single firm.

(j) "Person" means an individual, firm, trust or estate.

(k) "Commission" means the Tariff Commission of the United States of America or after January 3, 1975, the U.S. International Trade Commission, as the context requires.

(l) "Confidential business information" means any information that concerns or relates to trade secrets, operations and commercial or financial information, including but not limited to the nature, amount or source of income, profits, losses or expenditures which are obtained from any firm and which are exempted from public disclosure under 5 U.S.C. 552(b) and 15 CFR, Subtitle A, Part 4.

(m) "Effective Date" means April 3, 1975, the effective date of Title II, Chapters 3 and 4, of the Trade Act of 1974.

(n) "State" includes the states of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

Subpart B—Petitions for Certification of Eligibility To Apply for Adjustment Assistance

§ 500.20 Categories of Firms Requesting Certification.

Any firm, to be considered for adjustment assistance under the provisions of Title II, Chapter 3, of the Trade Act on or after the Effective Date, other than a firm eligible under section 263(c) of the Trade Act to receive the adjustment assistance previously authorized under the TEA, must request certification of eligibility to apply for adjustment assistance. Firms requesting certification shall be classified in one of two categories, i.e.,

(a) Category *A* which includes:

(1) Firms that have been previously certified eligible to apply for adjustment assistance under section 302(c) of the TEA which had either not applied for adjustment assistance under section 311(a) of the TEA or which had applied for adjustment assistance but whose adjustment proposal had not been certified under section 311(b) of the TEA as of the Effective Date, and whose certification has not been revoked by the Department; and

(2) Firms with regard to which the Commission reported to the President an affirmative finding of injury under section 301(c) of the TEA, or with regard to which the Commission reported its members evenly divided, but with regard to which the President had not taken action, as of the Effective Date.

(b) Category *B* which includes:

(1) Firms that filed petitions under section 301(a)(2) of the TEA on which the Commission has not reported to the President under section 301(c) of the TEA as of the Effective Date; and

(2) Firms that believe they qualify for certification of eligibility to apply for adjustment assistance under section 251(c) of the Trade Act.

§ 500.21 Content of Application: Category A.

Firms in Category *A* may apply for certification or recertification of eligibility by letter to the Director, Office of Trade Adjustment Assistance, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230. Upon verification by the OTAA that the applicant either was previously certified eligible to apply for adjustment assistance or that the Commission had reported affirmatively or that it was evenly divided with regard to the petitioner, the Applicant will be promptly certified or recertified, as appropriate, on OTAA Form _____, eligible to apply for adjustment assistance. Such certification shall be effective as of the date of enactment of the Trade Act (January 3, 1975).

§ 500.22 Form and Contents of the Petition: Category B.

A Petition for Certification of Eligibility to Apply for Adjustment Assistance, OTAA Form _____, shall contain the following information:

(a) The name, address and telephone number of the firm.

(b) A complete description of the firm, including:

(1) A brief economic history of the firm.

(2) Number and location of all manufacturing, production or sales facilities;

(3) Legal form under which the firm is organized, i.e., corporation, partnership, association, etc.;

(4) Identification of major ownership interests in the firm;

(5) Identification of officers, directors and management;

(6) Identification of any parent company, subsidiaries or affiliates, predecessor or successor firms, co-venturers or of any other firms under substantially the same ownership or control.

(c) A general description of article(s) produced by the firm.

(d) A detailed description including appropriate Standard Industrial Classification Number of each article described in (c) that is like or directly competitive with imported articles, the increased importation of which has contributed importantly to total or partial separation and decline in sales and/or production.

(e) A detailed description, including appropriate TSUSA number, of each imported article like or directly competitive with the article(s) described in (d).

(f) Annual data relative to total sales and production, by volume and value, of the articles described in (c) and (d), stated separately.

(g) Annual data relative to the total number of workers employed by the firm (together with average weekly hours worked) directly or indirectly involved in the production of the articles described in (c) and (d), stated separately.

(h) Annual data relative to the number and proportion of workers totally or partially separated as a result of the importation of the articles described in (e).

(i) With respect to petitions asserting a threat of worker separation, an explanation of the nature of the threat and the anticipated consequences thereof, including the number and proportion of workers threatened with total or partial separation. Petitioner shall indicate whether, to its knowledge, a petition for certification of eligibility to apply for adjustment assistance has been filed by or on behalf of any of its workers under section 221 of the Trade Act.

(j) Annual import data, by volume and value, with respect to article(s) described in paragaraph (e) of this section.

(k) A statement explaining how the increased imports contributed importantly to actual or threatened worker separation and to the decline in sales and/or production of the firm.

(l) Such other documentation or information as may be required on OTAA Form _____, including whether or not the petitioner desires a public hearing.

§ 500.23 Filing of Category B Petitions.

(a) *Place of Filing.* Petitions for certification of eligibility to apply for adjustment assistance shall be submitted for filing in original and two (2) copies by personal delivery during normal U.S. Department of Commerce business hours or by registered or certified mailing to the Director, Office of Trade Adjustment Assistance, U.S. Department of Commerce, Washington, D.C. 20230.

(b) *Conformity with Regulations.* No document purporting to be a petition for certification of eligibility for adjustment assistance shall be accepted for filing unless it conforms to the provisions of this Part governing such petitions. Firms intending to submit petitions are encouraged to consult with OTAA prior to presenting such petitions for filing in order to avail themselves of OTAA guidance and assistance in the preparation and documentation of their petitions.

(c) *Receipt of Petitions.* All petitions accepted for filing by the OTAA shall be stamped thereon with the date on which they were accepted for such filing, and the petitioner shall be promptly notified of the acceptance of the petition, including the date of such acceptance. A petitioner will be notified in writing in the event a petition is not accepted for filing and shall be given the reasons therefor.

§ 500.24 Confidential Business Information.

(a) *Identification of Confidential Information.* Business data which the petitioner or any other party desires to submit in confidence shall be submitted to OTAA on separate sheets bearing at the top of each such sheet the clear legend "Confidential Business Information." If submitted at a public hearing, such information shall be offered as a separate, confidential, exhibit with a brief description of the nature of the information for purposes of the public record.

(b) *Acceptance of Information in Confidence.* The Director shall refuse to accept as confidential business information, any information which he determines is not exempted by law from public disclosure. In the event of such refusal, the person submitting such information will be notified thereof with a statement of reasons for the refusal and will be permitted to withdraw its tender.

§ 500.25 Publication of Category B Petitions in Federal Register.

Promptly after a petition has been accepted for filing, the Director shall publish a notice in the FEDERAL REGISTER of the filing of such petition, the identity of the petitioner, nature of its business and such other information as may be regarded pertinent or appropriate, other than information considered confidential business information.

Subpart C—Investigation of Petitions

§ 500.30 Initiation of Investigation.

Upon the acceptance for filing of a Category *B* petition, the OTAA shall initiate an investigation to determine from the data and other information furnished by the petitioner and information available to the Department, the sufficiency of petitioner's compliance with the criteria established in section 251(c) of the Trade Act and under this Part for eligibility to apply for adjustment assistance. The investigation may include one or more field visits to verify information furnished by petitioner and to elicit other

information relevant to the petition. In the course of the field investigation representatives of the Department shall be authorized to meet with and obtain information from officers and employees of the petitioner, officers of lending institutions and other sources of financing utilized by petitioner, present or former customers and officers of appropriate trade associations or other organizations. Upon conclusion of the investigation, a report thereof shall be made and taken into consideration in the determination of petitioner's eligibility to apply for adjustment assistance.

Subpart D—Public Hearings on Category B Petitions

§ 500.40 Granting of Request for Public Hearing.

(a) A public hearing will be held on each Category *B* petition, if such hearing is requested in a timely manner in writing, hand delivered or marked registered or certified mail, by the petitioner or by any person, organization or group that has demonstrated to the satisfaction of the Director that it has a substantial interest in the proceedings. A request for public hearing shall be filed in the same manner as provided for filing of petitions under § 500.23(a) above, and must be received by the Director, OTAA, within ten (10) days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 500.25 above. A request by a person other than the petitioner shall contain:

(1) The name, address and telephone number of the person, organization or group requesting the hearing;

(2) A complete statement of the relationship of the person, organization or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding, including how such interest may be adversely affected by certification of the petitioner's eligibility to apply for adjustment assistance; and

(3) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

(b) For purposes of this part, a person, organization or group will be deemed to have a "substantial interest in the proceedings" if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material, economic interest which will be, or may be, adversely affected by certification or denial of certification of petitioner's eligibility to apply for adjustment assistance.

§ 500.41 Denial of Request for Public Hearing by a Party Other than the Petitioner.

In the event of a denial of a request for public hearing, a notice of denial shall be signed by the Director and shall be addressed to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty (60) day period provided under section 251(d) of the Trade Act for the processing of petitions for certification of eligibility to apply for adjustment assistance, there shall be no appeal from such a denial.

§ 500.42 Notice of Hearing.

If petitioner has included a timely request for public hearing in a Category *B* petition, notice of the date, time and place of such hearing shall be included in the notice of the filing of the petition published in the FEDERAL REGISTER under § 500.25. If the petitioner does not include a request for public hearing in its petition, but a request for public hearing is received in conformity with § 500.40 hereof and is granted by the Director, notice of the public hearing in the matter shall be published in the FEDERAL REGISTER as soon following the granting of the request as practicable, specifying the date, time and place of such hearing. Notice of public hearing on any petition shall be published once only, and the date, time and place set for such hearing shall be applicable to all persons, organizations and groups requesting a public hearing on the petition.

§ 500.43 Conduct of Hearings on Category B Petitions.

The public hearing on any petition for certification of eligibility to apply for adjustment assistance shall be conducted by the Director, OTAA, or, in his absence or inability to attend, by such person as may be designated by the Deputy Assistant Secretary. The hearing shall be stenographically reported. Any party may be represented at such hearing by attorney designated as such in writing prior to commencement of the hearing. The petitioner and all parties whose request for a public hearing has been granted under § 500.40 above shall be given an opportunity to present their views and submit evidence under oath and may be questioned by the Director or other Department representatives in attendance. Evidence, oral or written, submitted at the hearing may be subject to verification from books, papers or records of the parties submitting such evidence and from any other available sources. Interested parties may examine the transcripts and exhibits or other materials presented, or obtain copies thereof by making application to the Director in accordance with the public information procedures of 15 CFR, subtitle A, Part 4. Confidential business information shall not be a part of the transcripts.

§ 500.44 Effect of Public Hearing.

The public hearing held with regard to a Category *B* petition is part of the overall investigation of the petition by the Department. The determination to certify or to deny certification of such petitions will be based not only on the evidence adduced at the public hearing, but also upon the information originally furnished by the petitioner with his petition or thereafter, or otherwise acquired by the OTAA incident to its investigation.

Subpart E—Certification or Denial of Certification of Eligibility

§ 500.50 Criteria for Certification.

(a) A petitioner filing a Category *B* Petition will be certified eligible to apply for adjustment assistance if the Deputy Assistant Secretary determines, under section 251(c) of the Trade Act, that:

(1) A significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of such firm have decreased absolutely; and

(3) Increases in imports (absolute or relative to domestic production) or articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(b) For purposes of this part:

(1) A "significant number or proportion of workers" shall normally mean the equivalent of a total separation of five percent (5%) of the firm's work force or fifty (50) workers, whichever is less. In computing such equivalent partially separated workers shall be taken into account in proportion to their percentage of separation. In small firms a smaller number of workers may be held to constitute a significant number or proportion of workers. With regard to agricultural operations that are sole proprietorships, the criterion may be met by an individual farmer.

(2) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work. The term "Layoff" means a suspension from pay status for lack of work initiated by the employer for an indefinite period but in no event expected to last for less than seven (7) consecutive calendar days.

(3) "Partial Separation" means, with respect to an employee who has not been totally separately, a reduction in an employee's hours of work to eighty percent (80%) or less of the employee's average weekly hours at the firm and a reduction in the employee's weekly wage to eighty percent (80%) or less of the employee's average weekly wage.

(4) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent.

(5) The term "decreased absolutely" is used in reference to petitioner's sales or production irrespective of industry or market fluctuations and relative only to the previous performance of the firm.

(6) The terms "like" or "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial

purposes, i.e., are adapted to the same function or use and substitute for or are essentially interchangeable therewith. An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article.

(7) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation or threat thereof and to a decline in sales or production even if such imports were not the major factor in effecting such separation, threat thereof, or decrease. In determining whether imports contributed importantly among possible causes for separation or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationship of all possible causes. If, for example, another factor was so dominant, acting singly, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly. Worker separation and sales or production decreases which would have occurred regardless of the level of imports—such as resulted from domestic competition, seasonal or cyclical variations or technological factors—would not qualify a firm eligible to apply for adjustment assistance.

(c) In all cases, although the Department will bring to bear all available resources to assist the petitioner to demonstrate his compliance with the criteria for certification of eligibility to apply for adjustment assistance under paragraph § 500.50(a) the burden of proof is upon the petitioner to establish his eligibility by the submission of probative evidence thereof.

§ 500.51 Decision on Category B Petitions.

As promptly as practicable, but not more than sixty (60) days from the date the petition has been accepted for filing, the Deputy Assistant Secretary shall either certify the petitioner eligible to apply for adjustment assistance or shall deny the petition and, in either event, shall promptly notify the petitioner in writing of his action. Certifications of eligibility shall be issued by the Deputy Assistant Secretary on OTAA Form ------. Notices of denials of petitions shall specify the reasons upon which the denial is based. If a petition is denied, petitioner shall not be entitled to resubmit its petition for certification of eligibility to apply for adjustment assistance within the twelve (12) month period succeeding the date of the formal notice of denial of the petition.

§ 500.52 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility to apply for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, by the Office of the Assistant Secretary for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230, within thirty (30) days from the date of the formal notice of denial of the petition issued under § 500.51. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal arguments asserted by the petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 500.53 Revocation of Certification of Eligibility to Apply for Adjustment Assistance.

(a) The Secretary may terminate the eligibility to apply for adjustment assistance of any firm pursuant to section 252(d) of the Trade Act. Notice of such termination shall be published in the FEDERAL REGISTER and such termination shall take effect on the date specified by the Secretary.

Subpart F—Study of Firms in an Industry Which Is the Subject of an Investigation of Injury or Threat of Injury by the International Trade Commission

§ 500.60 Commerce Department Study.

(a) *Initiation of the Study.* Upon notification by the Commission of the commencement of an investigation under section 201 of the Trade Act with respect to injury to a domestic industry occurring as a result of the increased importation of articles into the United States that are like or directly competitive with articles produced by the domestic industry, the Secretary shall immediately cause a study to be undertaken under section 264 of the Trade Act of:

(1) the number and identity of firms in the domestic industry producing the like or directly competitive article which have been or are likely to be certified eligible to apply for adjustment assistance under section 251 of the Trade Act and this part, and

(2) the extent to which the orderly adjustment of firms in the domestic industry to import competition may be facilitated through the use of existing programs.

(b) *Report.* Upon completion of the study described in § 500.60(a) of this Part, and within fifteen (15) days of the date on which the Commission makes its report to the President of the United States under section 201 of the Trade Act the Secretary shall report to the President the findings and conclusions of the study. As soon thereafter as practicable the Secretary shall make his report public (with the exception of data considered confidential business information and exempted from disclosure under law).

§ 500.61 Information on Adjustment Assistance Programs.

Upon a report by the Commission to the President of an affirmative finding of injury or threat of injury to an industry under section 201(b) of the Trade Act, the Secretary shall make available to firms in such industry, to the extent feasible, information about programs that may facilitate their orderly adjustment to import competition and shall, through the agencies of the Department designated by him, provide assistance in the preparation and processing of petitions and applications for such assistance. Such information will also be made available at the U.S. Department of Commerce in Washington, D.C. and at Commerce Department field offices throughout the country.

PART 510—COMMUNITY ADJUSTMENT ASSISTANCE REGULATIONS

Subpart A—General

Sec.
510.10 Scope and purpose.
510.11 Definitions.

Subpart B—Petitions for Certification of Eligibility to Apply for Adjustment Assistance

510.20 Petitions for certification.
510.21 Form and contents of the petition.
510.22 Filing of petition.
510.23 Publication in the FEDERAL REGISTER.

Subpart C—Investigation of Eligibility

510.30 Initiation of investigation.

Subpart D—Public Hearings

510.40 Granting of request for public hearing.
510.41 Denial of request for public hearing by a party other than the petitioner.
510.42 Notice of hearing.
510.43 Conduct of hearings.
510.44 Effect of public hearings.

Subpart E—Certification or Denial of Certification

510.50 Criteria for certification.
510.51 Determination of petitions.
510.52 Appeals.
510.53 Revocation of certification of eligibility for adjustment assistance.

AUTHORITY: Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

Subpart A—General

§ 510.10 Scope and Purpose.

The Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq. (the "TEA"), established programs of adjustment assistance for firms and workers adversely affected by increased imports resulting in major part from concessions granted under trade agreements authorized by the TEA. The Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq., effective April 3, 1975, supersedes the TEA, and in addition to continued programs of assistance to firms and workers, establishes in Chapter 4 of Title II thereof, a program of adjustment assistance for communities in trade impacted areas adversely affected by import competition. Part 510 of this Chapter establishes regulations implementing the responsibilities of the Secretary of

Commerce with regard to the certification of eligibility of communities for adjustment assistance under the Trade Act and sets forth the procedures by means of which communities or groups of communities may petition for certifications of their eligibility for adjustment assistance.

§ 510.11 Definitions.

(a) Definitions of terms of general applicability to this Part, except as hereinafter specifically defined in this § 510.11, are set forth in § 500.11 *Definitions* of Part 500 of this Chapter.

(b) For purposes of this part:

(1) "Community" means any political subdivision of a state of the United States including, but not limited to, any municipality, county, town, parish, local government agency or other general purpose subdivision of such state.

(2) "Trade Impacted Area" means any area within U.S. customs territory, the size and geographical limits of which have been determined by the Deputy Assistant Secretary under section 271(c) of the Trade Act.

Subpart B—Petitions for Certification of Eligibility to Apply for Adjustment Assistance

§ 510.20 Petitions for Certification.

In order to be eligible for adjustment assistance, a community or group of communities which are not located in an area previously determined to be a Trade Impacted Area, must petition for certification of their eligibility for adjustment assistance. A Petition for Certification of Eligibility for Adjustment Assistance may be filed by a community or group of communities, or by the Governor of the State in which such community or group of communities are located.

§ 510.21 Form and Contents of the Petition.

A petition for Certification of Eligibility for Adjustment Assistance, OTAA Form _____, shall contain the following information:

(a) The name, complete address, and telephone number of the person authorized by the community or communities to file the petition.

(b) A statement identifying the community or communities included in the petition, together with the name, title, complete address, and telephone number of the senior administrative official of each community, i.e., Mayor, County Executive, etc.

(c) Annual data relative to sales, production, and employment in the community or communities included in the petition.

(d) An identification of each firm or subdivision within the community or communities currently producing or which formerly produced articles with respect to which increased imports of like or directly competitive articles have produced the actual or threatened worker separation and actual decline in sales and/or production and with respect to each such firm or subdivision the following information:

(1) A detailed description of the article(s) produced, identified by the appropriate Standard Industrial Classification number;

(2) A detailed description of the imported article(s), identified by appropriate TSUSA number, that are like or directly competitive with the article(s) produced by such firms or subdivisions;

(3) Annual data relative to total sales and production, by volume and value, including, separately, such data with regard to sales and production of articles like or directly competitive with articles described in (2) above.

(4) Annual data relative to the total number of workers employed, together with the average weekly hours worked;

(5) Annual data relative to the number and proportion of workers employed in the production of the article(s) subject to import competition and the number or proportion totally or partially separated as a result of the import competition; and

(6) With respect to petitions asserting a threat of worker separation, an explanation of the nature of the threat and the anticipated consequences thereof, including the number and proportion of workers threatened with total or partial separation.

(e) A statement explaining how the increased imports contributed importantly to actual or threatened worker separation and to the decline in sales or production of such firms of subdivisions.

(f) Annual import data, by volume and value, with respect to the article(s) described in paragraph (d)(2) hereof.

(g) Such other documentation or information as may be required on OTAA Form _____, including whether or not petitioner desires a public hearing.

§ 510.22 Filing of Petition.

(a) *Place of Filing.* Petitions for Certification of a Community's Eligibility for Adjustment Assistance shall be submitted for filing in original and two (2) copies by personal delivery during normal U.S. Department of Commerce business hours or by registered or certified mailing to the Director, Office of Trade Adjustment Assistance, U.S. Department of Commerce, Washington, D.C. 20230.

(b) *Conformity with Regulations.* No document purporting to be a Petition for Certification of Eligibility to Apply for Adjustment Assistance shall be accepted for filing unless it conforms to the provisions of § 510.21 of this Part governing such petitions. Communities intending to submit petitions are encouraged to consult with OTAA prior to presenting such petitions for filing in order to avail themselves of OTAA guidance and assistance in the preparation and documentation of their petitions.

(c) *Receipt of Petitions.* All petitions accepted for filing by the OTAA shall be stamped thereon with the date accepted for such filing and the petitioner shall be promptly notified of the acceptance of the petition and the date thereof. A petitioner will be notified in writing in the event a petition is not accepted for filing and the reasons therefor.

§ 510.23 Publication in the Federal Register.

Promptly after a petition has been accepted for filing, the Director shall publish a notice in the FEDERAL REGISTER of the filing of such petition setting forth the community or communities that filed the petition or on whose behalf the petition was filed and such other information as may be regarded pertinent or appropriate.

Subpart C—Investigation of Eligibility

§ 510.30 Initiation of Investigation.

Promptly following acceptance of a petition for filing, the OTAA shall initiate an investigation to determine whether the community or communities meet the criteria of section 271(c) of the Trade Act. Also, the geographic boundaries of the Trade Impacted Area or Areas in which such community or communities are located shall be determined. The investigation is designed to confirm information submitted by the petitioner and to elicit other information relevant or material to the petition. The investigation may include one or more field investigations to verify information submitted by petitioner and to physically inspect the area and the firms, or subdivisions thereof, located therein. In the course of the investigation, representatives of the Department shall be authorized to meet with and obtain information from public officials, officers and employees of firms of subdivisions located in the area, officers of banks, lending institutions and other sources of financing in the area, present or former customers of the firms or subdivisions thereof located in the area, officers of unions and trade associations and other potential sources of relevant information. Upon conclusion of the investigation, a report thereof shall become a part of the evidence upon the basis of which a determination shall be made whether the criteria of section 271(c) of the Trade Act have been met.

Subpart D—Public Hearings

§ 510.40 Granting of Request for Public Hearing.

A public hearing will be held on any petition under this Part accepted by the OTAA for filing, if requested in a timely manner in writing, hand delivered or mailed registered or certified mail, by the petitioner or by any person, organization or group or representative of a community not included in the petition who has demonstrated to the satisfaction of the Director that it has a substantial interest in the proceedings. A request for public hearing shall be filed in the same manner as provided for filing of petitions under § 510.22(a) above, and must be received by the Director, OTAA, within ten (10) days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 510.23 above. A request by a person other than the petitioner must be in writing and shall contain:

(a) The name, address and telephone number of the person, organization or group, or of the legal representative or

senior administrative officer of the community, requesting the hearing.

(b) A complete statement of the relationship of the persons, organizations, group or community requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding, including how such interest may be affected by certification of petitioner's eligibility for adjustment assistance; and

(c) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

For purposes of this part, a person, organization or group will be deemed to have a "substantial interest in the proceedings", if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material, economic interest which will be or may be affected by certification or denial of certification of petitioner's eligibility for adjustment assistance, provided that, any community within the same Trade Impacted Area in which the Petitioner is located, will be deemed to have substantial interest in the proceedings.

§ 510.41 Denial of Request for Public Hearing by a Party Other than the Petitioner.

In the event of a denial of a request for public hearing, a notice of denial shall be signed by the Director and shall be addressed to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty (60) day period under section 271(d) of the Trade Act for processing petitions for certification of eligibility for adjustment assistance, there shall be no appeal from such denial.

§ 510.42 Notice of Hearing.

If petitioner has included a request for public hearing in the petition, notice of the date, time and place of such hearing shall be included in the notice of the filing of such petition published in the FEDERAL REGISTER under § 510.23 of this part. Notice of a public hearing requested by petitioner after the filing of his petition or by a party other than the petitioner whose request has been granted under § 510.40 shall be published in the FEDERAL REGISTER as soon as practicable following the granting of the request, specifying the date, time and place of such hearing. Notice of public hearing on any petition shall be published in the FEDERAL REGISTER once only, and the date, time and place set for such hearing shall be applicable to all communities, persons, organizations and groups requesting a public hearing on said petition.

§ 510.43 Conduct of Hearings.

The public hearing on any Petition for Certification of Eligibility for Adjustment Assistance shall be conducted by the Director, OTAA, or in his absence or inability to attend, by such person as may be designated by the Deputy Assistant Secretary. The hearing shall be stenographically reported. The petitioner, or any community, person, organization or group may be represented at such hearing by attorney designated as such in writing prior to commencement of the hearing. Petitioner and all parties whose request for a public hearing has been granted under § 510.40 above shall be given an opportunity to present their views and submit evidence under oath and may be questioned by the Director or other Department representatives in attendance. Evidence, oral or written, submitted at the hearing may be subject to verification from books, papers or records of the parties submitting such evidence and from any other available sources. Interested parties may examine the transcripts and the exhibits or other materials presented or obtain copies thereof by making application to the Director in accordance with the public information procedures of 15 CFR, subtitle A, Part 4. Confidential business information shall not be a part of the transcripts.

§ 510.44 Effect of Public Hearings.

The public hearing held with regard to any petition for certification of eligibility for adjustment assistance is part of the overall investigation of the petition by the Department. The determination to certify or to deny certification will be based not only on the testimony and evidence adduced at the public hearing, but also upon information originally furnished by petitioner with or in support of his petition, or otherwise acquired by the OTAA incident to its investigation.

Subpart E—Certification or Denial of Certification

§ 510.50 Criteria for Certification.

(a) The community or group of communities included in the petition will be certified eligible for adjustment assistance if the Deputy Assistant Secretary determines that such community or group of communities are located in a Trade Impacted Area in which:

(1) A significant number or proportion of workers have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of firms, or subdivisions of firms, located in the such Trade Impacted Area have decreased absolutely; and

(3) Increases in imports (absolute or relative to domestic production) of articles like or directly competitive with articles produced by firms, or subdivisions of firms, located in such Trade Impacted Area, or the transfer of firms, or subdivisions of firms, located in such Trade Impacted Area, to a foreign country have contributed importantly to the total or partial separations, or threats thereof, described in paragraph (a)(1) of this section and to the decline in sales or production described in paragraph (2) of this subsection.

(b) For purposes of this part:

(1) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work.

(2) "Partial separation" means, with respect to an employee who has not been totally separated, a reduction in an employee's hours of work to eighty percent (80%) or less of the employee's average weekly hours of work at the firm and a reduction in the employee's weekly wage to eighty percent (80%) or less in the employee's average weekly wage.

(3) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent.

(4) The term "firm" includes an individual proprietorship, partnership, joint venture, association, corporation, business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

(5) The term "subdivision of firms" means an establishment in a multi-establishment firm which produces a domestic article with which imported articles are like or directly competitive or a distinct part or section thereof (whether or not the firm has more than one establishment) wherein the articles are produced.

(6) The term "deceased absolutely" is used in reference to the sales or production of the firm(s) or subdivision(s) thereof located in the Trade Impacted Area irrespective of industry or market fluctuations and relative only to the previous performance of the firm(s) or subdivision(s) thereof.

(7) The terms "like" or "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and substitute for or are essentially interchangeable therewith. Any imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article.

(8) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation or threat thereof and to a decline in sales or production even if such imports were not the major factor in effecting such separation, threat thereof, or decrease. In determining whether imports contributed importantly among possible causes for separations or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationships of all possible causes. If, for example, another factor was so dominant, acting singly, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly.

Worker separation and sales or production decreases which would have occurred regardless of the level of imports—such as resulted from domestic competition, seasonal or cyclical variations or technological factors—would not be considered for the purposes of meeting this test.

(c) In all cases, although the Department will bring to bear all available resources to assist the petitioner to demonstrate that the Trade Impacted Area in which the community or communities involved in the petition are located meets the criteria of section 271(c) of the Trade Act, the burden of proof is upon petitioner to establish the eligibility of such community or communities for adjustment assistance by the submission of probative evidence thereof.

§ 510.51 Determination of Petitions.

As promptly as practicable, but not more than sixty (60) days from the date the petition has been accepted for filing, the Deputy Assistant Secretary shall certify eligible for adjustment assistance the community or communities located in any Trade Impacted Area which he has determined to meet the criteria of section 271(c) of the Trade Act and, to the extent that any of the petitioning community or communities, or parts thereof, are not located in any such Trade Impacted Area, the certification of eligibility for adjustment assistance of such community, or communities or parts thereof will be denied. The Deputy Assistant Secretary shall promptly notify the petitioner in writing of his decision and shall publish notice of such decision in the FEDERAL REGISTER. Certifications of eligibility shall be issued by the Deputy Assistant Secretary on OTAA Form _____. Notice of denial in whole or in part of petitions shall specify the reason upon which the denial is based. If any community is denied certification of eligibility for adjustment assistance, it shall not be entitled to repetition for certification of eligibility for adjustment assistance within the twelve (12) month period succeeding the date of formal notice of the denial of certification of its eligibility.

§ 510.52 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, by the Office of the Assistant Secretary within thirty (30) days from the date of the formal notice of denial of the petition issued under § 510.51. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal argument asserted by the petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 510.53 Revocation of Certification of Eligibility for Adjustment Assistance.

The Secretary may terminate the certification of eligibility for adjustment assistance of any community pursuant to section 271(f) of the Trade Act. Notice of such termination shall be published in the FEDERAL REGISTER and such termination shall take effect on the date specified by the Secretary.

[FR Doc.75-7190 Filed 3-17-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-516]

BOROUGH OF DEAL, MONMOUTH COUNTY, N.J.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Deal, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the Borough of Deal must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, Durant Square, Deal, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Daniel Kruman, Borough Hall, Durant Square, Deal, New Jersey 07723.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Poplar Brook	Ocean Ave	14	1,050	800
	Almyr Ave	14	100	400
	Norwood Ave	15	100	100
			Distance from shoreline	
Atlantic Ocean	Jerome Ave	10	400	
	Roosevelt Ave	10	1,500	
	Phillips Ave	10	800	
	Roseld Ave	10	50	
	Hathaway Ave	10	50	
Deal Lake	Borough limits	9	50	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7008 Filed 3-17-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-520]

CITY OF COLUMBUS, LOWNDES COUNTY, MISS.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Columbus, Mississippi.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Columbus must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Columbus, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James M. Trotter, Post Office Box 703, City Hall, Columbus, Mississippi 39701.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Tombigbee River	I.C.G. RR	172	250	0
	Highway 45-82	172	250	400
Luxapallila Creek	I.C.G. RR	171	2,800	2,450
	Bell Avenue Rd	171	2,450	4,250
	Highway 82	172	4,500	2,050

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-7004 Filed 3-17-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-517]

CITY OF DAVIE, BROWARD COUNTY, FLA.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Davie, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Davie must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 6591 Southwest 45th Street, Davie, Florida.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Delbert Doster, Town Hall, 6591 Southwest 45th Street, Davie, Florida 33314.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Canals	Western and northern corporate limits	7	(1)	(1)
	Eastern corporate limits	5	(1)	(1)
	Southern corporate limits	5 to 7	(1)	(1)

[1] Entire city is inundated by 100-year flood.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-7007 Filed 3-17-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-518]

CITY OF HERMANN, GASCONADE COUNTY, MO.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Hermann, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Hermann must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 312 Schiller, Hermann, Missouri 65041.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. M. Bassman, 312 Schiller, Hermann, Missouri 65041.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Frene Creek (backwater flooding from Missouri River).	Highway 100 (First St.)	518.0	600	650
	Guttenberg St	518.0	200	(1)
	Market St	518.0	400	450
	14th St	518.0	0	500
Frene Creek (head waters)	(2)	(2)	(2)	(2)

[1] To corporate limits.
[2] No streets crossing the stream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7006 Filed 3-17-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-519]

BOROUGH OF JERSEY SHORE, LYCOMING COUNTY, PENN.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 § 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Jersey Shore, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the Borough of Jersey Shore must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 425 Allegheny Street, Jersey Shore, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James Mercury, 425 Allegheny Street, Jersey Shore, Pennsylvania 17740.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
West Branch—Susquehanna River.	Allegheny St. (Route 44 Bridge)	551.5	(1)	(1)
Nichols Run	South of new railroad spur, Penn-Central RR.	576.3	80	100
	North of new railroad spur, Penn-Central RR.	576.3	300	450
	Penn-Central Railroad Bridge	582.0	450	300
	High St	588.0	(2)	100

[1] Corporate limits to Culvert.
[2] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7005 Filed 3-17-75;8:46 am]

[24 CFR Part 1917]

[Docket No. FI-515]

CITY OF PARIS, MONROE COUNTY, MO.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128,

and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Paris, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Paris must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 124 W. Caldwell Street, Paris, Missouri.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Caskie L. Painter, City Hall, 124 W. Caldwell Street, Paris, Missouri 65275.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Middle Fork Salt River	Wabash R.R.	652	50	(1)
	Main St.	653	1,150	(1)
Payne Branch	Locust St.	652	150	350
	Main St.	668	400	100
	McMurray St.	675	150	200
	Warren St.	687	50	50
West Fork Payne Branch	Cleveland St.	695	100	100

[1] To corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7009 Filed 3-17-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-514]

CITY OF NORTH KANSAS CITY, CLAY COUNTY, MO.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128 and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of North Kansas City, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of North Kansas City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 1828 Swift Street, North Kansas City, Missouri.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Kelsey Short, City Hall, 1828 Swift Street, North Kansas City, Missouri 64116.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
North Hillside Drainage Ditch.	Route 210	752	0	0
	Highway 1	756	0	0
	Midtown Freeway	758	0	0
	Ozark St.	758	0	0
	Howell St.	761	0	0
Rock Creek	Highway 210	745	50	100
	Rock Creek Parkway	754	150	100
	Low Water Crossing	756	100	100
Missouri River	Chouteau Highway	743	(1)	200
	Paseo Highway	747	(1)	0

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–7010 Filed 3–17–75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–513]

CITY OF SHERIDAN, ARAPAHOE COUNTY, COLORADO

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Sheridan, Colorado.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Sheridan must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 4400 S. Federal Boulevard, Englewood, Colorado.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Wilfred D. Corbin, City Hall, City of Sheridan, 4400 S. Federal Boulevard, Englewood, Colorado 80110.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
S. Platte River	Oxford Ave	5,278	250	500
	Hampten Ave	5,270	250	250
	North city limits	5,268	250	100
Bear Creek	City limits	5,316	1,050	(1)
	South Lowell Blvd	5,313	750	(1)
	Federal Blvd	5,300	1,050	(1)

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–7011 Filed 3–17–75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–512]

CITY OF ST. MATTHEWS, JEFFERSON COUNTY, KY.

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of St. Matthews, Kentucky.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of St. Matthews must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood), are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 201 Thierman Lane, St. Matthews, Kentucky.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Bernard Bowling, City Hall, 201 Thierman Lane, St. Matthews, Kentucky 40207.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width (from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet))	
			Right	Left
Middle Fork, Beargrass Creek.	Shelbyville Rd	516	50	50
	Brown Lane	514	250	1,500
	Breckenridge Lane	509	800	2,300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 10, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7012 Filed 3-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 581]

[Docket No. 74–11, Notice 9; Docket No. 73–19 Notice 8]

MOTOR VEHICLE DAMAGE STANDARD

Public Hearing on Bumper Proposal

The purpose of this notice is to schedule a public hearing on the subject matter of the FEDERAL REGISTER notice issued March 7, 1975, (Docket No. 74–11, Notice 7; Docket No. 73–19, Notice 6), reproposing a Part 581 bumper standard (Docket No. 74–11, Notice 6; Docket No. 73–19, Notice 4; January 2, 1975; 40 FR 10).

On January 2, 1975, the National Highway Traffic Safety Administration published a notice proposing to amend Standard No. 215, *Exterior Protection* and to issue a new Part 581, the proposed front and rear end damage-ability ("bumper") standard. Public hearings were held February 18 and 19, 1975, to permit the oral presentation of views by interested persons on the proposed amendments. Based on the information presented at the two days of hearings and data submitted to the public docket, the NHTSA issued a new Federal Register notice on March 7, 1975, proposing to amend the current Standard 215 bumper standard and issue a Part 581 bumper standard under the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513).

Pursuant to sec. 102(e)(1) of Title I of the Motor Vehicle Information and Cost Savings Act, the National Highway Traffic Safety Administration will hold a public meeting to give interested persons an opportunity for oral presentation of data, views, or arguments on the contents of the March 7, 1975, bumper proposal. A transcript of presentations made at the hearing will be kept.

All 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 March 28, 1975, so that the need for special equipment, such as projectors, can be discussed. 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 on April 4, 1975, in Room 4234 of the Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, beginning at 9:30 a.m.

(Sec. 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 March 14, 1975.

ROBERT L. CARTER,
Associate Administrator Motor Vehicle Programs.

[FR Doc.75-7237 Filed 3-14-75;4:55 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 344–5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Extension of Comment Period

This notice extends the period for comments announced in the notice published January 30, 1975 (40 FR 4445), proposing disapproval of a sulfur dioxide regulation in California (Bay Area Air Pollution Control District Regulation 2, sections 3121–3123.9, 4110, 5110 and 6110) and proposing replacement Federal regulations.

This extension is in response to extensive public interest expressed in this proposal as well as specific requests for extension from affected industries. Shell Oil Company of Martinez argued in favor of a 90-day extension finding the "legal, technical, and cost implications in the proposed rule exceedingly complex with very important consequences for Shell's manufacturing operations in the Bay Area." Other companies voiced similar concerns. While EPA does not grant the 90-day extension, EPA does find that a sixty (60) day extension of the comment period is reasonable and the comment period is hereby extended to May 2, 1975.

Dated: March 10, 1975.

FRANK M. COVINGTON,
Acting Regional Administrator.

[FR Doc.75-7084 Filed 3-17-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 212, 213]

PROGRAM TO REDUCE IMPORTS OF FOREIGN CRUDE OIL AND PETROLEUM PRODUCTS

Further Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10, Parts 212 and 213, of the Code of Federal Regulations, to revise the Mandatory Petroleum Price Regulations and the Oil Import Regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

I. INTRODUCTION

As announced in the notice of proposed rulemaking issued on January 17, 1975, the President has determined that it is in the national interest to achieve a reduction in demand for petroleum products, thereby to reduce the dependence of this country on imports of foreign crude oil and petroleum products. A program to begin achievement of this objective, which included fees on imported petroleum, was announced in the President's State of the Union message to the Congress.

Proclamation 4341, issued on January 23, 1975, established a system of supplemental import fees. On January 28, 1975, FEA issued amendments to its oil import regulations to conform to the new Proclamation. On March 4, 1975, the President issued Proclamation No. 4355 (40 FR 10437), amending Proclamation No. 3279, as amended, which established the Mandatory Oil Import Program. The purpose of the new Proclamation is to make certain adjustments in the Program as are necessary to and consistent with the national security, taking into account the economic welfare of the United States and Puerto Rico, and the special hardships faced by refiners located in United States territories and foreign trade zones. In view of this amendment to Proclamation No. 3279, as amended, which is effective February 1, 1975, the Federal Energy Administration, which administers the Mandatory Oil Import Program, proposes to amend its oil import regulations, retroactive to February 1, 1975, in Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, in order to conform to Proclamation No. 4355.

Continuing analysis and review of that program and of the options which are likely best to reduce reliance on imported petroleum, with the minimum hardship to this nation's people and its economy, has led FEA to conclude that a larger share of the increased costs of

petroleum should be allocated to the prices of gasoline than to the prices of other petroleum products.

Gasoline is produced and sold in the United States in greater amounts than any other single petroleum product. Also, a substantial share of the demand for gasoline, unlike that for other products such as fuel oils, is discretionary. Gasoline is currently priced in the United States at levels well below world prices, unlike some other petroleum products, such as residual fuel oil, whose U.S. prices are at or near world prices. Prices for products other than gasoline, such as certain petrochemical feedstocks, residual fuel oil, and aviation fuel, have risen far faster during the past several years than have gasoline prices.

For all of these reasons, FEA believes that the allocation of a greater than proportionate share of increased petroleum costs to gasoline prices would enhance the effectiveness of the President's energy conservation program and is consistent with the Congressional objectives underlying the Emergency Petroleum Allocation Act.

In addition, we are proposing further direct restraints on the pass-through of increased costs to residual fuel oil in response to comments concerning the hardship to electric utilities and their customers caused by disproportionately high increases in residual fuel oil prices.

The following changes to the Mandatory Petroleum Price Regulations and Oil Import Program Regulations are therefore proposed.

II. Amendments to the Oil Import Regulations

Under the amended Proclamation, increases in supplemental import license fees scheduled to take effect in March and April, pursuant to Proclamation No. 4341 amending Proclamation No. 3279 (40 FR 3965) have been deferred for two months. Increases to $2.00 per barrel on March 1 and $3.00 per barrel on April 1, will take effect on May 1 and June 1, respectively. The supplemental fee of $1.00 per barrel, and the increases in fees originally imposed pursuant to Proclamation No. 4210 (38 FR 9645), which became effective on February 1 pursuant to Proclamation No. 4341, will remain in place. With respect to the reduction in the $1.00 fee, which the Administrator of FEA was authorized to make on most petroleum products except crude oil, it is proposed that the February reduction remain in effect through April 30, thus leaving the product fee at $0.00 for March and April. As discussed in section III, FEA has concluded that a larger share of the increased costs of petroleum should be allocated to the prices of gasoline than to the prices of other petroleum products. Accordingly, it is proposed that effective May 1, 1975, a higher fee be imposed for imports of gasoline than for imports of other petroleum products.

Proclamation No. 4341 provided that the net amount of tariffs paid may be credited, on a monthly basis, against the amount of fees paid. However, in view of the fact that the amount of tariffs paid by importers with fee-exempt allocations is likely to exceed the amount paid in fees, until the two-month suspension expires, Proclamation 4355 provides for a six-month period during which excess tariff payments may be used to reduce fees subsequently paid.

Proclamation 4355 also authorizes the Administrator to determine at what point crude oil, unfinished oils, and finished products shipped into United States territories and foreign trade zones shall become subject to import license fees and supplemental fees. The purpose of this provision is to remedy the hardships that could result to refiners located in territories and foreign trade zones on account of shipments into such locations not becoming subject to license fees at the same time as imports into United States customs territory.

Finally, the Proclamation also provides that the fees and supplemental fees imposed with respect to imports into Puerto Rico, or imports into Districts I–V which are shipped to Puerto Rico, with or without further processing, shall be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to the mainland. The Proclamation further provides that any such levy shall accord affected importers the same reductions and refunds as are authorized with respect to payment of fees and supplemental fees. The purpose of this provision is to permit the government of Puerto Rico to collect and retain, with respect to imports into Puerto Rico, the equivalent of a fair and reasonable proportion of the import fees provided by Proclamation No. 3279, as amended. This is necessary since Puerto Rico would not benefit from the tax relief and other measures which will benefit other citizens.

To implement the foregoing changes to the Mandatory Oil Import Program, FEA proposed to amend § 213.35 of its regulations dealing with allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products.

In accordance with Proclamation 4355, it is proposed that § 213.35 provide that imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975. However, imports other than (1) ethane, propane, butanes, and asphalt, (2) crude oil, as defined for purposes of the Old Oil Allocation Program, which is imported for refining, and (3) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, would be subject to a supplemental license fee of $0.00/bbl. for imports entered during the months of February, March and April 1975. If the proposed disproportionate pass through on gasoline discussed in section IV is not adopted, such supplemental fees would be $0.60/bbl. for imports entered in May and $1.20/bbl. for imports entered in the month of June and thereafter. If that proposal is adopted, the applicable fees for May and June would be $1.25/bbl. and $1.80/bbl. respectively for gasoline, and $0.35/bbl. and $0.60/bbl. respectively for other products.

Under amended § 213.35, payments of supplemental fees for licenses issued upon prepayment by the applicant would be at the rate applicable June 1, 1975 ($3.00 per barrel for crude oil, $0.60/bbl. for products other than gasoline, and $1.80/bbl. for gasoline) provided that imports entered into United States customs territory against such licenses during the period February 1, 1975, through May 31, 1975, would be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

In the case of overpayments made on the basis of the $2.00 fee, which took effect on March 1, but was rescinded by Proclamation No. 4355, the Director would issue refunds as soon as practicable.

Section 213.35 would also be amended to provide, in accordance with Proclamation No. 4355, that where the net duty paid during a month exceeds the fee and supplemental fee imposed, the excess duty may be used to reduce such fees payable during the subsequent six months.

In addition, § 213.35 would be amended to authorize refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone to elect a procedure for determining at what point crude oil and unfinished oils shipped into those locations would become subject to the supplemental fee. Such refiners could choose to have fees assessed on the date that unlading of the feedstocks commenced or at the time that finished products or unfinished oils derived from the feedstocks are imported into United States customs territory. In the latter case, the applicable fees would be those in effect at the time of importation. Elections under this provision would be required to be made no later than fifteen (15) days after publication in the Federal Register of amended § 213.35; failure to so elect would result in assessment of the fee at the time that finished products or unfinished oils were imported into U.S. customs territory.

It is also proposed that § 213.35 be amended to provide that fees and supplemental fees imposed with respect to imports into Puerto Rico, and imports into Districts I–V which are shipped to Puerto Rico with or without further processing, shall be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V. It is contemplated that Puerto Rico will impose such excise tax or other levy effective February 1, 1975. Consequently, where certain documents show-

ing the amount of imports into Puerto Rico and Districts I–V, and the amount of shipments between Districts I–V and Puerto Rico, are furnished to the Director, Oil Imports, importers holding licenses issued by prepayment would receive applicable refunds, and importers pursuant to bond would be required to pay a reduced amount of fees.

Since FEA's proposed amendments may result in recomputation of fee payments due March 31 for crude oil, unfinished oils, and finished products shipped from U.S. territories and foreign trade zones to U.S. customs territory, and imported into Puerto Rico, FEA will shortly issue a regulation postponing the due date of these payments until April 30.

Finally, FEA proposes to amend § 213.35 to substitute the term "entered" for references to "entered for consumption or withdrawn from warehouse for consumption". The purpose of this change is to conform more nearly to Proclamation No. 3279, as amended, which is less restrictive, and provides for the payment of supplemental license fees on imports "entered into the Customs territory of the United States." Use of the former language has led to confusion concerning the date on which such fees were payable, since it implied that completion of formal customs procedures was necessary, and since different ports took longer or shorter times to complete such procedures. However, FEA assesses the fee as of the time when merchandise is released from customs custody, regardless of whether it was released by formal entry or for immediate delivery prior to such entry.

III. Amendments to the Mandatory Petroleum Price Regulations

A. Added restraints on pricing of residual fuel oil

Residual fuel oil and No. 2 oils (No. 2 heating oil and No. 2–D diesel fuel) are to be placed in a single new product category, to be called "segregated fuels." Only a volumetric pro rata share of increased costs (less an amount of increased costs which must be reallocated to gasoline) may be allocated to "segregated fuels." Within the "segregated fuels" category, however, refiners could determine how increased costs attributable to that category could be allocated between residual fuel oil and No. 2 oils.

B. Disproportionate allocation of increased costs to gasoline

The cost allocation formulae of § 212.83 are to be modified to reduce progressively the proportion of a refiner's total increased product costs which may be allocated to "segregated fuels" and to general refinery products, and correspondingly to increase the amount which must be allocated to and passed through on gasoline prices, if at all.

This would be achieved by requiring each refiner to calculate the amount of increased costs incurred in the prior month and attributable to gasoline on a volumetric pro rata basis, then to increase that amount by a specified percentage, and to reduce the amount of increased costs available for pass through on products other than gasoline by the same amount. Thus, the proposed amendments would require each refiner (a) to calculate the total dollar amount of increased costs to be reallocated to gasoline prices by multiplying the increased costs attributable to gasoline on a volumetric pro rata basis by 4 percent as of April 1, 1975, by 7 percent as of May 1, 1975 (or as of whatever other date the crude oil import fee is raised to $2.00 per barrel), and by 10 percent as of June 1, 1975 (or as of whatever other date the crude oil import fee is raised to $3.00 per barrel) and thereafter; (b) to subtract this total dollar amount from the amount of increased costs otherwise allocable to increase the prices of "segregated fuels" and general refinery products (with the amount of increased costs subtracted from each of those two categories based on volume), and (c) to compute the maximum allowable prices for "segregated fuels" and for general refinery products, based on the increased costs attributable to those categories on a volumetric pro rata basis, but excluding the amounts subtracted and reallocated to gasoline.

The percentage figures were selected to apportion to gasoline approximately twice as much of the increased costs attributable to the import fee program, as would be apportioned to all other products.

The overall impact of the $1.00 per barrel increase in import fees on crude oil that was effective February 1, 1975, is estimated ultimately to increase the price of all crude oil refined in the United States approximately $.60 per barrel, since the fee increase will affect, directly or indirectly, the prices for all crude oil other than "old" oil (which accounts for about 40 percent of the crude oil refined domestically). This is the equivalent of an average 1.4 cents per gallon increase in product costs to domestic refiners.

The $2.00 increase in crude oil import fees to be effective May 1, 1975, will have an overall impact of about $1.20 per barrel of crude oil refined, or approximately 2.8 cents per gallon; and the $3.00 increase in crude oil import fees, to be effective June 1, 1975, will have an overall impact of about $1.80 per barrel of crude oil refined, or approximately 4.3 cents per gallon.

A two to one apportionment of these cost increases, based on an average nationwide refinery yield of 45 percent gasoline, is as follows:

(a) With average increased petroleum costs of 1.4 cents per gallon—2.0 cents per gallon to gasoline and .9 cents to other products, which is .6 cents per gallon for gasoline above the average amount of 1.4 cents per gallon;

(b) With average increased costs of 2.8 cents per gallon—3.9 cents to gasoline and 1.9 cents to other products, which is 1.1 cents per gallon for gasoline above the average amount of 2.8 cents per gallon; and

(c) With average increased costs of 4.3 cents per gallon—6.0 cents to gasoline and 2.9 cents to other products, which is 1.7 cents per gallon for gasoline above the average amount of 4.3 cents per gallon.

Current levels of increased costs for refiners since May 15, 1973, average about 12.4 cents per gallon, reflecting an increase in the average cost of crude oil from about $4.00 per barrel in May, 1973, to about $9.20 per barrel prior to the $1.00 per barrel increase in import fees.

The amount of increased costs will be approximately 13.8 cents per gallon when the $1.00 import fee is fully reflected; 15.2 cents per gallon at the $2.00 fee level; and 16.7 cents per gallon at the $3.00 fee level.

Thus, in order to reallocate increased costs to gasoline in the manner outlined above, increased costs attributable to gasoline on a volumetric pro rata basis at the $1.00 import fee level (13.8 cents per gallon) will be multiplied by 4 percent, in order to reallocate to gasoline an average of .6 cents per gallon ($.04 \times 13.8¢ = .55¢$). Increased costs attributable to gasoline on a volumetric pro rata basis at the $2.00 import fee level (15.2 cents per gallon) will be multiplied by 7 percent, in order to reallocate to gasoline an average of 1.1 cents per gallon ($.07 \times 15.2¢ = 1.1¢$). Increased costs attributable to gasoline on a volumetric pro rata basis at the $3.00 import fee level (16.7 cents per gallon) will be multiplied by 10 percent, in order to reallocate an average of 1.7 cents per gallon to gasoline ($.10 \times 16.7¢ = 1.7¢$).

Alternatively, the regulations might provide that the additional amount of increased costs to be reallocated to gasoline be computed by multiplying the estimated sales volume of gasoline by .6 cents per gallon beginning April 1, by 1.1 cents per gallon beginning May 1, and by 1.7 cents per gallon beginning June 1. The dollar amounts thus derived would be allocated, if at all, to increase gasoline prices and would be substracted from amounts allocable to increase the prices of "segregated fuels" and general refinery products.

FEA is aware that refiners with unusually large yields of gasoline would be required under the proposed regulation to reallocate substantial dollar amounts of costs to gasoline prices, and therefore, to have atypically low prices for their products. To alleviate this potential problem, the proposed regulation provides that refiners will not be required to reallocate costs to gasoline in amounts that would result in allocation to "segregated fuels" and general refinery products of less than 85 percent of their volumetric pro rata share of the increased product costs.

IV. Amendments to the Oil Import Regulations To Reflect the Disproportionate Allocation of Increased Costs to Gasoline

The amount of the previously announced increases in import fees on petroleum products in § 213.35 would be modified to establish higher fees for imports of gasoline than for imports of other petroleum products. This would maintain in the prices of imports the

differentials in prices of domestically refined products brought about by the assignment of a larger share of increased product costs to domestically refined gasoline and a lesser share to other domestically refined petroleum products.

The adjustment would be effective as of May 1, 1975 to coincide with the imposition of the $2.00 per barrel fee on imports of crude oil. Since only the $1.00 per barrel fee on imported crude oil, and no increased fee on products, will be in effect during the period from February 1, 1975 through April 30, 1975, no adjustment in product fees is proposed for that period.

The amounts of the increased import fees for products were initially determined to acknowledge that each $1.00 increase in import fees on crude oil is approximately equivalent to an increased cost for domestically refined products of $.60 per barrel. Hence, in order to maintain the existing balance of prices between imported products and imported crude oil, an increase in the product import fees of $.60 per barrel was to correspond with each increase in crude oil import fees of $1.00 per barrel. This level of increased import fees for products was further reduced by $.60,, however, to reflect the benefits of the entitlements program, which, for imported products is now administered through the import fee program.

Accordingly, the product fees at the $2.00 per barrel level for increased crude oil import fees would be determined as follows:

(a) $1.20 per barrel to reflect parity with the $2.00 per barrel increment in the crude oil import fee;

(b) adjusted to $1.85 per barrel for gasoline and $.95 per barrel for other products, to reflect the two to one ratio of increased costs; and,

(c) finally adjusted to $1.25 per barrel for gasoline and $.35 per barrel for other products, to reflect the benefits of the entitlements program for imported products.

Similarly, the product fees at the $3 per barrel level for increased crude oil import fees would be determined as follows:

(a) $1.80 per barrel to reflect parity with the $3.00 per barrel increment in the crude oil import fee;

(b) adjusted to $2.40 per barrel for gasoline and $1.20 per barrel for other products, to reflect the two to one ratio of increased costs; and,

(c) further adjusted to $1.80 per barrel for gasoline and $.60 per barrel for other products, to reflect the benefits of the entitlements program for imported products.

Conforming changes to the regulations reflecting the revisions in terminology will be published when the final regulation is published.

V. Requested Comments

Comments are invited on the ratio of disproportionate allocation of increased costs to the price of gasoline, on any advantages of the alternative (cents per gallon) method of computing the amount of additional increased costs to be reallocated to gasoline, and on the timing and magnitude of the differential import fees to be applied to gasoline and to other petroleum products. In particular, given the relatively small impact of the increased cost reallocation at the $1 per barrel level for the increased import fee on crude oil, comments are requested as to whether this proposal should be deferred as proposed until May 1, 1975, when the increased import fees will reach the $2 per barrel level. Comments are invited on the proposed treatment of residual fuel oil, including whether, within the category of "segregated fuels," increased costs should be allocated only pro rata by volume between residual fuel oil and No. 2 oils.

VI. General

A. Effective Dates

The regulation changes proposed today to the Mandatory Petroleum Price Regulations will be effective, as finally adopted, April 1, 1975. The regulation changes proposed today to the Oil Import Regulations will be effective, as finally adopted, February 1, 1975. To the extent that any change in the effective dates for the implementation of the $2 and $3 import fee levels is made, the effective dates proposed will be changed accordingly.

B. Procedures for Written Comments and Public Hearing

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CL, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Program to Reduce Imports—Further Amended Regulations." Twenty-five copies should be submitted. All comments received by Friday, March 28, 1975 before 4:30 e.d.t. and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at 9:30 a.m. on Thursday, March 27, 1975 and will be continued, if necessary on Friday, March 28, 1975 in Room 2105, 2000 M Street NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t. on March 21, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through March 26, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., March 24, 1975 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.d.t., on March 26, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., March 25, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue

NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may puchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87-794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 39 FR 35103, Proclamation 4341, 40 FR 3956, and Proclamation No. 4355, 40 FR 10437).

In consideration of the foregoing, it is proposed to amend Parts 212 and 213, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 13, 1975.

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

1. Section 212.31 is revised by adding, in the appropriate alphabetical order, definitions of "general refinery products" and "segregated fuels" to read as follows:

§ 212.31 Definitions.

* * * * *

"General refinery products" means all covered products other than segregated fuels, gasoline, and crude oil.

* * * * *

"Segregated fuels" means No. 2 oils and residual fuel oil.

* * * * *

2. Section 212.83 is amended by revising, in part, paragraphs (c) and (e) as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product costs*—(1) *General rule*—(i) *Segregated fuels.* In computing base prices for a segregated fuel, a refiner may increase its May 15, 1973 selling price to each class of purchaser once each calendar month beginning with November 1973 by an amount to reflect that portion of the increased product costs attributable to sales of segregated fuels, using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing base prices for all segregated fuels is calculated by use of the formula set forth in paragraph (c)(2)(i)(B) of this section (which requires certain increased product costs attributable to sales of segregated fuels to be reallocated to gasoline), and provided that the amount of increased product costs included in computing base prices of a particular segregated fuel is equally applied to each class of purchaser. In apportioning the total amount of increased product costs allocable to segregated fuels among particular segregated fuels (*i.e.*, No. 2 oils and residual fuel oil), a refiner may apportion amounts of increased product costs to a particular segregated fuel in whatever amounts it deems appropriate.

(ii) *General refinery products.* (A) In computing base prices for a general refinery product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect that portion of the increased product costs attributable to sales of general refinery products, using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing base prices for all general refinery products is calculated by use of the formula set forth in paragraph (c)(2)(ii) of this section (which requires certain increased product costs attributable to sales of general refinery products to be reallocated to gasoline), and provided that the amount of increased product costs included in computing base prices of a particular general refinery product is equally applied to each class of purchaser. In apportioning the total amount of increased product costs allocable to general refinery products among particular general refinery products, a refiner may apportion amounts of increased product costs to a particular general refinery product in whatever amounts it deems appropriate.

(B) For purposes of this section, each of the following products or product categories shall constitute "a particular general refinery product": aviation fuels, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, No. 4 fuel oil and No. 4-D diesel fuel, propane, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

(iii) *Gasoline.* In computing base prices for gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser once each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of gasoline, and a portion of the increased product costs attributable to sales of segregated fuels and to sales of general refinery products, using the differential between the month of measurement and the month of May 1973, provided that the amount of increased product costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i)(A) of this section (which requires certain increased product costs attributable to sales of segregated fuels and to general refinery products to be reallocated to gasoline), and provided that the amount of increased product costs included in computing base prices of gasoline is equally applied to each class of purchaser.

* * * * *

(v) *Discretionary reallocation of increased product costs among product categories.* Increased product costs allocable to segregated fuels pursuant to paragraph (c)(1)(i) of this section and to general refinery products pursuant to paragraph (c)(1)(ii) of this section or carried forward pursuant to paragraph (e) of this section may be reallocated among product categories each month only as follows:

(A) *General refinery products.* To the extent that a refiner does not allocate its increased product costs for general refinery products to base prices for such products, it may instead allocate that part of its increased product costs for general refinery products only to base prices for gasoline. No increased product costs for general refinery products may be allocated to base prices for segregated fuels.

(B) *Segregated fuels.* To the extent that a refiner does not allocate its increased product costs for segregated fuels to base price for such products, it may instead allocate that part of its increased product costs for segregated fuels only to base prices for gasoline. No increased product costs for segregated fuels may be reallocated to base prices for general refinery products.

(C) *Gasoline.* No increased product costs for gasoline may be reallocated to base prices for general refinery products or segregated fuels.

(2) *Formulae*—(i) (A) *Gasoline.* For gasoline ($i=2$):

$$d_{i^u}=\frac{A^t\left(\frac{V_{i^u}}{V^u}\right)+B_{i^t}+G_{i^t}+H_{i^u}+T^t}{V_{i^u}}$$

(B) *Segregated fuels.* For segregated fuels ($i=1$):

$$D_{i^u}=A^t\left(\frac{V_{i^u}}{V^u}\right)+B_{i^t}+G_{i^t}-H_{i^u}-T_{i^t}$$

(ii) *General refinery products.* For general refinery products ($i=3$):

$$D_{i^u}=A^t\left(\frac{V_{i^u}}{V^u}\right)+B_{i^t}+G_{i^t}-H_{i^u}-T_{i^t}$$

(iii) *Definitions.* For purposes of paragraphs (c)(2)(i) and (c)(2)(ii) of this section:

d_{i^u}=The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the base prices to the classes of purchaser

that purchase gasoline at retail from a refiner at service stations operated by employees of the refiner may be "d_{iu}" plus a maximum of $.03 per gallon of gasoline provided that, in computing "d_{iu}" for gasoline, the numerator of the formula in clause (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d_{iu}" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d_{iu}" shall only be computed for $i=1$.

D_i^u=The total dollar amount a refiner may apportion in the period "u" to the covered product or products of the type "i", in whatever amounts it deems appropriate to each particular covered product within the type "i" category, provided that the total dollar amount allocable to general refinery products ($i=3$) shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M divided by the total number of such barrels processed during the month of May 1973. The formula for D_i^u shall only be computed for $i=1$ (segregated fuels) and for $i=3$ (general refinery products).

* * * * *

H_i^u=For $i=1$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to segregated fuels that pursuant to paragraphs (c)(1)(v) or (e)(2) of this section the refiner elects to include in prices of gasoline for the period "u"; for $i=2$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to segregated fuels and/or general refinery products that pursuant to paragraphs (c)(1)(v) or (e)(2) of this section the refiner elects to include in the price of gasoline for the period "u", for $i=3$, the portion, if any, of the dollar price of gasoline for the period "u"; for inclusion in price adjustments to general refinery products that pursuant to paragraph (c)(1)(v) or (e)(2) of this section the refiner elects to include in calculating the base prices of gasoline for the period "u".

* * * * *

T^i is the dollar amount of increased costs of segregated fuels and of general refinery products not allocable to increase the May 15, 1973 prices of segregated fuels or of general refinery products but allocable only to increase the May 15, 1973 prices of gasoline,

Where:

$$T^i=.04\left[A^i\left(\frac{V_i^u}{V^u}\right)+B_i^i\right]$$

for $t=$April, 1975;

$$T^i=.07\left[A^i\left(\frac{V_i^u}{V^u}\right)+B_i^i\right]$$

for $t=$May, 1975;

and

$$T^i=.10\left[A^i\left(\frac{V_i^u}{V^u}\right)+B_i^i\right]$$

for $t=$June, 1975,

and thereafter

provided, however, that the dollar amount of increased costs required to be allocated to gasoline pursuant to this "T" factor of the formula shall be reduced to the extent necessary to permit at least 85 percent of the increased costs attributable to sales of segregated fuels (exclusive of any amounts carried forward pursuant to the "G" factor of the formula, and of any adjustments pursuant to the "H" factor, and of any amounts that would otherwise be reallocated pursuant to this "T" factor of the formula) to be allocated to increase the May 15, 1973 prices of segregated fuels, and provided further that the dollar amount of increased costs required to be allocated to gasoline pursuant to this "T" factor of the formula shall be reduced to the extent necessary to permit at least 85 percent of the increased costs attributable to sales of general refinery products (exclusive of any amounts carried forward pursuant to the "G" factor of the formula, and of any adjustments pursuant to the "H" factor, and of any amounts that would otherwise be reallocated pursuant to this "T" factor of the formula) to be allocated to increase the May 15, 1973 prices of general refinery products. That is, for $i=1$ and $i=3$:

$$T_i^i \leq .15\left[A^i\left(\frac{V_i^u}{V^u}\right)+B_i^i\right]$$

And where:

T_i^i=The dollar amount of increased costs of the specific covered product or products of the type "i" not allocable to increase the May 15, 1973 prices of such covered product or products but allocable only to increase the May 15, 1973 prices of gasoline:

Where:

for segregated fuels ($i=1$):

$$T_{i-1}^i=T^i\left(\frac{V_{i-1}^i}{V_{i-1}^i+V_{i-2}^i}\right)$$

for general refinery products ($i=3$):

$$T_{i-0}^i=T^i\left(\frac{V_{i-0}^i}{V_{i-1}^i+V_{i-0}^i}\right)$$

* * * * *

(e) *Carryover of costs*—(1) *Calculation of amounts carried over.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e)(2) of this section under the "G_i^i" factor of the general formulae of paragraph (c)(2) of this section, as of March 31, 1975 (for $t=$March 1975), a firm shall calculate the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ pursuant to § 212.83(e) as that section existed on March 31, 1975.

The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type $i=1$, $i=2$, and $i=3$, respectively, pursuant to § 212.83 as amended on April 1, 1975.

(2) *Computation of amounts carried over for months ending April 30, 1975, and thereafter*—(i) *For segregated fuels and general refinery products.*

(A) If in any month beginning with October 1973 a firm charges prices for covered products of the type $i=1$ or $i=3$ that result in the recoupment of less than the total dollar amount of increased product costs calculated for that type of covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, and if that unrecouped amount of increased product costs is not used to increase May 15, 1973 selling prices of gasoline ($i=2$) pursuant to paragraph (c)(1)(v) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for that type of covered product for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for covered products of the type $i=1$ or $i=3$ that result in the recoupment of more than the total dollar amount of increased product costs calculated for that type of covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that type of covered product in a subsequent month.

(ii) *For gasoline.* (A) If in any month beginning with October 1973 a firm charges prices for the covered product of the type $i=2$ that result in the recoupment of less than the total dollar amount of increased product costs calculated for that type of covered product pursuant to the general formula and allowable under paragraphs (c)(1)(iii), (c)(1)(v), and (c)(2)(i)(A) of this section, that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for that type of covered product for a subsequent month.

(B) If in any month beginning with October 1973 a firm charges prices for the covered product of the type $i=2$ that result in the recoupment of more than the total dollar amount of increased product costs calculated for that type of covered product pursuant to the general formula and allowable under paragraphs

(c)(1)(iii), (c)(1)(v), and (c)(2)(i)(A) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that type of covered product in a subsequent month.

* * * * *

3. Section 213.35 is amended in paragraph (a) by adding a new paragraph (9), in paragraph (d) by amending subparagraphs (1) and (4), and in paragraph (e) by amending clause (i) of, and by adding clause (vi) to, subparagraph (2) as follows:

§ 213.35 Allocations and fee paid licenses for imports of crude oil, unfinished oils, and finished products.

(a) * * *

(9) For purposes of the supplemental fees payable pursuant to paragraph (d) of this section, refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone shall elect within fifteen (15) days after publication of this amended Section 213.35 to be treated in accordance with either clauses (i) or (ii) of this subparagraph (9). Elections once made may not be changed. Failure to file timely notice of an election will result in treatment in accordance with clause (ii). For the purposes of this subparagraph (9), supplemental fees payable March 31 shall be due fifteen (15) days after publication of this amended section or at the time of election, whichever occurs first.

(i) For refiners electing to be treated under this clause (i), supplemental fees shall be assessed on crude oil or unfinished oils to be used as feedstock in the refiner's refinery as of the date unlading of such feedstocks into the refiner's shore tanks commences. No later than ten (10) days after the close of each month, the refiner shall certify to the Director receipts of crude oil or unfinished oils during the preceding month. Payment of the supplemental fee shall be made by the refiner by the last day of the month following the month of receipt. Effective May 1, 1975 and each month thereafter, each refiner must file a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the applicable fee multiplied by the total number of barrels processed by the refiner in the last month but one preceding the month for which the bond is posted.

(ii) For refiners electing to be treated under this clause (ii), the supplemental fee shall be assessed on finished products or unfinished oils derived from crude oil or unfinished oils at the time that such finished products or unfinished oils are imported into U.S. customs territory. The applicable supplemental fee shall be the supplemental fee on the feedstock from which such finished products or unfinished oils are derived in accordance with paragraph (d)(1)(i) of this section.

* * * * *

(d)(1)(i) Except as provided in subparagraphs (ii) and (iii) of this paragraph (d)(1), and except with respect to finished products or unfinished oils as to which a supplemental fee is chargeable on the feedstock from which such finished products or unfinished oils were derived in accordance with clause (i) of subparagraph (9) of paragraph (a) of this section, imports of crude oil, natural gas products, unfinished oils and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975, in accordance with 3(a)(1)(iii) of Proclamation No. 3279, as amended.

(ii) Imports other than (1) ethane, propane, butanes, and asphalt, (2) crude oil as defined for purposes of the Old Oil Allocation Program set forth in § 211.67 of this chapter, which is imported for refining, (3) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, and (4) motor gasoline shall be subject to a supplemental fee as follows:

(A) for imports entered into the United States customs territory during the months of February, March, and April, 1975, $0.00/bbl.;

(B) for imports entered into the United States customs territory during the month of May, 1975, $0.35/bbl.;

(C) for imports entered into the United States customs territory during the month of June, 1975, and thereafter, $0.60/bbl.

(iii) Imports of motor gasoline shall be subject to a supplemental fee as follows:

(A) for imports entered into the United States customs territory during the months of February, March, and April, 1975, $0.00/bbl.;

(B) for imports entered into the United States customs territory during the month of May, 1975, $1.25/bbl.;

(C) for imports entered into the United States customs territory during the month of June, 1975, and thereafter, $1.80/bbl.

* * * * *

(4) Payments made pursuant to paragraph (d)(1)(i) of this section for licenses issued upon prepayment shall be at the rate of $3.00 per barrel. Payments made pursuant to paragraph (d)(1)(ii) of this section for licenses issued upon prepayment shall be at the rate of $0.60 per barrel. Payments made pursuant to paragraph (d)(1)(iii) of this section for licenses issued upon prepayment shall be at the rate of $1.80 per barrel. Imports entered into United States customs territory against such licenses during the period February 1, 1975 through March 31, 1975 shall be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

(e) * * *

(2) * * *

(i) For payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, by the United States Customs Service, less any applicable duty drawback, *provided that*, said importer certifies the amount of drawback received during that period. Where the duty drawback exceeds the duty paid during that period, the net difference shall be applied to subsequent periods, *provided that* when the duty less drawbacks exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months;

* * * * *

(vi) (A) On a monthly basis beginning with the month of February, 1975, with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico, or imported into Districts I–V and shipped to Puerto Rico with or without further processing, and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, by the amount of any excise tax or other levy imposed subsequent to January 31, 1975 and collected by the Government of Puerto Rico on such materials, provided that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs (c) and (d) of this section.

(B) For the purpose of obtaining refunds or reductions under this clause (vi), the importer of record shall furnish the Director, not later than the last day of the month following the month in which imports of crude oil, unfinished oils, and finished products are made into Puerto Rico (or into Districts I–V and shipped to Puerto Rico, with or without further processing), and shipments of any such materials are made to Districts I–V from Puerto Rico, the following documents:

(I) copies of customs entry documents 7501 or 1505, as appropriate, where crude oil, unfinished oils, or finished products were imported into Puerto Rico;

(II) copies of customs document 7512, where shipments were made from Districts I–V to Puerto Rico or from Puerto Rico to Districts I–V under bond;

(III) copies of any bills of lading for shipments of crude oil, unfinished oils, or finished products from Districts I–V to Puerto Rico and from Puerto Rico to Districts I–V; and

(IV) copies of any receipts, for payment to Puerto Rico of a tax or other levy in effect after January 31, 1975 on crude oil, unfinished oils, or finished products not shipped to Districts I–V.

(c) In the case of licenses issued pursuant to a bond, or fee-exempt license, the importer shall pay to the Director, not later than the last day of the month following the month in which imports were made into Puerto Rico (or into Districts I–V and shipped to Puerto Rico) and shipments from Puerto Rico were made into Districts I–V, on the following to the extent applicable:

I. Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and not shipped

into Districts I–V, less the tax or other levy per barrel (up to the amount of the applicable fee and supplemental fees) on those volumes paid to Puerto Rico; and

II. Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into District I–V and shipped to Puerto Rico, with or without further processing, less the tax or other levy per barrel on those volumes paid to Puerto Rico; and

III. Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and shipped to Districts I–V, with or without further processing.

(D) In the case of licenses issued pursuant to a valid fee-paid license the importer shall pay to the Director, not later than the last day of the month following the month in which imports were made into Puerto Rico (or into Districts I–V and shipped to Puerto Rico) and shipment from Puerto Rico were made into Districts I–V, the supplemental fee for the month in question in accordance with the provisions of subclause (C) of this clause (vi).

(E) Upon receipt of the documents specified in subclause (B) of this clause (vi), the Director shall, with respect to licenses issued by prepayment of the fees and supplemental fee prescribed in paragraphs (c) and (d) of this section, refund to the importer of record such fees on the following crude oil, unfinished oils and finished products:

(I) Imports into Puerto Rico, plus

(II) Imports into Districts I–V which are shipped to Puerto Rico, less

(III) Shipments to Districts I–V from Puerto Rico.

Crude oil, unfinished oil, and finished products shipped to Puerto Rico from Districts I–V, shall be deemed to be imported crude oil or to have been processed from imported crude oil to the extent that the refiner shipping such products has imported crude oil in sufficient volumes to produce the crude oil, unfinished oils and finished products, and the fee for the month in question shall be calculated on this basis. The fee and supplemental fee for the month in question shall be that attributable to the feedstock which was processed or further processed in Puerto Rico.

[FR Doc.75–7109 Filed 3–14–75;10:27 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 74–33]

INDIVIDUALS SERVING AS COUNSEL

Ethical Guidelines; Termination of Proceeding

By notice of proposed rulemaking published in the FEDERAL REGISTER on August 27, 1974, the Commission served notice that it intended to promulgate rules to amend the Commission's rules of practice and procedure (Rule 2) as they relate to practice and testimony before the Commission by attorneys and nonattorney practitioners who serve in the capacity of counsel.

In response to the Notice of Proposed Rulemaking, sixteen comments were submitted by or on behalf of interested parties. A reply to these comments was also filed by the Commission's Hearing Counsel, and five answers to Hearing Counsel's reply were also submitted. Additionally, two commenting parties requested an evidentiary hearing on the proposed proceeding.

The amendments as proposed to Rule 2 of the Commission's rules of practice and procedure were designed to set forth definitive ethical guidelines for individuals serving in the capacity of Counsel in Commission proceedings. The provisions of the current Rule 2 [46 CFR 502.21–502.32] allow a party to appear in person or by or with counsel or other duly qualified representative, who may "testify, produce and examine witnesses, and be heard upon brief and at oral argument." The language of this rule does not preclude nonattorney practitioners from appearing and fulfilling the dual role of both witness and counsel in the same proceeding.

The proposed amendments to Rule 2 were drafted to eliminate any dual standards of ethical conduct for attorneys and nonattorney practitioners. New paragraphs 502.26 (b) and (c) were added to the existing section to clarify the standards of ethical conduct expected of attorneys serving as counsel in Commission proceedings. Further, new paragraph 502.27(b) was written to standardize the nature of Commission practice. It specified the same ethical requirements for nonattorney practitioners as are demanded of attorneys.

Only three of the commenting parties supported the amended Rule 2 as proposed. The remaining parties agreed in principle with development of a code of ethics for attorneys and practitioners alike but strongly objected to the adoption of proposed paragraphs 502.21(a), 502.26 (b) and (c), and 502.27(b) for the reason that it would create a restriction on the administrative process. We find considerable merit in the objections raised to proposed Rule 2.

In general, the objecting parties feel that the present practice and long established custom of allowing persons to appear before an agency in the capacity of both witness and counsel has worked satisfactorily in the past and to break with such an established principle of administrative agency practice would be unnecessary and detrimental to parties interested in Commission matters. They further assert that the present rule offers a method of effective representation before the Commission for parties at all economic levels and permits the Commission, through an orderly hearing process without formal restraints, to obtain the best expert evidence, develop a sound record, and make a just and speedy determination of the issues presented. Moreover, we would point out that in general, attorneys at law are already bound by the ethical guidelines of the courts of the United States, the bars of the states of which they are members or the American Bar Association's Canons of Judicial Ethics. Therefore we feel it is unnecessary to promulgate a rule regarding attorneys.

With regard to practitioners, the realities of practice before the Commission illuminate the fact that such a proposed rule with respect to nonattorney practitioners may only serve to confuse and hinder the administrative process. Failure to show prejudice by any party as a result of dual participation, added expense to small ports, and the fact that only one case in recent Commission history has raised this particular issue, leads us to find no justification at this time for disallowing dual participation, as both counsel and witness, by nonattorney practitioners and salaried employees of a party.

It is to be pointed out, however, that the conduct of practice by a party to a proceeding will remain wholly within the control and discretion of the presiding officer. The presiding officer may then preclude any factor prejudicial to a proceeding on an ad hoc basis to accommodate each particular situation.

In conclusion, therefore, we believe that it would serve no useful regulatory purpose to adopt a rule of the nature of proposed Rule 2 at this time.

Therefore, it is ordered, That the rulemaking proceeding in Docket No. 74–33 be discontinued without prejudice to its reinstitution should the need for corrected regulations arise in the future.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–7058 Filed 3–17–75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Pension and Compensation Rates

The Administrator of Veterans' Affairs proposes changes to certain regulatory provisions relating to apportionment of benefits. Sections 3.450 through 3.461, Part 3 of Title 38, Code of Federal Regulations, prescribes the conditions under which Veterans Administration benefits payable to veterans and widows (including widowers) may or may not be apportioned for spouses and children.

Pub. Law 93–177 (87 Stat. 694) amended 38 U.S.C. 3203(a) to increase from $30 to $50 the amount of pension payable to a veteran without dependents while hospitalized by the Veterans Administration. This requires amendment of §§ 3.452 and 3.454 to reflect the increased rate. A proposed change to § 3.458 deletes the provision for payment of benefits at the rate for a single veteran when an apportionment for the veteran's estranged spouse may not be made because the spouse has lived with another person and held themselves out to the public as spouse of that person. Public Law 93–295 (88 Stat. 180) amended 38 U.S.C. 342 to provide for payment of peacetime death compensation at the wartime death compensation rate. This amendment equalized rates for wartime

and peacetime death cases. A proposed amendment to § 3.459 deletes reference to wartime and peacetime rates. Minor editorial changes, unrelated to the substantive changes, have been made in §§ 3.452, 3.454, 3.458, 3.459 and 3.460 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents and beneficiaries. To effect these changes it is proposed to amend Part 3 of Title 38, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue NW, Washington, D.C. 20420. All relevant material received before April 17, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the changes to §§ 3.452(c) and 3.454(b) and (c) would be effective January 1, 1974. The amendment to § 3.459(b) would be effective May 1, 1974. The changes to §§ 3.454(a), 3.458, 3.459(a) and 3.460 would be effective the date of final approval.

1. In § 3.452, paragraphs (c)(3) and (d) are revised to read as follows:

§ 3.452 Veterans benefits apportionable.

Veterans benefits may be apportioned:

* * * * *

(c) * * *

(3) Where a married veteran is receiving pension at the rate provided by 38 U.S.C. 521(b) and pension is reduced under the provisions of § 3.551(c), because of hospitalization by the Veterans Administration, all or any part of the pension at the rates payable under 38 U.S.C. 521(c) or (c) and (e) in excess of $50 monthly may be paid to the veteran's estranged wife or husband as provided in § 3.454(b) if it is affirmatively shown that hardship exists. (38 U.S.C. 3203(a).)

(d) Where additional compensation is payable on behalf of a parent and the veteran or his or her guardian neglects or refuses to contribute such an amount to the support of the parent the additional compensation will be paid to the parent upon receipt of a claim.

2. Section 3.454 is revised to read as follows:

§ 3.454 Veterans disability pension.

Apportionment of pension for a veteran based on service in the Mexican border period, World War I or later war period will be as follows:

(a) Where a veteran with wife, husband, or child is incompetent and without legal fiduciary and is maintained in an institution by the United States or any political subdivision thereof, $10 monthly will be paid as an institutional award to the Director of a Veterans Administration hospital or chief officer of a non-Veterans Administration institution for the use of the veteran, and the balance will be paid to the dependent or dependents. If the veteran has no wife, husband, or child but has a dependent parent apportionment will be in accordance with § 3.451.

(b) Where the pension of any married veteran who is receiving pension under 38 U.S.C. 521(b) is reduced to $50 under the provisions of § 3.551(c), an apportionment may be made to the estranged wife or husband upon an affirmative showing of hardship. The amount of the apportionment generally will be the difference between $50 and the rate payable if pension were being paid under 38 U.S.C. 521(c). If the additional rate of $49 per month is payable under § 3.351 (d) it may be added to the apportionment. (38 U.S.C. 3203(a).)

(c) Where pension for an incompetent veteran is subject both to reduction under § 3.551(c), and to discontinuance under § 3.557(b) because of hospitalization by the U.S. Government or any political subdivision, the rate authorized for a parent or parents will not exceed $50 monthly. (38 U.S.C. 3203 (a), (b).)

3. In § 3.458, paragraphs (b), (c), (e), (f) and (g) are revised to read as follows:

§ 3.458 Veterans benefits not apportionable.

Veterans benefits will not be apportioned:

* * * * *

(b) Where the wife or husband of the disabled person has been found guilty of conjugal infidelity by a court having proper jurisdiction.

(c) For purported or legal wife or husband of the veteran if it has been determined that he or she has lived with another person and held herself or himself out openly to the public to be the spouse of such other person, except where such relationship was entered into in good faith with a reasonable basis (for example trickery on the part of the veteran) for the wife or husband believing that the marriage to the veteran was legally terminated. No apportionment to the wife or husband will thereafter be made unless there has been a reconciliation and later estrangement.

* * * * *

(e) Where a child enters the active military, air, or naval service, any additional amount will be paid to the veteran unless such child is included in an existing apportionment to an estranged wife or husband. No adjustment in the apportioned award will be made based on the child's entry into service.

(f)(1) For the wife, husband, child, father or mother of a disabled veteran, where forfeiture was declared prior to September 2, 1959, if the dependent is determined by the Veterans Administration to have been guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies.

(2) For any dependent of a disabled veteran, widow or widower where forfeiture of benefits by a person primarily entitled was declared after September 1, 1959, by reason of fraud, treasonable acts, or subversive activities. (38 U.S.C. 3503(e); 3504(c); 3505(a).)

(g) Until the estranged wife or husband of a veteran files claim for an apportioned share. If there are any children of the veteran not in his or her custody an apportionment will not be authorized unless and until a claim for an apportioned share is filed in their behalf.

4. Section 3.459 is revised to read as follows:

§ 3.459 Death compensation.

(a) Death compensation will be apportioned if the child or children of the deceased veteran are not in the custody of the widow or widower.

(b) The widow or widower may not be paid less than $65 monthly plus the amount of an aid and attendance allowance where applicable.

5. In § 3.460, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 3.460 Death pension.

Death pension will be apportioned, if the child or children of the deceased veteran are not in the custody of the widow or widower, at the rates specified in this section. Where the widow's or widower's rate is in excess of $70 monthly because of having been the wife or husband of the veteran during his or her service or because of need for regular aid and attendance, the additional amount will be added to the widow's or widower's share.

* * * * *

Approved: March 10, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-7044 Filed 3-17-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 443]

SURFACE DAMAGE CAUSED BY AIRCRAFT AND LIABILITY FOR NOISE AND SONIC BOOM DAMAGE

Meeting

A Subcommittee of the Legal Committee of the International Civil Aviation Organization (ICAO) will meet in Montreal April 8–23, 1975. Its terms of reference are "to prepare a text or alternative texts of an amendment to the Rome Convention of 1952 (liability of aircraft for surface damage) and a text or alternative texts of a new instrument on the liability for damage caused by noise and sonic boom, taking into account the discussions in the Legal Committee, the proposals made by IATA, decisions of the Sonic Boom Committee and the information that might be received from IAEA."

Notice is hereby given that a public meeting will be held at 10 a.m. on Wednesday, April 2, 1975, in Room 1408, Department of State, 2201 C Street NW., Washington, D.C. 20520, for the purpose of comment on a U.S. position for the Subcommittee. Written statements may be submitted prior to or after the meeting, but should be received in the Department no later than April 7, 1975, in order to be considered prior to the Subcommittee session.

Members of the public who desire to attend the meeting should come to the 22nd and C Street entrance for admission and direction to the conference room.

Any questions concerning this meeting and requests for background information on material should be directed to Mr. Franklin K. Willis, Room 6420, Department of State, Washington, D.C. (202–632–3970).

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

MARCH 10, 1975.

[FR Doc.75–7053 Filed 3–17–75;8:45 am]

Agency for International Development

[99.1.67]

AID REPRESENTATIVE, U.S. EMBASSY TO THE SYRIAN ARAB REPUBLIC

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, U.S. Embassy, Syrian Arab Republic, the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Representative only to the person or persons designated by the AID Representative as Contracting Officer. Such redelegation shall remain in effect until such designated person ceases to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the AID Representative may be exercised by duly authorized persons who are performing the functions of the AID Representative in an acting capacity.

This redelegation of authority shall be effective March 1, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

FEBRUARY 21, 1975.

[FR Doc.75–7064 Filed 3–17–75;8:45 am]

[99–1.65]

MISSION DIRECTOR, USAID, BANGLADESH

Redelegation of Authority Regarding Contract Functions

Redelegation of Authority Regarding Contract Functions No. 99.1.65, effective January 2, 1975, and published in the FEDERAL REGISTER on January 14, 1975 (40 FR 2596), is amended to add a new subparagraph 3. after the last line of subparagraph 2., as follows:

3. U.S. Government grants (other than grants to foreign governments or agencies thereof) and amendments thereto, under the Private Voluntary Organization (PVO) Co-Financing Program; provided, that the aggregate amount of each individual grant does not exceed $250,000 or local currency equivalent.

This amendment is effective immediately.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

MARCH 3, 1975.

[FR Doc.75–7055 Filed 3–17–75;8:45 am]

A.I.D. RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on March 20–21, 1975, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, N.W., Conference Room "B", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of food and nutrition, health and population and selected development problems.[1] The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. This meeting will be open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, N.W., Washington, D.C. 20523, or call area code 202–632–3800.

Dated: March 7, 1975.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.75–7202 Filed 3–17–75;8:45 am]

HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF KOREA

Information for Investors

A.I.D. has under consideration authorizing a guaranty of amounts not to exceed $30 million for a housing guaranty program for the Republic of Korea. As part of this housing guaranty program in the Republic of Korea, the Korea Housing Corporation ("KHC"), an in-

[1] This meeting was announced at 40 FR 6691, February 13, 1975.

strumentality of the Government of the Republic of Korea, desires to receive proposals from eligible U.S. investors, as defined below, for a loan to KHC not to exceed $25 million, the repayment of which would be guaranteed by A.I.D. as to the principal and interest on such loan. Interested parties should be aware that as of the date of this announcement, A.I.D. has not yet authorized the issuance of a guaranty, and that KHC desires to discuss with interested eligible U.S. investors the terms on which such a loan investment would be made if A.I.D. authorizes a guaranty.

If A.I.D. authorizes a guaranty, the eligible U.S. investor and the terms of the loan must be acceptable to A.I.D. and disbursements of the loan would be subject to certain conditions required of KHC by A.I.D. The guaranty, if authorized, would be backed by the full faith and credit of the United States of America and would be issued pursuant to authority in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan would be used for the financing of lower income housing projects in Korea.

Eligible investors interested in extending a guaranteed loan to KHC should communicate promptly with counsel for KHC:

Duncan Cameron, Esquire, Cameron, Hornbostel & Adelman, 1707 H Street, N.W., Washington, D.C. 20006.

Subject to A.I.D.'s approval of KHC's construction schedule, A.I.D.'s preliminary estimate is that the construction schedule will make possible full disbursement of a loan of not to exceed $25 million, in stages, within approximately 12 months from the date a loan agreement is signed.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

It is presently contemplated that the loan terms will provide for repayment in full not later than the 26th anniversary of the initial disbursement of the principal amount thereof. The interest rate shall be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee not less than one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300, SA-2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. Subject to A.I.D. approval, the Borrower will select a lender and negotiate the terms of the proposed loan.

Dated: March 10, 1975.

PETER M. KIMM,
Director, Office of Housing, Agency for International Development.

[FR Doc.75-7201 Filed 3-17-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Managament

[Wyoming 47613]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1975.

Notice of a Bureau of Land Management application, Wyoming 47613, for a withdrawal and reservation of lands to facilitate their orderly classification under the Desert Land Entry laws, was published as FEDERAL REGISTER Document No. 74-25458 on page 38680 of the issue for November 1, 1974. The Bureau has canceled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 93 W.,
Sec. 3, lots 7, 8, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 4;
Sec. 5, lot 5, SE¼NE¼, and E½SE¼;
Sec. 8, NE¼NE¼;
Secs. 9 and 10;
Sec. 11, SW¼NW¼ and SW¼;
Sec. 14, W½;
Sec. 15;
Sec. 22, NE¼ and NE¼SE¼;
Sec. 23, lot 5, SW¼NW¼ and NW¼SW¼.
T. 48 N., R. 93 W.,
Secs. 4 to 6, incl.;
Sec. 8, E½;
Sec. 9;
Sec. 21, NE¼NE¼;
Sec. 27, NE¼NE¼;
Sec. 32, SE¼SE¼;
Sec. 33 S½S½;
Sec. 34, S½S½.
T. 49 N., R. 93 W.,
Sec. 6, lots 1 to 5, incl., S½NE¼, and SE¼NW¼;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 20, S½S½;
Sec. 28, SW¼NW¼, SW¼, and S½SE¼;
Secs. 29 to 33, incl.
T. 50 N., R. 93 W.,
Secs. 6 and 7;
Sec. 8, SW¼;
Sec. 17, NW¼;
Secs. 18 and 19;
Sec. 20, SW¼ and W½SE¼;
Sec. 29, W½ and W½E½;
Secs. 30 and 31;
Sec. 32, W½ and W½E½.
T. 51 N., R. 93 W.,
Sec. 5, lot 4;
Sec. 6, lots 3 to 7, incl., SE¼NW¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, lots 1 to 3, incl., and SW¼SW¼;
Sec. 17, lot 1, W½NW¼, and SE¼NW¼;
Sec. 18, lots 1, 2, NE¼, and E½NW¼;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 20, S½SW¼;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, and N½S½;
Secs. 30 and 31.
T. 52 N., R. 93 W.,
Sec. 30, lots 5, 7, 8, 12, and 13;
Sec. 31, lots 1 to 4, incl., and SE¼SW¼.
T. 49 N., R. 94 W.,
Sec. 1, lots 1 to 4, incl., S½N½;
Sec. 13, SW¼SE¼;
Sec. 25, E½;
Sec. 36, E½.
T. 50 N., R. 94 W.,
Secs. 1 to 12, incl.,
Sec. 13, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Secs. 14 and 15;
Secs. 17 to 30, incl.;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35.
T. 51 N., R. 94 W.,
Sec. 1, lots 1 to 6, incl., S½NE¼, E½SW¼, SW¼SW¼, and SE¼;
Sec 2, lots 2 and 3;
Sec. 11, E½NE¼, S½SW¼, and SE¼;
Sec. 12;
Sec. 16, lots 1 to 4, incl.;
Sec. 19, lots 2, 6, 7, SE¼SW¼, and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, and S½;
Sec. 21;
Secs. 25 to 35, incl.;
Sec. 36, lots 1 and 2.
T. 52 N., R. 94 W.,
Sec. 36, lots 1 and 2.

The areas described aggregate 52,012.88 acres.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5, such lands, at 10 a.m. on April 18, 1975, will be relieved of the segregative effect of the above-mentioned application.

JESSE R. LOWE,
Acting State Director.

[FR Doc.75-6952 Filed 3-17-75;8:45 am]

Fish and Wildlife Service

FRESHWATER FISHES

Review of the Status of 29 Species

Notice is hereby given that the Department of the Interior has evidence on hand to warrant a review of the following species of fishes to determine whether they should be proposed for listing as endangered or threatened species.

Scientific name	Common name	Where found
Hybopsis monacha	Spotfin chub	Alabama, Georgia, North Carolina, Tennessee, and Virginia.
Notropis callitaenia	Bluestripe shiner	Alabama, Florida, and Georgia.
Notropis perpallidus	Colorless shiner	Arkansas.
Notropis mekistocholas	Cape Fear shiner	North Carolina.
Moxostoma hamiltoni	Rustyside sucker	Virginia.
Noturus gilberti	Orangefin madtom	North Carolina and Virginia.
Noturus lachneri	Ouachita madtom	Arkansas.
Noturus munitus	Frecklebelly madtom	Alabama, Georgia, Mississippi, and Tennessee.
Noturus taylori	Caddo madtom	Arkansas.
Speoplatyrhinus poulsoni	Alabama cave fish	Alabama.
Fundulus albolineatus	Whiteline topminnow	Alabama and Tennessee.
Fundulus waccamensis	Waccamaw killifish	North Carolina.
Menidia extensa	Waccamaw silverside	Do.
Ammocrypta asprella	Crystal darter	Alabama, Arkansas, Florida, Indiana, Iowa, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin.
Ammocrypta pellucida	Eastern sand darter	Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.
Etheostoma acuticeps	Sharphead darter	North Carolina, Tennessee, and Virginia.
Etheostoma boschungi	Slackwater darter	Alabama and Tennessee.
Etheostoma ditremia	Coldwater darter	Alabama, Georgia, and Tennessee.
Etheostoma moorei	Yellowcheek darter	Arkansas.
Etheostoma pallididorsum	Paleback darter	Do.
Etheostoma perlongum	Waccamaw darter	North Carolina.
Etheostoma trisella	Trispot darter	Georgia and Tennessee.
Etheostoma tuscumbia	Tuscumbia darter	Alabama and Tennessee.
Percina aurolineata	Goldline darter	Alabama and Georgia.
Percina lenticula	Freckled darter	Alabama, Georgia, Louisiana, and Mississippi.
Percina macrocephala	Longhead darter	Kentucky, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.
Percina pantherina	Leopard darter	Arkansas and Oklahoma.
Percina rex	Roanoke logperch	Virginia.
Cottus pygmaeus	Pygmy sculpin	Alabama.

The Department is seeking the views of the Governors of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin where the species of fishes occur. Other interested parties are hereby invited to submit any factual information, including publications and written reports, which is germane to this status review.

Such information should be submitted within 90 days to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Dated: March 12, 1975.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.75-7068 Filed 3-17-75;8:45 am]

CARSON AND BARNES CIRCUS

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Miller Equipment Company, Inc., Doing business as: CARSON & BARNES CIRCUS, Post Office J, Hugo, Oklahoma 74743.

D. R. Miller, *President*

OMB NO. 42-R1676

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Transporting eight animals on the endangered species list from state to state in the United States as performing and exhibition animals with a traveling circus.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Miller Equipment Company, Inc.
D/B/A Carson & Barnes Circus
P. O. Box J
Hugo, Oklahoma 74743
Phn:405-326-6209

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Miller Equipment Company, Inc.
D/B/A Carson & Barnes Circus
A business corporation providing amusement and entertainment for mass audiences, including zoological exhibitions and trained wild animals.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
D. R. Miller-Pres. Phn:405-326-6209
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Delaware

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
The different states throughout the United States. This is a traveling tented circus appearing in about 25 or 30 different states each year.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)
However, we do hold a valid Exhibitor's License #73-EZ-4 Dept. of Agriculture.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED, IN AMOUNT OF
, Unknown—Booklet says individual basis

10. DESIRED EFFECTIVE DATE
March 1, 1975

11. DURATION NEEDED 12 months and longer if possible.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
SEE ATTACHED

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) D R Miller — DATE 1-27-75
D. R. Miller—President—Miller Equipment Company, Inc.
D/B/A Carson & Barnes Circus

3-200
10-70

Miller Equipment Company, Inc.
D/B/A Carson & Barnes Circus
P.O. Box J
Hugo, Oklahoma 74743
Phone: 405-326-6209

The Carson & Barnes Circus is the largest wild animal circus touring the United States at the present time. Since 1937 the management of this circus has made its living and provided work for hundreds of others by exibiting circus acts, trained wild and domestic animals throughout the United States and sometimes Canada. Carson & Barnes Circus also provides a chance for the population in rural America to see animals that they might never see or have to travel many miles to see at a zoo in one of the larger cities. We carry about 150 wild animals with our circus; as well as 26 Indian and African elephants. In all of our advertising materials the public is invited out to see the unloading and feeding of the animals and they are on exibition FREE OF CHARGE up until one hour before circus time. We sometimes have twenty or thirty school buses of children on our circus grounds in the mornings to see our traveling menagerie and zoo. Many of our animals are trained and appear in the circus performance too, but the majority are for exhibition only.

We are covered with the Dept. of Agriculture Exhibitor's license #73-EZ-4 and have been inspected by their representatives at various times each year and found to comply to the fullest with their regulations.

We request permission to transport the eight animals listed below that are on the Endangered Species List from State to State here in the United States as a part of our touring circus and menagerie.

Four Female Bengal or Indian Tigers (Panthera tigris)
One Female Siberian Tiger (Panthera tigris) (Registered)
One Male Leopard (Panthera pardus)
One Male and One Female Jaguar (Panthera onca)

We request that the permit be for 12 months and longer if possible. This is because we play all of the major Shrine circuses with our animal acts during the months that the circus is not touring during the winter. We would like it to become effective as of March 1, 1975.

According to the booklet that we have in regard to the law it says that the fee will be on an individual basis. So if you will advise us the amount, we will forward a check to cover.

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 April 17, 1975 will be considered.

Dated: March 13, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-7036 Filed 3-17-75;8:45 am]

JACK W. LENTFER

Issuance of Permit for Marine Mammals

On December 23, 1974, a notice was published in the FEDERAL REGISTER (39 FR 44260-61) that an application had been filed with the Fish and Wildlife Service by Jack W. Lentfer, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska, for a permit to provide for immobilization of polar bears in order to examine for marks or mark, and obtain biological specimens and data.

Notice is hereby given that on March 3, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Jack W. Lentfer, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: March 13, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-7038 Filed 3-17-75;8:45 am]

HARRY ORRIN THOMAS

Receipt of Application for Endangered Species Permit

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. Harry Orrin Thomas, 13666 East 14th Street, San Leandro, California 94578.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
TRANSPORTING TIGERS THROUGHOUT THE UNITED STATES, FOR MY LIVELIHOOD AND BECAUSE I BELIEVE MY TIGERACT IS OF EDUCATIONAL VALUE TO THE PUBLIC.

3. APPLICANT. (If one, complete address and phone number of individual, business, agency, or institution for which permit is requested)
HARRY. ORRIN. THOMAS.
13666, EAST 14TH STREET.
SAN LEANDRO CALIF. 94578
San Leandro, California 94578
Tel: 415 351 4740

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MALE ☐ FEMALE ☐ WHITE ☐ NEGRO ☐ OTHER
HEIGHT: 5'11" WEIGHT: 190
DATE OF BIRTH: 8-2-51
COLOR HAIR: LIGHT BROWN
COLOR EYES: HAZEL
PHONE NUMBER WHERE EMPLOYED: 415 351 4740
SOCIAL SECURITY NUMBER: 548-92-4936
OCCUPATION: TIGER TRAINER AND OWNER
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: UNDER CONTRACT AT PRESENT WITH CIRCUS VARGAS.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: NIL
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: NIL
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: NIL

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
THROUGHOUT THE UNITED STATES WHILE ON TOUR.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
US. DEPARTMENT OF AGRICULTURE EXHIBITORS LICENCE NO 93 6-60

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: 50.00 (Fifty Dollars)

10. DESIRED EFFECTIVE DATE: EARLY 1975

11. DURATION NEEDED: LIFE OF TIGER ACT (INDEFINITELY)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12 for list) IS ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. ATTACHMENTS INCLUDE ALL INFORMATION REQUIRED IN 50 C.F.R. 13.12 AND 17.23.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Harry Orrin Thomas
DATE: 1-21-75

Harry Orrin Thomas

Additional information:

Harry Orrin Thomas, 13666 East 14th Street, San Leandro, California 94578.

I own twelve tigers, all born and reared in captivity. Scientific name: *Panthera tigris.*

I wish to transport these tigers throughout the United States with my circus, the largest traveling tented circus in the States today, with fine, clean family entertainment.

My tiger act, I feel, is educational because many people would otherwise have no opportunity to see these beautiful live animals in motion at close range.

I bought the tigers in October 1973 while they were in captivity.

I have had good success in breeding.

My tigers are housed in individual cages. I have a round performing and exercising arena. Each cage is on wheels; has its own watering tray.

While in transit the tigers are loaded in semi-van that is self-contained. A built-in freezer holds reserve meat and drinking water, in case of emergency. The van is insulated against extreme cold, and there are twelve air vents. The van is pulled by a 1973 International tractor which I personally drive for maximum safety of the tigers.

My tigers are at present maintained at Circus Vargus, 13666 E. 14th Street, San Leandro, California.

No importation or exportation of species is sought, only transportation of my animals throughout the United States.

HARRY O. THOMAS.

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 April 17, 1975 will be considered.

Dated: March 13, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-7037 Filed 3-17-75;8:45 am]

Office of the Secretary

[INT FES 75-36]

BONNEVILLE POWER ADMINISTRATION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a final environmental statement covering its Fiscal Year 1976 Proposed Program.

Copies of the final environmental statement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and in the following Area and District Offices: Idaho Falls Area Office, 531 Lomax Street, Idaho Falls, Idaho 83401; Portland Area Office, Lloyd Plaza Bldg., 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232; Seattle Area Office, 415-1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362; Eugene District Office, 834 Pearl Street, Eugene, Oregon 97401; Kalispell District Office (five miles east of Kalispell on Highway 2), P.O. Box 758, Kalispell, Montana 59901; and the Wenatchee District Office, Room G35, U.S. Federal Building and Post Office, 301 Yakima Street, Wenatchee, Washington 98801.

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

MARCH 11, 1975.

[FR Doc.75-6950 Filed 3-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

North Carolina Grain Inspection Point

Statement of considerations. The North Carolina Department of Agriculture is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The North Carolina Department of Agriculture has been providing official inspection service for 32 years at Raleigh, North Carolina; for 4 years at Fayetteville, North Carolina; and has provided official inspection service at Elizabeth City, North Carolina, from 1951 to 1973 as designated inspection points. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The North Carolina Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Greenville, North Carolina, and has requested that its assignment be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Greenville, North Carolina, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the North Carolina Department of Agriculture to add Greenville, North Carolina, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than April 17, 1975. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: March 12, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-7071 Filed 3-17-75;8:45 am]

GRAIN STANDARDS

Ohio Grain Inspection Point

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the Columbus Grain Inspection, which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Columbus, Ohio, has changed its name to Columbus Grain Inspection, Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C. on: March 12, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-7072 Filed 3-17-75;8:45 am]

Farmers Home Administration

[FmHA Instruction 471.1]

CERTIFICATES OF BENEFICIAL OWNERSHIP

Recision of Sale

Notice is hereby given by the Farmers Home Administration that Certificates of Beneficial Ownership formerly sold through the Finance Office pursuant to 7 CFR 1873.3(b) will no longer be offered to the investing public.

Effective Date. This Notice shall be effective March 18, 1975.

Dated: March 13, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-7154 Filed 3-17-75;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 93]

CANNING AND FREEZING PEAS, IDAHO AND UTAH

Extension of the Closing Date for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing ap-

plications for canning and freezing pea crop insurance in the Idaho and Utah counties listed below is hereby extended until the close of business on April 11, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

IDAHO

Franklin

UTAH

Box Elder
Cache
Davis
Salt Lake
Weber

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-7070 Filed 3-17-75;8:45 am]

Forest Service

IDAHO CITY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Idaho City Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-13.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Idaho City Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. The unit has a variety of recreational resources, such as: major stream fishing, big-game hunting, cross-country skiing, and wilderness type outings. The unit also contains three undedevoped roadless areas. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on March 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4408
325-25th Street
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

District Forest Ranger
Idaho City Ranger District
Idaho City, Idaho 83631

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to the various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by May 5, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: March 6, 1975.

CHARLES P. TEAGUE, Jr.,
Acting Regional Forester.

[FR Doc.75-7046 Filed 3-17-75;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on April 14-15, 1975, from 9 a.m. to 4:30 p.m. both days. The meeting will be held in Room 645, 500 12th Street, SW., Washington, D.C. The meeting will include a program update, a review of recent participation trends, and a discussion of nutrition education projects. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202-447-6603.

Dated: March 12, 1975.

RICHARD L. FELTNER,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition.

[FR Doc.75-7069 Filed 3-17-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. G-481]

JAMES P. LALES AND MARGRET E. LALES

Application for Transfer of Fishery

MARCH 11, 1975.

James P. Lales and Margret E. Lales, Post Office Box 485, Pinellas Park, Florida 33565, owners of the vessel ALBACORE purchased with the aid of a Fisheries Loan to engage in the fishery for snappers, groupers, and spiny lobsters have requested permission to extend their fishing operations to engage in the fishery for snappers, groupers, spiny lobsters, and swordfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, "Fisheries Loan Fund Procedures" (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received, it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROGER SLAVIN,
Acting Director.

[FR Doc.75-6942 Filed 3-17-75;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, April 16, 1975, from 9 a.m. to 5 p.m., and Thursday, April 17, 1975, from 8:30 a.m. to 12 Noon in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Agenda items are as follows:

1. Progress Report of the Sulfur Dioxide Control Technology Panel;
2. Plans for a Study of "Industrial Utilization of Federally Funded Energy R&D";
3. Plans for a Study of Materials Shortages;
4. Technology Transfer in East-West Trade.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 967-5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

MARCH 12, 1975.

[FR Doc.75-6934 Filed 3-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5597; Docket No. FDC-D-676, NDA 10-437 etc.]

CERTAIN COMBINATION PREPARATIONS CONTAINING PROMETHAZINE HYDROCHLORIDE (SYNALGOS AND SYNALGOS-DC CAPSULES)

Withdrawal of Approval of New Drug Applications

A notice of opportunity for hearing (DESI 5597) was published in the FEDERAL REGISTER of October 11, 1974 (39 FR 36627) pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, in which the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of (1) NDA 10-437 for Synalgos Capsules containing 6.25 milligrams promethazine hydrochloride, 3 grains aspirin, 2.5 grains phenacetin, and 7.5 milligrams mephentermine sulfate per capsule; and (2) NDA 11-483 for Synalgos-DC Capsules containing 16 milligrams dihydrocodeine bitartrate, 6.25 milligrams promethazine hydrochloride, 3 grains aspirin, 2.5 grains phenacetin, and 7.5 milligrams mephentermine sulfate per capsule. Both drugs have previously been marketed by Ives Laboratories, Inc., 685 Third Avenue, New York, NY 10017. The basis of the proposed action was the lack of substantial evidence that the products are effective for their labeled indications for relief of pain and sedation.

Neither the holder of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for hearing. This notice withdraws approval of the applications.

All drug products which are identical, related, or similar to either of the drugs named above, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the above-listed drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug applications No. 10-437 and No. 11-483 and all amendments and supplements thereto applying to Synaglos Capsules and Synaglos-DC Capsules is withdrawn effective March 28, 1975.

Shipment in interstate commerce of the above products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 11, 1975.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.75-7165 Filed 3-17-75;8:45 am]

[DESI 5597; Docket No. FDC-D-718; NDA 10-437 etc.]

IVES LABORATORIES

Synalgos New Formulation and Synalgos-DC New Formulation; Opportunity for Hearing on Proposed Refusal To Approve Supplemental New Drug Applications

In a notice (DESI 5597) which was published in the FEDERAL REGISTER of January 10, 1970 (35 FR 396) pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs announced his conclusion that Synalgos Capsules (NDA 10-437) (promethazine hydrochloride, aspirin, phenacetin, and mephentermine sulfate) and Synalgos-DC Capsules (NDA 11-483) (dihydrocodeine bitartrate, promethazine hydrochloride, aspirin, phenacetin, and mephentermine sulfate) are less than effective (possibly effective) and that additional evidence is required to establish their effectiveness. The drugs, formerly marketed by Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, have been used for relief of pain where the physician wishes to add a mild sedative effect. No data were submitted to demonstrate the effectiveness of these combinations and a notice of opportunity for hearing was published in the FEDERAL REGISTER of October 11, 1974 (39 FR 36627). No person requested a hearing and an order withdrawing approval of Synalgos Capsules and Synalgos-DC Capsules appears elsewhere in this issue of the FEDERAL REGISTER.

In supplemental applications dated November 14, 1972, Ives Laboratories, Inc. proposed to reformulate Synalgos and Synalgos-DC Capsules, deleting the mephentermine sulfate and replacing it with caffeine, naming the reformulated products Synalgos New Formulation and Synalgos-DC New Formulation. In a letter dated May 21, 1973, the Director of the Division of Neuropharmacological Drug Products informed Ives Laboratories that the labeling of the reformulated products was permitted (21 CFR 314.8(g)) until a final decision is made on the effectiveness of the reformulations.

In communications dated August 3, 1973, January 11, 1974, February 5, 1974, February 6, 1974, and June 19, 1974, Ives Laboratories submitted additional material, some of which consisted of data from clinical studies involving the reformulations. The data submitted concerning the reformulated products do not provide substantial evidence of effectiveness and this notice is a proposal to refuse to approve the supplemental applications. Requests for hearing may be filed on or before April 17, 1975.

The clinical data which Ives Laboratories submitted consisted of (1) partial results of two of five double-blind factorial studies for the combination drug *Synalgos New Formulation (with caffeine replacing mephentermine)*; and (2) results of one completed and partial results of a second of a total of six double-blind factorial analgesic studies for the combination drug *Synalgos-DC New Formulation (with caffeine replacing mephentermine)*. The studies compared the combination drugs Synalgos and Synalgos-DC to their individual constituents, i.e., APC (aspirin, phenacetin & caffeine) or APC-DC (dihydrocodeine bitartrate), to promethazine, and to a placebo for effectiveness in the relief of mild to moderate pain in those situations where the physician wishes to add a mild sedative effect as well as for the contribution of promethazine to the relief of nervousness and/or restlessness.

These data do not demonstrate the effectiveness of each of the individual ingredients or that the products are in accord with the requirements for fixed combinations as set forth in § 3.86 *Fixed Combination Prescription Drugs for Humans.* (21 CFR 3.86). By Ives' own analysis, with which the Food and Drug Administration agrees, the studies show that promethazine hydrochloride makes no contribution to such drugs. Certain of the inadequacies of the studies are described below.

Okun Study (Synalgos New Formulation) The number of decodable records do not provide for an even medication distribution and amount to a considerably smaller patient population than

usable for any statistical evaluation (21 CFR 314.111(a)(5)(ii)(*a*)(5)). Entrance criteria, namely the presence of nervousness and/or restlessness, were not met by a substantial number of patients (21 CFR 314.111(a)(5)(ii)(*a*)(2)(i)) and there was no pre-drug evaluation of this parameter by the investigator, who provided a final global evaluation only. It is unclear if the investigator based his rating on a patient interview or the patient's personal records, which were to be marked during the actual treatment. The sponsor concluded that no significant difference at the 5% level could be found between the test drug Synalgos New Formulation and APC for both pain relief and relief of nervousness/restlessness. Both these drugs, however, were found to be significantly superior to both promethazine and placebo.

Mastrocola Study (*Synalgos New Formulation*). As with the Okun study, there is a discrepancy in the number of patients entered in each medication group between the table presented by the sponsor investigator and the decodable patient records submitted. The same Fisher exact one-tail probability test was performed from decodable records and the results show that Synalgos New Formulation was significantly superior to placebo (first and second dose) for relief of pain, while no difference between any of the four medications was obtained for relief of nervousness/restlessness. This study does not provide acceptable data since a large number of patients did not fulfill required entrance criteria because they lacked pain and/or nervousness/restlessness (21 CFR 314.111(a)(5)(ii)(*a*)(2)(i)).

Okun and Middleton Studies (*Synalgos-DC New Formulation*). The sponsor concluded that no significant difference at the 5% level (Okun study) could be found between the test drug Synalgos-DC New Formulation and APC–DC for both pain relief and relief of nervousness/restlessness. Both of these drugs, however, were found to be significantly superior to both promethazine and placebo. The second study by Dr. Middleton also resulted in Synalgos-DC New Formulation's analgesic effectiveness not significantly different at the 5% level from that of APC–DC while both of the drugs were significantly superior to both promethazine and placebo as analgesics. Relief of nervousness/restlessness was not significantly different among any of the four treatments.

Thus, in none of the studies submitted is there evidence that promethazine contributes in any way to the effectiveness of the combination. It should also be added that the Director does not consider the indication "relief of pain where the physician wishes to add a mild sedative effect" a meaningful indication for a combination drug. The "wish of the physician" does not represent a disease or condition needing therapy. The indication should describe a specific clinical entity for which the drug is effective. If promethazine enhanced the analgesic effect of the other components, for example, the indication could be "treatment of pain", or similar wording.

The specific wording of labeling and the precise evidence needed to demonstrate effectiveness of a fixed combination are moot in this instance because no effect of promethazine beyond that of APC alone was demonstrated. If promethazine had been demonstrated to add some sedation, it would still be necessary to demonstrate that there was a population which required the component drugs of the combination at the doses present in the combination and which required them for the same period of time. The mere fact that on occasion an anxious person may also have pain is not *per se* evidence of a significant population of such people. It is important in this regard that in the studies discussed above, entrance criteria were often not fulfilled.

In a letter of December 30, 1974, the Director of the Bureau of Drugs informed Ives Laboratories that the supplemental applications were filed on January 30, 1974, described the deficiencies in the data submitted, stated that the supplemental applications are not approvable, and that he intended to publish a notice of opportunity for hearing on the proposal to refuse approval of the supplements. The letter further gave the firm the opportunity to either withdraw the supplements or waive opportunity for hearing. The firm has done neither.

In a letter dated January 3, 1975, Ives Laboratories responded to the Director's letter of December 30, 1974, stating that the submissions which the firm had made up to that time were of a preliminary and interim nature, that additional case reports had been received and were being analyzed, and that additional clinical investigations had been initiated and were expected to be completed by the end of 1975.

The "permitted" letter of May 21, 1973, authorized under § 314.8(g) of the new drug regulations (21 CFR 314.8(g)), constitutes only a temporary deferral of a conclusion regarding effectiveness. It permits, without approving, certain changes proposed in a supplemental application pending completion of review of effectiveness and a determination whether there are grounds for refusal to approve the supplemental application. The Director of the Bureau of Drugs concludes that Ives Laboratories has had sufficient time since proposing the reformulations in November 1972, to complete and submit studies demonstrating effectiveness of these reformulated combination products. He further concludes that further delay while other studies are being completed is not warranted, especially since the results of the studies to date do not support the effectiveness of these combinations. Ongoing or additional studies may be conducted pursuant to the investigational exemption of section 505(i) of the Act (21 U.S.C. 355(i)) and 21 CFR Part 312.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 3.86, demonstrating the effectiveness of the combination drugs.

Therefore, notice is given to Ives Laboratories and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), refusing to approve the supplement to NDA 10–437 providing for Synalgos New Formulation (promethazine hydrochloride, aspirin, phenacetin, and caffein) Capsules and the supplement to NDA 11–483 providing for Synalgos–DC New Formulation (dihydrocodeine bitartrate, promethazine hydrochloride, aspirin, phenacetin and caffein) Capsules on the ground that, evaluated on the basis of information submitted as part of the supplemental applications, there is lack of substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drugs involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

In addition to the holder of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground for the proposed refusal to approve stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for prod-

ucts marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the supplemental new drug applications should not be refused and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug products named above and of all identical, related, or similar drug products.

If the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before April 17, 1975, a written notice of appearance and request for hearing, and (2) on or before May 19, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of apperance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the supplemental applications, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j), or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: March 12, 1975.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.75–7166 Filed 3–17–75;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases, April 7–8, 1975, from 9 a.m. to 5 p.m., in Building 1, Wilson Hall, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 7 and 8 to discuss: the scope of the Commission's work as set forth in the National Arthritis Act (Pub. L. 93–640) and to organize a plan for its accomplishment. Attendance by the public will be limited to space available.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: March 13, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75–7067 Filed 3–17–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D–75–311]

ACTING ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Designation

SECTION A. *Designation.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following positions are hereby designated to serve as Acting Assistant Secretary for Housing Management during the absence of the Assistant Secretary for Housing Management with all the powers, functions and duties delegated or assigned to the Assistant Secretary for Housing Management: *Provided,* That no official is authorized to serve as Acting Assistant Secretary for Housing Management unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Housing Management.
2. Counselor to the Assistant Secretary.
3. Director, Office of Property Disposition.
4. Director, Office of Loan Management.
5. Director, Office of Housing Programs.
6. Director, Office of Administrative and Program Services.

SEC. B. *Authorization.* Each head of an organizational unit of Housing Management is authorized to designate an employee under his jurisdiction to serve as Acting during the absence of the head of the unit.

SEC. C. *Supersedure.* This designation supersedes the designation of Acting Assistant Secretary for Housing Management published at 38 FR 34830, December 19, 1973.

(Secretary's delegation of authority to designate Acting officials, 36 FR 5004, Mar. 16, 1971)

Effective date. This designation to serve as Acting Assistant Secretary for Housing Management is effective as of February 12, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75–7000 Filed 3–17–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 068]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 4, 1975 to February 12, 1975 (List No. 4–75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

The Mine Safety Appliances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, no longer manufactures certain self-contained breathing apparatus and Approval Nos. 160.011/34/0, 160.011/41/0 and 160.011/46/0 were therefore terminated effective February 4, 1975.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, no longer manufactures certain kapok buoyant vests for the Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565 and Approval Nos. 160.047/601/0, 160.047/602/0 and 160.047/603/0 were therefore terminated effective February 12, 1975.

The Peerless Maid Plastics, Inc., Box 38, Farmington, Minnesota 55024, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/636/0 and 160.047/637/0 were therefore terminated effective February 12, 1975.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

The Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, no longer manufactures certain kapok buoyant cushions for the James Bliss & Company, Inc., Route 128 at Exit 61, Dedham, Massachusetts 02026 and Approval No. 160.048/58/0 was therefore terminated effective February 12, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75207, no longer manufactures certain kapok buoyant cushions for the Coast-to-Coast Stores, Central Organization Inc., 7500 Excelsior, Minneapolis, Minnesota 55440 and Approval Nos. 160.048/229/0 and 160.048/230/0 were therefore terminated effective February 12, 1975.

The Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, no longer manufactures certain kapok buoyant cushions for the Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565 and Approval Nos. 160.048/244/0 and 160.048/245/0 were therefore terminated effective February 12, 1975.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

The Goodenow Manufacturing, 1301 West 18th Street, Erie, Pennsylvania 16501, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/63/0 was therefore terminated effective February 12, 1975.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Ero Manufacturing Company, Hazlehurst, Georgia 31539, no longer manufactures certain unicellular plastic foam buoyant vests for the Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607 and Approval Nos. 160.052/295/0, 160.052/296/0 and 160.052/297/0 were therefore terminated effective February 12, 1975.

The Goodenow Manufacturing Company, 1363 W. 6th Street, Erie, Pennsylvania 16505, no longer manufactures certain unicellular plastic foam buoyant vests for the St. Paul and White Bear Ski Company, 440 Lakeview Avenue, St. Paul, Minnesota 55119 and Approval Nos. 160.052/331/0, 160.052/332/0 and 160.052/333/0 were therefore terminated effective February 12, 1975.

The Goodenow Manufacturing Company, 1363 W. 6th Street, Erie, Pennsylvania 16505, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/304/0, 160.052/305/0, 160.052/306/0, 160.052/401/0, 160.052/402/0, 160.052/403/0, 160.052/404/0, 160.052/405/0 and 160.052/406/0 were therefore terminated effective February 12, 1975.

MARINE BUOYANT DEVICE

The Goodenow Manufacturing, 1301 W. 18th Street, Erie, Pennsylvania 16501, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/23/0 and 160.064/83/0 were therefore terminated effective February 12, 1975.

The Martin Industries, P.O. Box 423, Clayton, Alabama 36016, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/43/0, 160.064/79/0 and 160.064/85/0 were therefore terminated effective February 12, 1975.

The Gentex Corporation, Carbondale, Pennsylvania 18407, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/58/0, 160.064/59/0 and 160.064/90/0 were therefore terminated effective February 12, 1975.

The Stearns Manufacturing Company, Division Street at Thirtieth, St. Cloud, Minnesota 56301, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/80/0, 160.064/81/0 and 160.064/82/0 were therefore terminated effective February 12, 1975.

The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/84/0, 160.064/99/0, 160.064/100/0, 160.064/101/0, 160.064/104/0, 160.064/105/0, 160.064/106/0 and 160.064/109/0 were therefore terminated effective February 12, 1975.

The Empress Corporation, 1144 S. San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for the James Bliss & Company, Inc., Route 128, Dedham, Massachusetts 02026 and Approval Nos. 160.064/110/0, 160.064/111/0, 160.064/112/0 and 160.064/113/0 were therefore terminated effective February 12, 1975.

Dated: March 12, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.75-7030 Filed 3-17-75;8:45 am]

[CGD 75-069]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described for the period of February 12, 1975 (List No. 5-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

MARINE BUOYANT DEVICE

The Empress Corporation, 1144 S. San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for the James Bliss & Company, Inc., Route 128, Dedham, Massachusetts 02026 and Approval No. 160.064/114/0 was therefore terminated effective February 12, 1975.

The Texas Recreation Corporation, Texas Water Crafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, no longer manufactures certain marine buoyant devices for the Outdoor Supply Company, Inc., 1648 Lawson Street, Durham, North Carolina 27703 and Approval Nos. 160.064/131/0, 160.064/132/0, and 160.064/133/0 were therefore terminated effective February 12, 1975.

The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/134/0, 160.064/135/0, 160.064/136/0, 160.064/137/0, and 160.064/138/0 were therefore terminated effective February 12, 1975.

The Groendyk Manufacturing Company, Inc., Route 11, Buchanan, Virginia 24066, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/155/0, 160.064/156/0, 160.064/157/0, 160.064/174/0, 160.064/175/0, and 160.064/176/0 were therefore terminated effective February 12, 1975.

The Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/187/0, 160.064/188/0, 160/964/191/0, 160.064/192/0, 160.064/193/0 and 160.064/194/0 were therefore terminated effective February 12, 1975.

The Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/205/0, 160.064/206/0, 160.064/207/0 and

160.064/208/0 were therefore terminated effective February 12, 1975.

The Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, no longer manufactures certain marine buoyant devices for the Taperflex of America, 556 Library Street, San Fernando, California 91341 and Approval Nos. 160.064/209/0, 160.064/210/0, 160.064/211/0 and 160.064/212/0 were therefore terminated effective February 12, 1975.

The Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/225/0 and 160.064/274/0 were therefore terminated effective February 12, 1975.

The Ero Manufacturing Company, 308 S. William Street, Hazlehurst, Georgia 31539, no longer manufactures certain marine buoyant devices for the Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607 and Approval No. 160.064/227/0 was therefore terminated effective February 12, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain marine buoyant devices for the Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237 and Approval Nos. 160.064/337/0, 160.064/338/0, 160.064/339/0, 160.064/340/0 and 160.064/341/0 were therefore terminated effective February 12, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/343/0, 160.064/344/0, 160.064/345/0, 160.064/346/0 and 160.064/347/0 were therefore terminated effective February 12, 1975.

The Goodenow Manufacturing Company, 1363 West 6th Street, Erie, Pennsylvania 16505, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/353/0, 160.064/354/0, 160.064/355/0, 160.064/626/0, 160.064/627/0, 160.064/628/0 and 160.064/629/0 were therefore terminated effective February 12, 1975.

The Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Georgia 30650, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/667/0 and 160.064/668/0 were therefore terminated effective February 12, 1975.

Dated: March 12, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-7029 Filed 3-17-75;8:45 am]

[CGD 75-072]

NATIONAL BOATING SAFETY ADVISORY COUNCIL FLOTATION SUBCOMMITTEE

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Flotation Subcommittee of the National Boating Safety Advisory Council will conduct an open meeting on Monday, 7 April 1975 in Room 3201, Trans Point Building, 2100 Second Street, SW., Washington, D.C. The meeting is scheduled to begin at 10:30 a.m.

The purpose of the meeting is to review proposed standards for Level Flotation to be installed in recreational boats.

The Subcommittee, authorized by the Federal Boat Safety Act of 1971 (Pub. L. 92-75; 46 U.S.C. 1451 et seq.), was established to review proposed standards for level flotation on recreational boats and to make technical recommendations to the Council.

Interested persons may seek additional information by writing to the Executive Director, National Boating Safety Advisory Council, United States Coast Guard (G-BR/TRPT), Washington, D.C. 20590 or by calling (202) 426-4176.

Dated: March 5, 1975.

A. F. FUGARO,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.75-7033 Filed 3-17-75;8:45 am]

[CGD 75-067]

TASK GROUP ON TECHNICAL SYMPOSIUM

Request for Papers

The Chief, Office of Marine Environment and Systems, under the authority of the Commandant of the Coast Guard as the Chairman of the National Committee for the Prevention of Marine Pollution, has established a Task Group to receive abstracts of papers and biographical information on the authors, and to coordinate the selection of papers for the U.S. for a Technical Symposium on prevention of marine pollution from ships.

The purpose of the Symposium is to aid in the early acceptance and implementation of the International Convention for the Prevention of Pollution from Ships, 1973. This Convention broadens earlier regulations dealing with oil pollution, and, in addition, provides complementary regulations dealing with other forms of marine pollution from ships, such as noxious liquid substances, sewage, and garbage. It is believed that the Convention, when implemented, will substantially achieve the objective of the complete elimination of willful and intentional pollution of the sea by oil and other noxious substances and the minimization of accidental spills.

Topics to be addressed at the Symposium are:

(1) *Ship construction and arrangements to comply with the Convention.* Special design features for ships resulting from the requirements of the 1973 Convention, including segregated ballast; tank size limitation, subdivision and stability and slop tank arrangements; construction of ships carrying noxious liquid substances in bulk.

(2) *Operation of ships to comply with the Convention.* Disposal of oil and oily mixtures, garbage and sewage; procedures and arrangements for the discharge of noxious liquid substances; discharges in special areas; on-board disposal of ship-generated waste; carriage of harmful substances in packaged forms, or in freight containers, portable tanks or rail and road tank wagons.

(3) *Machinery and equipment required to comply with the Convention.* Special pollution prevention machinery and equipment for ships such as oily water separators, oil discharge monitoring and control systems, marine sanitation systems, garbage comminutors, incinerators; retention facilities for waste water and garbage; pumping, piping and discharge arrangements.

(4) *Reception facilities necessitated by the Convention.* Requirements for adequate reception facilities for residues of oil, noxious liquid substances, sewage and garbage; construction and operation of facilities; treatment and disposal of residues.

(5) *Methods and Techniques for Detection of Violations of the Convention.* Inspection at loading and repair ports; identification of the source of discharged oil by such means as tagging and remote sensing, sample taking, preservation and analysis.

(6) *Methods and Techniques for Combating Spillages of Harmful Substances.* Contingency planning; salvage; techniques and equipment for containment; removal or dispersal of pollution by oil and noxious liquid substances.

The Symposium, which is jointly sponsored by the Intergovernmental Maritime Consultative Organization (IMCO) and the Government of Mexico, is scheduled to be held on 22-31 March 1976 in Acapulco, Mexico. In accordance with the wishes of the Secretary-General of IMCO, the Coast Guard, as lead U.S. agency for IMCO technical work, invites all interested Federal, state, and local agencies, institutions, industries and individuals to participate in the Symposium and to submit papers.

The submission of a paper implies that the author intends to participate in the Symposium if the paper is accepted. The use of rapporteurs is under consideration, however, it is anticipated that the author will present his paper. Simultaneous interpretation will be provided in the four official languages of IMCO (English, French, Russian and Spanish). Papers of a fundamentally commercial nature will not be accepted.

All papers submitted for the Symposium should not have been published elsewhere. However, in special cases, a previously published paper may be accepted if it is considered to constitute a valuable contribution to the work of the Symposium. In such cases, the author must indicate when and where the paper was published. Audio-visual presentations relating to the principles of marine pollution control may be considered for extrasessional viewing.

In view of the short time available between this notice and the deadline for submission of abstracts to IMCO (31 May 1975), abstracts and biographical data must be submitted to Commandant (G-WEP/73), U.S. Coast Guard, Washington, D.C., 20590, by 1 May 1975. The authors will be informed by 15 July 1975 whether their papers have been accepted, in which case, two copies of the complete paper should be sent to the above address by 1 September 1975 so that preprints may be prepared in advance of the Symposium. The complete papers should not

exceed 5,000 words in length or the equivalent, including tables and figures.

Dated: March 12, 1975.

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

[FR Doc.75-7028 Filed 3-17-75;8:45 am]

[CGD 75-071]

TOWING INDUSTRY ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Towing Industry Advisory Committee will conduct an open meeting on April 9-10, 1975, in the Parapet Room of the Officers Club, U.S. Coast Guard Base, Governors Island, New York. The meeting on April 9 will begin at 9:30 a.m. and will last all day. The session on April 10 will begin at 9:30 a.m. and will adjourn at noon.

Discussion items on the agenda include the following:

1. Call to order.
2. Committee Activity.
3. Buoy and Channel Management on Western Rivers.
4. Air Pollution Decisions Affecting the Marine Trade.
5. Visual Identification of Barges Carrying Hazardous Materials.
6. Report of the Working Group on Towing Vessel Safety.
7. Discussion of Proposed Rules on Tankerman Certificates.
8. Internal Inspection Intervals for Barges.
9. Coast Guard/MARAD Tank Barge Study.
10. Tonnage—Horsepower Relationships.
11. Temporary Barge Repairs.
12. Applicability of IMCO 1973.
13. Marine Traffic Requirements.
14. Marine Sanitation Devices.
15. Occupational Safety and Health Act.
16. Casualty Reporting Requirements.
17. Coast Guard Publications.

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing: Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590, or by calling: 202-426-1477.

Dated: March 12, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-7032 Filed 3-17-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-6; Notice 2]

MOTOR COACH INDUSTRIES, INC.

Petition for Temporary Exemption from Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant Motor Coach Industries, Inc. (MCI) a temporary exemption from Motor Vehicle Safety Standard No. 121 49 CFR 571.121, on grounds of substantial economic hardship.

Notice of petition for the exemption was published in the FEDERAL REGISTER on February 12, 1975 (40 FR 6525), and an opportunity afforded for comment.

Petitioner, a subsidiary of Greyhound Corporation, manufactured 620 buses in 1974. It builds the Challenger Model MC-5B (50 produced in 1974), a 35-foot two-axle intercity coach, and the Crusader Model MC-8 (570 produced in 1974), a 40-foot three-axle intercity coach. The MC-8 will also be produced by another Greyhound subsidiary, Transportation Manufacturing Corporation, a new entity, to whom the exemption would also be given. MCI requested an exemption of two months, until May 1, 1975, for MC-5B vehicles, saying that its supplier of axles and antiskid components is unable to furnish parts necessary for conformity by March 1, 1975, the effective date of the standard. An exemption of 12 months, until March 1, 1976, was requested for the MC-8 vehicles because of failures of the third axle anti-skid computer in prototype form. Petition requires the additional time "to analyze the problem created by a lightly loaded third axle with each trailing wheel carrying only 3,000 pounds maximum." Failure to obtain the 2-month exemption for the MC-5B would result in a loss of production of 20 vehicles, estimated at $1,400,000 plus interest. The petitioner's net income for the first 11 months of 1974 was $1,438,000. Losses would also include start-up costs of $200,000, and costs incident to laying off workers for 60 days. If an exemption for the MC-8 is not granted and the company forced to install the computer in its present form, MCI argued that it would encounter sizable warranty costs on its production of four vehicles a day until the third axle computer is perfected, or that in the alternative the bus operators would disconnect the system. The granting of the exemption, by insuring uninterrupted employment and the implementation of mass transit programs, in the petitioner's view, would be in the public interest.

Only one response was received, a comment by General Motors opposing the petition. GM addressed the competitive ramifications of an exemption, previous NHTSA positions on Standard No. 121, and the statutory requirements for exemption. In GM's view an exemption of 1 year would place it and other manufacturers of intercity coaches at a competitive disadvantage by allowing the major intercity bus manufacturer (approximately 50% of the market) to supply coaches whose initial costs and maintenance requirements will be less than those of coaches conforming to Standard No. 121. It believes therefore, that an exemption will encourage cost-conscious operators to purchase nonconforming MCI coaches, and allow MCI to increase an already large market share. MCI's specific problem with the lightly loaded third axle has also been an area of previous concern to GM, which had petitioned for reconsideration of the requirements of "the third, lightly loaded axle, liftable on intercity coaches." NHTSA denied GM's petition, and GM believes the agency should also deny MCI's request.

With respect to the statutory exemption requirements, GM argues that the agency should examine the financial status of MCI's parent corporation, Greyhound, believing that this is more relevant to the issue of hardship than the financial position of MCI alone. GM also asks whether MCI has made a good faith effort to comply with Standard No. 121. With respect to the 2-month delay for the MC-5B coaches due to a lack of component parts, GM considers that the effect of such an exemption "would be to reward those who have not moved forward with the difficult design, testing and procurement problems which were presented by FMVSS 121 at the expense of their competitors who did the job."

Under Sections 123(a) (1) (A) and (2) of the National Traffic and Motor Vehicle Safety Act, the Administrator may temporarily exempt a motor vehicle if he finds that compliance would cause the vehicle manufacturer substantial economic hardship, that the manufacturer has in good faith attempted to comply with the standard from which exemption is sought, and that the exemption would be consistent with the public interest and the objectives of the Traffic Safety Act.

The advent of Motor Vehicle Safety Standard No. 121 represents the implementation of a technologically advanced and demanding standard. As the effective dates of the standard approached (January 1, 1975 for air-braked trailers; March 1, 1975 for air-braked trucks and buses), the agency became aware that some low-volume manufacturers may have difficulty achieving compliance. Because the major portion of the industry would comply, however, NHTSA decided that it was in the public interest not to further defer the effective date, and advised the industry that the exemption procedure existed as a means of equitably alleviating problems of individual manufacturers.

The hardships in this context take on a different meaning than those economic hardships previously suffered by low-volume manufacturers in attempting to

meet Federal standards. In the past, the typical hardship applicants have been manufacturers whose working capital resources are extremely limited and do not allow extensive plant investment, or whose cash reserves are low and do not allow purchase of expensive test equipment or extended testing. In 1972 Public Law 92–548 expanded the eligibility for application on hardship grounds, from an annual production of not more than 500 motor vehicles to not more than 10,000, a 20-fold increase. This constituted a recognition that there might in the future be occasions where manufacturers of moderate production would also suffer hardship in meeting the Federal standards. In the instant case the NHTSA does not believe that the financial picture of the petitioner's parent corporation is controlling in the determination of hardship.

MCI had a net income of $1,438,000 in the first 11 months of 1974. It anticipates a net income of $2,013,000 for the 12 months of 1975, even were its petition denied. This rise in income is presumably attributable to an increased production of conforming MC–5B coaches between May 1, 1975, and December 31, 1975. But factors other than the balance sheet are relevant to economic hardship. There are, for example, the financial burden of a relatively constant fixed overhead, or losses on discontinued operations through write-offs or quick liquidation of working capital and fixed assets, the additional interest expense of holding inventories until liquidation, and the additional tax liability from LIFO partial write-offs. There are also the possibilities of cancellation of orders, increased costs of manufacturing in an inflationary period and loss of laid-off employees. All these factors subject a manufacturer to economic disruptions and uncertainty in the event of a shutdown of facilities during the period before conforming vehicles could be produced. Consequently, the agency believes that a different order of hardship can be presented by manufacturers with substantial resources in support of short-term exemptions. The question of good faith, however, may in these circumstances be given greater emphasis. Materials submitted by MCI indicate that it has diligently attempted to comply with Standard No. 121. The denial of the petition would evidently have the effect of adding at least 1,250 workers to the current high level of unemployment, at least on a temporary basis. Finally, with respect to safety, the agency is sensitive to the fact that the vehicles concerned are public conveyances that will be in continuous use for 10 to 12 years.

However, it appears that the vehicles will apparently comply with all portions of Standard No. 121 except S5.3.1. Therefore, the Administrator has decided to grant MCI an exemption, but with respect to the MC–8 coaches, to restrict their exemption period to 6 months, in the hope that it will encourage an intensified effort by MCI to solve its problems.

For the reasons discussed above, the NHTSA finds that timely conformance would cause MCI substantial economic hardship, that MCI has made a good faith attempt to conform to Standard No. 121, and that the exemption requested is consistent with the public interest and the objectives of the Traffic Safety Act. Motor Coach Industries, Inc. and Transportation Manufacturing Corp. are hereby granted NHTSA Temporary Exemptions No. 75–6A for MC–5B buses, expiring May 1, 1975, and No. 75–6B for MC–8 buses, expiring September 1, 1975, from Motor Vehicle Safety Standard No. 121 (paragraph S5.3.1 only).

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on March 14, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–7236 Filed 3–14–75;4:55 pm]

MUSTANG AND COUGAR SEAT BACK PIVOT ARM HINGE PIN BRACKET FAILURES

Public Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93–492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor safety exists with respect to failures of seat back pivot arm hinge pin brackets in 1968 and 1969 Mustang and Cougar model automobiles manufactured by the Ford Motor Company because such failures can result in loss of vehicle control, accident, or personal injury.

A public proceeding will be held at 10 a.m., April 8, 1975, in Room 6332, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which Ford Motor Company will be afforded an opportunity to present data, views, and arguments to establish that the alleged defect does not exist or does not affect motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426–2850, before the close of business (4:15 p.m.) on April 4, 1975. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m.–4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on March 13, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–7043 Filed 3–17–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 25953, 22322; Order 75–3–42]

FEDERAL EXPRESS CORP., ET AL.

Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of March 1975.

Joint application of Federal Express Corporation and General Dynamics Corporation *et al.* for a disclaimer of jurisdiction in part and an exemption or approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended—Docket 25953.

Application of Lester Crown and Trans World Airlines, Inc., for renewal of approval of interlocking relationships—Docket 22322.

By application, filed October 4, 1973, and subsequently amended on December 7, 1973, May 29, 1974, and October 18, 1974, General Dynamics Corporation (General Dynamics) and certain other investors (the "investors") along with Federal Express Corporation (Federal Express) (the "applicants") jointly request that the Board disclaim jurisdiction in part and grant an exemption or approve, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), the acquisition by General Dynamics and the other investors of varying amounts of equity securities of Federal Express.

By application, filed September 24, 1973 in docket 22322,[1] Mr. Lester Crown and Trans World Airlines, Inc. (TWA), jointly request indefinite renewal of the approval heretofore granted by order 71–11–92 and by letter to counsel for the joint applicants dated February 13, 1973,[2] of the interlocking relationships resulting from Mr. Crown's position as a member of the Board of Directors of TWA, on the one hand, and (1) the holding by the Crown family and business associates of a controlling interest in General Dynamics, (2) Mr. Crown's position as a member of the Board of Directors of General Dynamics, (3) Mr. Crown's position as a member of the board and an officer of certain subsidiaries of General Dynamics, and (4) the position of Mr. Crown's father, Mr. Harry Crown, Sr., as a member of the Board of Directors of General Dynamics, on the other hand.

Federal Express was incorporated in 1971 and began operations in mid-1972 as an air taxi operator under Part 298

[1] The Sept. 24, 1973 application adopted by reference an application by the same parties in docket 22322 dated Dec. 4, 1972. The action taken in this order is in response to both applications.

[2] Approval of the interlocking relationships by order 71–11–92 and by letter dated Feb. 13, 1973, was granted for a 2-year period commencing Nov. 24, 1971.

of the Board's Economic Regulations (14 CFR 298). Federal Express specializes in providing an expedited, small-parcel cargo service utilizing fan-jet Falcon aircraft. As a means of establishing a basic fleet of these aircraft, Federal Express purchased 23 Falcons from Pan American with the intent of obtaining the necessary capital for this purchase through a combination of secured debt financing and a private placement of the corporation's stock. In late April 1973, Federal Express failed in its efforts to successfully place its stock and, with the intent to fulfill its commitment for 18 of the aircraft under the Pan American purchase order,[3] Federal Express looked to General Dynamics for financial assistance. The assistance that was provided precipitated the original application in docket 25953 for a disclaimer of jurisdiction, in part, and an exemption or approval of the resulting control and interlocking relationships.

The pertinent features of the original application which have present applicability[4] include (1) the purchase by General Dynamics of one Falcon aircraft with a leaseback to Federal Express, (2) the guarantee by General Dynamics of a $550,000 loan to Federal Express by a Memphis bank, and (3) the acquisition by General Dynamics of 187,073 shares of Federal Express' stock in exchange for its guarantee of an equipment purchase loan.

Subsequent to the actual date of closing for the original transaction, Federal Express and General Dynamics filed an amendment to the application and submitted additional information in support thereof. As a result of the financial assistance provided to Federal Express (negotiated in the form of a Purchase Agreement), General Dynamics. The Prudential Life Insurance Company of America, Allstate Insurance Company,[5] New Court Private Equity Fund, Inc., Arrow Capital N.V., New Court Securities Corporation (as agent for the "New Court Accounts"), and Heizer Corporation emerged as the principal investors, accounting for 56.8 percent of the total outstanding stock of Federal Express. The remaining investors received approximately 22 percent of the outstanding stock[6] with the final 21 percent retained by Mr. Frederick Smith, Federal Express' president and founder, and by the Frederick Smith Enterprise Company, Inc.[7] Additionally, the Purchase Agreement provided for a five-member Board of Directors for Federal Express consisting of three individuals nominated by those investors with voting stock interests and two individuals nominated by management.[8]

The applicants request that the Board disclaim jurisdiction over those investors whose interests do not exceed 5 percent of Federal Express' outstanding stock and the two investors, Allstate and Prudential, who have purchased nonvoting Class B shares. In support of this request, the applicants assert that the investors are participating on an individual basis without intent of voting as a unified block or in affecting the operations of Federal Express, and that Allstate and Prudential have deliberately insulated themselves from direct or indirect control over Federal Express by virtue of securing nonvoting shares. In view thereof, it is asserted that no control or interlocking relationships are present for Board consideration.

With respect to those investors with greater interests, the applicants request that, to the extent the Board determines that a control relationship exists, the relationship be exempted from the requirements of section 408(a)(5) pursuant to the proviso thereof, or, alternatively, if the Board deems that approval of the relationship necessitates a hearing, the hearing be given expedited treatment in accordance with § 399.60 of the Board's Regulations (14 CFR 399.60).

An answer in opposition to the application and amendment, as well as a petition for leave to intervene filed pursuant to Rule 15 of the Board's Rules of Practice (14 CFR 302.15),[9] has been filed by Executive Jet Aviation, Inc. (EJA). In its answer, EJA requests that the Board assert jurisdiction over the entire transaction, deny the request for an exemption, and either deny the request for approval or, at a minimum, set the matter for full evidentiary hearing. EJA supports its request on the grounds that (1) General Dynamics has, by virtue of its various financial commitments to Federal Express, garnered control over Federal Express and, thus, has placed itself in a position of being able to vertically integrate itself into the aviation industry as both a manufacturer and operator of aircraft, (2) the composition of Federal Express' board of directors, where only two of the five directors represent the present management of Federal Express, indicates an ability by the investors to influence the actions of Federal Express, and (3) the complicated nature of the financial transactions and the extent of each party's interest, as well as the issues relating to a waiver of the Sherman Doctrine,[10] cannot be evaluated on the basis of the pleadings, and therefore, absent a denial of all of the applicants' requests, a full hearing is necessary to determine and resolve the issues raised.

A reply to EJA's answer and additional information relating to the application were filed by the applicants.[11] The reply attempts to repudiate EJA's allegations concerning a violation of the Sherman Doctrine by citing the applicants' continuous attempts to keep the Board fully apprised of the financial developments involving Federal Express. Additionally, the applicants reiterate their argument that jurisdiction should be disclaimed over those investors with 5 percent or less of Federal Express' interest and those investors (Allstate and Prudential) who acquired nonvoting shares of stock.

In response to continuing financial difficulties due to its inability to generate sufficient revenues because of its aircraft expansion/conversion program and increased fuel requirements, Federal Express sought additional financing. Additional equity financing was obtained from the original investors in varying amounts and resulted in a second amendment to the original application.[12] Under the terms of the second Purchase Agreement, in consideration for the additional infusion of capital, Federal Express has distributed 64,000 shares of new Senior Convertible Preferred Stock, $100 par value. Additionally, Federal Express has negotiated an amended credit agreement with certain financial institutions providing for the extension of up to $5.1 million of additional capital to Federal Express in exchange for warrants which are convertible into common stock of Federal Express. The additional financing did not involve any new investors. However, the financing was not participated in by General Dynamics, Stephens, Inc., and Texas Capital Corporation, which thereby diluted their previously held interests in Federal Express. As a result of the second

[3] By April 1973, five of the aircraft had already been purchased.

[4] As noted, *supra*, the application has been subsequently amended, with a resulting change in the level of investment by General Dynamics and various other investors.

[5] Prudential and Allstate have purchased Class B Preferred Stock, which does not entitle them to vote for directors of Federal Express as long as they hold such stock or the Class B Common Stock into which it is convertible.

[6] This approximate 22-percent interest was broadly distributed over 16 remaining investors. These investments range from $1 million to $50,000 and represent interests ranging from 3.1 to 0.15 percent of Federal Express.

[7] The Frederick Smith Enterprise Company, Inc., is a personal holding company controlled by Mr. Smith, members of the Smith family, and the National Bank of Commerce (Memphis, Tenn.), as trustee for the Smith Family Trust beneficiaries.

[8] These five Directors include a present Director of General Dynamics, an Executive Vice President of New Court Securities, and the Vice Chairman of White, Weld & Co., Incorporated, as well as the President (Mr. Frederick Smith) and General Counsel of Federal Express.

[9] Consideration has been given to the petition and those factors listed in section 302.15 (b) of the Board's Regulations, and upon such consideration, the petition will be granted.

[10] *Sherman, Control and Interlocking Relationships*, 15 C.A.B. 876 (1952).

[11] This reply was accompanied by a motion for leave to file an otherwise unauthorized document (14 CFR 302.4(f)). Good cause has been demonstrated and the motion will, therefore, be granted. The additional information submitted by the applicants relates to General Dynamics' loan of two employees to Federal Express on a temporary full-time basis who will serve as Executive Vice President and Vice President—Finance for Federal Express.

[12] Prior to the filing of the amendment, EJA submitted a motion for an immediate hearing which was answered in opposition by the applicants. In view of the decision herein, the motion will be dismissed.

financing, there are presently five outstanding classes of Federal Express stock—two classes of Basic Preferred (voting and nonvoting), and common stock held by General Dynamics and the original owners.[13] The principal voting stockholders of Federal Express now include New Court Accounts, FNCB Capital Corp., General Dynamics, Heizer Corp., First Capital Corp. of Chicago, Sentry Insurance A Mutual Co., and the original owners (Frederick W. Smith and Frederick Smith Enterprises).[14] Additionally, Federal Express' board of directors has been increased from five to nine to permit participation of three new management officers and an additional representative of the investors' group.

The applicants recognize that the increased stock interest by certain investors has presented a different investment situation and have, accordingly, amended their request for a disclaimer of jurisdiction to include those parties presently holding less than 5 percent of the outstanding shares. With respect to those parties with greater than 5 percent interest,[15] the applicants further request that the Board disclaim jurisdiction or, alternatively, exempt or approve the relationships under sections 408 and 409 of the Act.[16]

Finally, in the face of continued financial difficulties, a third purchase and an amended credit agreement were executed by Federal Express with the same investors in early September 1974. Pursuant thereto, additional funds, in the amount of $3,876,000, were provided through the issuance of 8-percent Convertible Subordinated Notes which convey no present voting rights but which are convertible, at the holder's election, into shares of common stock, and deferrals were received for interests payments on past loans in exchange for the issuance of convertible warrants to the lenders.

Upon consideration of the pleadings in docket 25953, the Board is of the view that Federal Express, by reason of its air taxi operations, is a noncertificated air carrier directly engaged in the operation of aircraft in air transportation, and that, by virtue of the financial transactions described above, the control of Federal Express has passed from the hands of its original owners into the hands of certain of the investors who have participated in the equity funding of Federal Express. Therefore, the acquisition of control of Federal Express by these investors, individually or as a group, as well as the present level of control by the Smith family and affiliates, has created control, common control, and interlocking relationships subject to sections 408 and 409 of the Act.[17]

Under the terms of the proviso to section 408(a)(5) of the Act, the Board may exempt the acquisition of a noncertificated air carrier from the requirements of Board approval "to the extent and for such periods as may be in the public interest." The applicants' requests involve complex issues of fact, law, and Board policy relating to such matters as the involvement of a major aircraft manufacturer (General Dynamics) in the operations of an air carrier directly engaged in air transportation; the extent to which the investors individually or as a group control Federal Express; the control and interlocking relationships between Federal Express and certain of the investors;[18] questions relating to the citizenship of certain of the investors;[19] and, if control or common control relationships exist, whether approval thereof would be in the public interest. In view of all these circumstances, the Board is not persuaded that, on the basis of the application in docket 25953 and the other documents before us, a sufficient showing of public interest has been made to warrant the grant of an exemption under section 408(a)(5) with respect to the transactions described herein. Therefore, the applicants' request for an exemption will be denied.

In light of the Board's findings as discussed above, the applicants' request for approval of the transactions requires that the matter be set for hearing, since the transactions involve, *inter alia*, the apparent acquisition of control of an air carrier directly engaged in air transportation, and EJA, appearing to have a substantial interest in the proceeding,[20] is presently requesting a hearing.[21] The scope of the hearing is expected to include, but not be restricted to, the issues herein discussed.[22]

The applicants' request for disclaimer of jurisdiction over those parties who hold less than a 5-percent interest in Federal Express will only be granted with respect to the nonbanking interest holders in Federal Express. The diversity of interests and the *de minimis* holdings of many of these parties do not justify the assertion of jurisdiction by the Board.[23] If, by reason of future financial arrangements, any of these investors or any new investors should acquire or expand their interest to greater than five percent of Federal Express' outstanding shares, the disclaimer will no longer extend to that party. We do not, however, believe a disclaimer is justified over the bank creditors of Federal Express who, individually, hold warrants which are presently convertible into less than 5 percent interest. The complexity and substantial creditor relationship (in addition to the holding of warrants) between these banks and Federal Express are of regulatory concern to the Board and can only be resolved by a hearing. Moreover, there is also a question regarding Chase Manhattan's role as lead bank for the warrant holders which, collectively, upon full distribution, are convertible into 18.48 percent of Federal Express' stock.[24]

With respect to Allstate and Prudential, it is the view of the Board that these investors should be made parties to the proceeding. Notwithstanding the nonvoting status of their stock with respect to the election of Federal Express' directors, Prudential and Allstate have the ability to vote their shares (which represent approximately 23 and 9.2 percent, respectively, of the outstanding shares) in other important corporate matters affecting the future control and

---

[13] In addition to its Basic Preferred shares, General Dynamics holds 187,073 shares of common stock, issued to it in November 1973 in consideration for its prior guarantee of an equipment-purchase loan.

[14] Prudential and Allstate still, respectively, hold approximately 23 and 9.2 percent of nonvoting (for directors) stock interests.

[15] Also included herein are any parties which have acquired common stock represented by the issuance of stock warrants which are convertible into stock interests greater than 5 percent.

[16] An answer in opposition and a reply thereto were filed by EJA and the applicants, respectively. The answer was accompanied by a motion for hearing which, in view of our decision herein, will be dismissed, and to the extent the reply relates to EJA's answer, it was accompanied by a motion for leave to file an otherwise unauthorized document, which will be granted.

[17] It appears that the section 408 and 409 relationships involving Federal Express and its various investors have been in existence since the execution of the first Purchase Agreement on Nov. 9, 1973. Nevertheless, it has been determined that exceptional circumstances exist within the meaning of the Sherman Doctrine and that there is no impediment to the processing of the application on its merits. *Sherman, Control and Interlocking Relationships*, 15 C.A.B. 676, 861 (1952).

[18] For example, if it should be found that the Heizer Corporation or First Capital Corp. of Chicago controlled Federal Express, there is a director of Heizer and a director of the parent company of First Capital Corp. of Chicago (First Chicago Corp.) who serve on the boards of certain air carriers (Emery Air Freight Corp. and Eastern Air Lines, respectively) thus creating a potential conflict of interest.

[19] This would include, but not be limited to, the citizenship of certain of New Court Accounts investments.

[20] EJA is an air taxi operator under Part 298 of the Board's Regulations, based in Columbus, Ohio, and operating a fleet of 20 business jets. Federal Express, as an air taxi operator with a large fleet of business jets, has the economic authority and ability to conduct the same operations in the same geographical area as EJA.

[21] See third proviso of sec. 408(b) of the Act.

[22] The Board has had a policy of affording priority treatment of applications filed under sec. 408 of the Act. See American-Frontier Route Exchange Agreement, order 73-6-106, June 27, 1973. Accordingly, the applicants' request, pursuant to sec. 399.60 of the Board's Regulations (14 CFR 399.60), that the hearing be given expeditious treatment, will be granted.

[23] It should also be noted that the nonbanking interests, who individually hold less than a 5-percent interest in Federal Express, taken as a group only own approximately 15 percent of Federal Express. Moreover, these interests are wholly independent and have no relationship to each other.

[24] These banking interests include Chase Manhattan Bank (N.A.), First National Bank of Chicago, Mercantile Trust Co. (N.A.), First National Bank in St. Louis, Union Planters National Bank of Memphis, and First National Bank of Fort Worth.

status of Federal Express.[25] Therefore, in view of these findings, the applicants' request for a disclaimer of jurisdiction with respect to Prudential and Allstate will be denied.

Pursuant to Rule 12 of the Board's Procedural Regulations (14 CFR 302.12), the Board has decided to consolidate for hearing the proceeding in docket 22322, involving section 409 interlocking relationships, with the proceeding in docket 25953, involving section 408 and 409 control and interlocking relationships. The proceeding in docket 22322 involving a renewal of the approval of the interlocking relationships of Mr. Lester Crown between TWA and General Dynamics should be reviewed in the hearing in the light of General Dynamics' relationship with Federal Express.[26] The issues under consideration in docket 22322 will be similar to those interlocking relationships under consideration in the hearing, and the Board finds that the consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceedings.[27]

Accordingly, it is ordered, That:

1. The request of General Dynamics *et al.* and Federal Express in docket 25953 for approval of any acquisition of control and/or interlocking relationships within the meaning of sections 408 and 409 of the Federal Aviation Act of 1958, as amended, the request of Lester Crown and Trans World Airlines, Inc., in docket 22322 for renewal of the approval of interlocking relationships, and the issue of the present level of control by the Smith family and affiliates of Federal Express, be and they hereby are set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

2. Applicants' requests in docket 25953 for a disclaimer of jurisdiction over the stock interests of the Prudential Insurance Co. and the Allstate Insurance Co., as well as those interests secured by the banking investors in exchange for the issuance of loans to Federal Express, be and they hereby are denied;

3. Applicants' request in docket 25953 for a disclaimer of jurisdiction over those nonbanking investors presently holding less than 5 percent of the outstanding shares of Federal Express be and it hereby is granted, subject to the condition that: If any of these investors should acquire additional shares or expand their interests, by whatever means, into a greater than 5-percent interest, the disclaimer of jurisdiction will no longer apply with respect to that party;

4. Applicants' request in docket 25953 for an exemption of the control relationships pursuant to the proviso of section 408(a)(5) of the Act be and it hereby is denied;

5. Applicants' request in docket 25953 for an expeditious hearing, pursuant to § 399.60 of the Board's Policy Statements (14 CFR 399.60), be and it hereby is granted;

6. The proceedings in dockets 22322 and 25953 be and they hereby are consolidated;

7. The petition of Executive Jet Aviation, Inc., for leave to intervene be and it hereby is granted;

8. The motions of Executive Jet Aviation, Inc., for an immediate hearing be and they hereby are dismissed;

9. The motions of Federal Express and General Dynamics et al. for leave to file otherwise unauthorized documents be and they hereby are granted;

10. The motion of Lester Crown and Trans World Airlines, Inc., filed March 14, 1972, for clarification of order 71-11-92 be and it hereby is dismissed; and

11. To the extent not granted herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-7066 Filed 3-17-75;8:45 am]

[Dockets Nos. 24912, 24920]

UNITED STATES-CAYMAN ISLANDS SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 22, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 31, 1975, and the other parties on or before April 11, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-7065 Filed 3-17-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator for Industrial Programs, Office of Energy Conservation and Environment.

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

[FR Doc.75-7003 Filed 3-17-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, April 9, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-7064 Filed 3-17-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL

[25] Moreover, if these shares should be transferred to a third party, they could be converted into Class A voting shares, and new control issues would be presented.

[26] The applicants are of course not precluded from pursuing any issues underlying the requests for disclaimer of jurisdiction over any interlocking relationships involved in docket 22322 or acquisitions, control, or interlocking relationships involved in docket 25953.

[27] On Mar. 14, 1972, Mr. Crown and TWA filed a Joint Motion for Clarification (of order 71-11-92) or Approval of Interlocking Relationships (involving Mr. Crown, TWA, Continental Illinois Bank and Trust Company of Chicago, and the Conill Corporation). On Dec. 4, 1972, and subsequently on May 24, 1973, the joint applicants requested leave to withdraw the motion. We have decided to grant the request and dismiss the motion of Mar. 14, 1972.

REGISTER on February 5, 1975 (40 FR 5389).

Pursuant to the above notice the following commodity is added to the Procurement List.

Pencil, woodcased (IB)

	Price (each)
With imprinting:	
RAD No. 599-0395	$0.0256

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-7002 Filed 3-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 312-2]

EXTREMELY HIGH VOLTAGE TRANSMISSION LINES

Health and Environmental Effects; Request for Submission of Data

Notice is hereby given that the Environmental Protection Agency seeks data and information on the health and environmental effects associated with the operation of extremely high voltage power transmission lines. Of particular interest are the magnitudes of the electric and magnetic fields in the vicinity of the transmission line and their impact on health and the environment. Data are also desired on phenomena which accompany electric discharge such as oxidant production, audible noise, and interference with electronic devices.

BACKGROUND

Several transmission lines are now operating at voltages above 700 kilovolts (kV) and more lines are planned, perhaps as much as 10,000 miles of lines rated at 765 kV or higher by the year 1990. For the purpose of this notice lines rated at 700 kV or greater will be considered as extremely high voltage (EHV) lines. Recent inquiries to the Environmental Protection Agency indicate that there are uncertainties about the health and environmental effects of EHV power transmission. Furthermore, there appears to be no central focus in the Federal government for collecting and analyzing pertinent existing data. Under the President's Reorganization Plan No. 3 of 1970 overall radiation protection responsibilities and the Federal radiation guidance function were transferred to the Environmental Protection Agency. Accordingly the Agency desires to collect the data necessary to define potential health and environmental effects of EHV power transmission. Aspects currently under study by the Agency include measurement and analytical techniques, electrostatic and electromagnetic induced voltages, electric discharge phenomena, and health effects.

Data and information are being sought from interested parties to further the Agency's investigation of this matter and to assist in the determination of the need to provide guidance to Federal agencies or formulate plans for such future regulatory action as may be necessary to protect the public health and welfare.

TYPES OF INFORMATION SOUGHT

The Environmental Protection Agency is interested in receiving all data and views relevant to evaluating the potential health and environmental effects concomitant with the operation of EHV power transmission lines. Submissions are particularly sought addressing the following specific issues:

(A) *Measurement and analytical methods for quantifying electric and magnetic fields.* The Environmental Protection Agency seeks information and data on the design, operation, and validity of various techniques for quantifying the quasi-static electric and magnetic fields such as those found in the vicinity of EHV power transmission lines. Comments are specifically sought on:

(1) The application of existing instruments for measuring both perturbed and unperturbed 60 Hz quasi-static electric and magnetic fields in the vicinity of EHV power transmission lines, the validity of such measurements in perturbed fields, and comparison of measured values to theoretical or empirical model calculations.

(2) Techniques for calibrating instruments for use in both perturbed and unperturbed 60 Hz quasi-static electric and magnetic fields.

(3) Data and results of measurements performed on 60 Hz quasi-static electric and magnetic fields together with a description of the instrumentation used to obtain the data and information on EHV line parameters, i.e., line configuration, line height, line current, and operating voltage.

(B) *Measurement and analysis of induced voltages and currents.* The Environmental Protection Agency seeks all available data and information regarding the magnitude of induced voltages in objects, stationary or mobile, which are commonly found in the vicinity of EHV power transmission lines. Comments are specifically sought on:

(1) Measurement techniques for determining open-circuit-voltage, discharge energy, and short-circuit-current for conducting objects in the vicinity of an operating EHV transmission line.

(2) Data on release and let-go current thresholds for men, women, and children.

(3) Views on criteria to be used in specifying acceptable limits of discharge energy and short-circuit currents.

(C) *Electric discharge phenomena.* Electric discharge across small gaps and corona which result from the dielectric breakdown of air are accompanied by the production of radiated electromagnetic energy in the radio-frequency and visible portions of the spectrum, audible noise, and production of oxidants such as ozone. The Agency is interested in quantitating these secondary emissions in order to compare them where possible with existing standards. Comments are specifically sought on:

(1) The amplitude-frequency distribution of radiofrequency electromagnetic energy, its dependence on operating line voltage, surface voltage gradient, and the influence of meteorological conditions.

(2) The sound pressure levels associated with electric discharge phenomena, their amplitude-frequency distribution, their variation as a function of lateral distance from the line, and the influence of meteorological conditions.

(3) Any laboratory and field measurements data on oxidants produced by EHV power transmission lines, rate of production, factors influencing production, and fate of the oxidant in the environment.

(D) *Health effects.* The Environmental Protection Agency seeks information on all data, studies, and analyses which have been performed regarding the health effects of exposure to electric, magnetic, and electromagnetic fields. Comments are specifically sought on:

(1) Effects at the molecular, subcellular, cellular, organ, or whole animal (including neurobiological) level of biological organization arising from exposure to 60 Hz electric and magnetic fields.

(2) Effects of 60 Hz electric and magnetic fields or radiofrequency electromagnetic field on critical life support devices such as cardiac pacemakers.

SUBMISSION OF COMMENTS

Interested persons may submit written comments (preferably in quintriplicate) on the above matters to the Environmental Protection Agency, Office of Radiation Programs (AW-558), 401 M Street, SW, Washington, DC 20460. It is requested that all comments be submitted on or before June 30, 1975. Comments received will be available for public inspection during normal working hours (8 a.m.-4:30 p.m.) at the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Dated: March 13, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-7085 Filed 3-17-75;8:45 am]

[FRL 344-7; OPP-32000/209 & 210]

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 before May 19, 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 May 19, 1975.

Dated: March 11, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/209)

EPA Reg. No. 241-175. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON SYSTEMIC 25 INSECTICIDE. Active Ingredients: Dimethoate [O,O-dimethyl S-(N-methylcarbamoyl) methyl] phosphorodithioate 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 7122-RU. The Ar Chem Corp., 1514 11th St., Portsmouth OH 45662. PARAPEL PARAFFINIZED PELLETS KILLS NORWAY AND ROOF RATS. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione (Chlorophacinone-Liphadione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 1660-TG. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brooklyn NY 11222. VAM—O PELLETED BAIT COATED WARFARIN KILLS RATS AND MICE. Active Ingredients: Warfarin (3-Alpha - Acetonylbenzyl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 34773-L. Chemtech Resources, Inc., Environmental Products & Services, PO Box 24440, Dallas TX 75224. FOGGING INSECTICIDE OUT-CIDE INSTITUTONAL FORMULA. Active Ingredients: Pyrethrins 0.25%; Technical Piperonyl Butoxide (Equivalent to 0.40% (Butylcarbityl) (6-Propylpiperonyl) Ether and 10% of related compounds) 0.50%; N-Octyl Bicycloheptene Dicarboximide 0.83%; Petroleum Distillate 18.42%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 12610-R. Columbia Organic Chem. Co., Inc., 912 Drake St., Columbia SC 29290. COLUMBIA'S TERMITE PROOFING 50% CHLORDANE EMULSIFIABLE AND OIL SOLUBLE. Active Ingredients: Technical Chlordane (Equivalent to 30% Octochloro-4,7-methanotetrahydroinedane and 20% related compounds) 50%; Petroleum Solvent 42%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 6621-AE. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. HORSE GUARD. Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical (Equivalent to 0.08% (butylcarbityl) (6-propylpiperonyl) ether and 0.02% related compounds) 0.100%; N-octyl bicycloheptene dicarboximide (MGK-264) 0.166%; Di-n-propyl isocinchomeronate (MGK Repellent 326) 0.200%; 2,3:4,5-Bis(2-butylene) tetrahydro-2-furaldehyde (MGK Repellent 11.) 0.400%; Petroleum distillate 99.089%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 5905-183. Helena Chem. Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA GUNTER 6-3 EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (67%-69% Chlorine) 52.55%; O,O-dimethyl O-p-nitrophenyl thiophosphate (Otherwise known as Methyl Parathion) 26.27%; Xylene 2.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 5905-123. Helena Chem. Co. HELENA 5 LB. EPN EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: O-Ethyl O-(p-nitrophenyl) phenylphosphonothioate (EPN) 55.12%; Xylene 32.99%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 5905-107. Helena Chem. Co. HELENA METHYL—EPN 42 EMULSIFIABLE CONCENTRATE. Active Ingredients: O-Ethyl O-(p-Nitrophenyl) Phenyl - phosphonothioate (EPN) 21.1%; O,O-Dimethyl O-p-Nitrophenyl Thiophosphate (Methyl Parathion) 42.1%. Xylene 27.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 34911-RR. Hi-Yield Chem. Co., PO Box 460, Bonham TX 75418. HI-YIELD SPECIAL ROSE & FLOWER DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 3%; Sulfur 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 35284-R. Leisur-Aid, Div. of Aidex Corp., PO Box 7348, Omaha NB 68107. LEISUR-AID ALGACIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35284-E. Leisur-Aid, Div. of Aidex Corp., PO Box 7348, Omaha NB 68107. LEISUR-AID ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 102-RGUL. McLaughlin Gormely King Co., 8810 10th Ave. N., Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7245. Active Ingredients: Pyrethrins 6.57%; Piperonyl butoxide, technical (Equivalent to 10.50% (butylcarbityl) (6-propylpiperonyl) ether and 2.63% related compounds) 13.13%; N-octyl bicycloheptene dicarboximide (MGK-264, Insecticide Synergist) 21.69%; 2,2-Dichlorovinyl dimethyl phosphate (From 10.50% (wt.) of dichlorvos, technical (DDVP)) 9.96%; Related compounds 0.75%; 2,3:4,5-Bis (2-butylene) tetrahydro-2-furaldehyde (MGK Repellent 11) 10.50%; Petroleum distillate 36.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM 17

EPA File Symbol 36404-R. Nissho-Iwai American Corp., 624 S. Grand Ave., Los Angeles CA 90017. NISSIN NICLON-70. Active Ingredients: Calcium Hypochorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM 34

EPA File Symbol 3339-RU. Park-Hill Chem. Corp., 29 Bertel Ave., Mount Vernon NY 10550. PARKO WEED-BAN A VEGETATION KILLER. Active Ingredients: Prometone (2,4-bis (isopropylamino)-6-methoxy-s-triazine) 3.73%; Petroleum distillate 81.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 35610-R. Jeff Priesmeyer & Co., 405 E. Swan, Webster Groves MO 63119. FAST & EASY MILDEW REMOVER. Active Ingredients: Calcium Hypochlorite 4.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 1456-ER. Reilly Tar & Chemical Corp., 1651 Merchants Bank Bldg., 11 S. Meridian St., Indianapolis IN 46204. 80/20 CREOSOTE COAL TAR SOLUTION. Active Ingredients: Creosote Oil 80%; Coal Tar 17%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 476-1897. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. BETASAN 2.9E. Active Ingredients: S-(0,0-Diisopropyl Phosphorodithioate) ester of N-(2-Mercaptoethyl) Benzenesulfonamide. 34.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 11656-UO. Western Farm Service Inc., c/o Shell Chem. Co., 1025 Conn. Ave., NW., Suite 200, Washington DC 20036. WESTERN FARM SERVICE ETHION 8 EC INSECTICIDE-MITICIDE. Active Ingredients: Ethion; O,O,O',O-Tetraethyl S,S'-methylene bisphosphorodithioate 81.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

APPLICATIONS RECEIVED (OPP-32000/210)

EPA File Symbol 35583-R. Action Chem. Co., Rt. 3, PO Box 1052, Phoenix AZ 85043. AQUA SAN CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 12.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 35377-E. Arizona Sulphur Co., 5340 W. Bethany Home Rd., PO Box 863, Glendale AZ 85311. WETTABLE SULPHUR. Active Ingredients: Sulphur 97%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 36406-E. Central Arkansas Industrial Ser., Inc., Conway AR 72032. CAIS-CIDE B. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 12461–G. Heat Power Engineering, Inc., 5606 Covington Rd., Fort Wayne IN 46804. NO. 692. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36476–R. Orcon, 5132 Venice Blvd., Los Angeles CA 90019. ORCON MITIFUNGE A NATURAL FUNGICIDE-MITICIDE. Active Ingredients: Sulfur 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 4977–ROR. Southeastern Chem. Corp., PO Box 1026, Orangeburg SC 29115. ATOMIC ENDRIN-GUTHION EC. Active Ingredients: Endrin (Hexachloroepoxyoctahydro-endro, endodimethanonaphthalene 17.96%; O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin - 3(4H) - ylmethyl] phosphorodithioate (Guthion) 11.23%; Xylene 65.81%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 4977–RNN. Southeastern Chem. Corp., PO Box 1026, Orangeburg SC 29115. ATOMIC ENDRIN-METHYL PARATHION 1.6–1.6E. Active Ingredients: Endrin (Hexachloroepoxyoctahydro-Endo, endo-dimethanonaphthalene) 18.3%; 0,0-Dimethyl O-p-nitrophenyl thiophosphate (Methyl Parathion) 18.3%; Xylene 58.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 148–158. Thompson Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. TOXAPHENE E–6. Active Ingredients: Toxaphene 57.0%; Xylene 39.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 148–1002. Thompson Hayward Chem. Co., PO Box 2383, Kansas City KS 66110. LIQUID DSMA. Active Ingredients: Disodium Methanearsonate 21.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

[FR Doc.75–7081 Filed 3–17–75;8:45 am]

[ERL 344–8; OPP–32000/211]

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, D.C. 20460.

On or before May 19, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60-day period has expired. If no claims are received 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 May 19, 1975.

Dated: March 11, 1975.

JOHN B. RITCH, Jr.
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–32000/211)

EPA Reg. No. 5481–113. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. DURHAM DURAPHOS EM 4. Active Ingredients: Alpha Isomer of 2-Carbomethoxy-1-Methylvinyl Dimethyl Phosphate 27.6%; Related Compounds 18.4%; Aromatic Petroleum Solvent 47.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 7273–RUL. Crown Chem., 4995 N. Main St., Rockford IL 61101. PHOSDRIN 5% FILTER FLY CONCENTRATE INSECTICIDE. Active Ingredients: alpha Isomer of 2-carbomethoxy-1-methylvinyl dimethyl phosphate 3.00%; Related Compounds 2.00%; Aromatic Petroleum Hydrocarbons 94.47%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 35061–R. Crosby Chem., Inc., PO Drawer 460, Picayune MI 39466. OROPINE–59. Active Ingredients: Alpha Terpineol 80.5%; Iso Borneol 2.4%; Terpin-4-OL 3.3%; Borneol 2.5%; Frenchyl Alcohol 9.1% Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 7048–0. Edmar Chem. Co., 7800 Bessemer Ave., Cleveland OH 44127. BIO-MAGIC RINSE G LIQUID. Active Ingredients: 2,4',4'-Trichloro-2'-hydroxydiphenyl ether 1.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 270–RNT. Farnam Companies, PO Box 21447, Omaha NB 68112. FARNAM ROLL-ON FLY REPELLENT AA. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide Technical (equivalent to 0.80% (Butylcarbityl) (6-Propylpiperonyl) ether and 0.20% of related compounds) 1.00%; Di-n-Isocinchomeronate 1.00%; N-octyl-bicycloheptene dicarboximide 0.40%; Pine Oil 4.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35136–R. Ivy Enterprises, PO Box 3264, Rivermont Sta., Lynchburg VA 24503. WILLIAMS SURE KILL ROACH KILLER. Active Ingredients: Boric Acid 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 20375–RR. Nutmeg Chem. Co., 25 Market St., New Haven CT 06513. NUTMEG NC–150. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of Other Chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 36333–R. Pollution Control Products, Inc., 1040 Bayview Dr., Fort Lauderdale FL 33304. PCP MARK II WATER PURIFIER. Active Ingredients: Silver Chloride 0.936%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 36333–E. Pollution Control Products, Inc., 1040 Bayview Dr., Suite 427–B, Fort Lauderdale FL 33304. PCP DRINKING WATER PURIFIER. Active Ingredients: Silver Chloride 0.936%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

[FR Doc.75–7082 Filed 3–17–75;8:45 am]

FEDERAL MARITIME COMMISSION

UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

[Agreement No. 10135; Discussion Agreement]

Notice of agreement filed by:
Mr. R. A. Velez, Vice President Corporate Pricing, United States Lines, Inc, One Broadway, New York, New York 10004.

Agreement No. 10135 will establish a discussion agreement among members

of the Far East Conference and the Pacific Westbound Conference whereby the carriers acting through their authorized representatives may meet, discuss, consider and, if possible, agree upon matters relating to (1) cargo movements, the seasonality and other fluctuations of traffic flows and related data bearing on the level and frequency of common carrier steamship services required by shippers. (2) practices in connection with the receipt and delivery of cargo, mutual interest in common berthing, shore equipment, container equipment and facilities in the United States and the Far East, (3) performance of joint surveys of trade needs, present and future, (4) need for an upgraded neutral body system of self-policing, (5) fuel and energy requirements, environmental controls, monetary and fiscal policies, port development and other governmental programs which affect maritime activities, and (6) cost of service relating to traffic handled by the various modes of service provided by the parties. Any action under the agreement requires a recommendation to the conferences consented to by three-fourths of the carriers, which shall not be implemented until such time as the conferences, acting pursuant to their respective conference agreements, shall have adopted appropriate resolutions and, where appropriate, filed the required tariff.

By order of the Federal Maritime Commission,

Dated: March 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-7057 Filed 3-17-75;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-7; RP76-77; PGA75-5; PGA75-4a]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

MARCH 12, 1975.

Take notice that on February 28, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Seventh Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of March 1, 1975.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on March 1, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	*7th Revised Sheet No. 3-A*
G-1:	
Demand	$3.01
Commodity (cents)	60.22
SG-1: Commodity (cents)	62.21
I-1: Commodity (cents)	62.22

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 March 26, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6954 Filed 3-17-75;8:45 am]

[Dockets Nos. RP71-7; RP73-77; PGA 75-5]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

MARCH 12, 1975.

Take notice that on February 28, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPS Gas Tariff, Third Revised Volume No. 1, Seventh Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of March 1, 1975.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on March 1, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	*7th Revised Sheet No. 3-A*
G-1:	
Demand	$3.01
Commodity (cents)	60.22
SG-1: Commodity (cents)	62.21
I-1: Commodity (cents)	62.22

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 March 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6953 Filed 3-17-75;8:45 am]

APPLICATIONS AND CONSOLIDATION OF PROCEEDINGS

MARCH 12, 1975.

In the matter of El Paso Alaska Company, *et al.*, Docket No. CP75-96, *et al.*; Pacific Gas Transmission Company, Docket Nos. CP71-182 and CP75-252; Natural Gas Corporation of California, Docket No. CP75-247; Pacific Interstate Transmission Company, Docket Nos. CP75-248 and CP75-249; Northwest Alaska Company, Docket Nos. CP75-250 and CP75-251; Columbia Gas Transmission Corporation; Michigan Wisconsin Pipe Line Company of America; Natural Gas Pipeline Company of America; Northern Natural Gas Company, Docket No. CP75-257; Panhandle Eastern Pipe Line Company; Texas Eastern Transmission Corporation.

Take notice that on March 3, 1975, several applications were filed in order to comply with the order of the Commission issued on January 23, 1975, in the consolidated proceeding El Paso Alaska Company, et al., Docket No. CP75-96, et al. The January 23, 1975, order states that the Commission expects the filing by March 3, 1975, of all interrelated applications for authorization to effectuate the sale, transportation and resale of natural gas produced in the Prudhoe Bay area of Alaska.

The January 23, 1975, order also ordered all proceedings relating to the transportation of natural gas from Prudhoe Bay to the lower 48 states to be consolidated for hearing. Accordingly, all the proceedings concerning applications noticed herein are consolidated with the proceeding in Docket No. CP75-96, *et al.*, pursuant to § 1.20(b) and 3.5(a) of the Commission's general rules (18 CFR 120(b) and 3.5(a))).

The following applicants have filed applications relating to the transportation of natural gas from Prudhoe Bay:

Pacific Gas Transmission Company (Pacific Gas), 245 Market Street, San Francisco, California 94105;

Natural Gas Corporation of California (Natural of California), 77 Beale Street, San Francisco, California 94106;

Pacific Interstate Transmission Company (Pacific Interstate), 720 West Eighth Street, Los Angeles, California 90017;

Northwest Alaska Company (Northwest Alaska), 315 East Second South, Salt Lake City, Utah 84111.

A joint application was filed in Docket No. CP75-257 by the following companies:

Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314;

Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226;

Natural Gas Pipeline Company of America (Natural of America), 122 South Michigan Avenue, Chicago, Illinois 60603;

Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102;

Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001;

Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001.

All applicants are involved in the Gas Arctic Project, which contemplates construction by Alaskan Arctic Gas Pipeline Company (Alaskan Arctic) of a natural gas transmission system to transport gas in Alaska from Prudhoe Bay to the Canadian border.[1] The gas will then be delivered into a pipeline proposed to be constructed by Canadian Arctic Gas Pipeline Limited (Canadian Arctic), which will transport the gas to two points on the international boundary between Canada and the lower 48 states.[2] One point will be at Kingsgate, British Columbia, and the other will be near Monchy, Saskatchewan. The gas arriving at Monchy will be transported by Northern Border Pipeline Company (Northern Border) to points as far east as Delmont, Pennsylvania, east of Pittsburgh.[3] The gas arriving at Kingsgate will be transported by Interstate Transmission Associates (Arctic) (ITAA),[4] and Pacific Gas Transmission Company (Pacific Gas),[5] to markets in the western United States. The Gas Arctic Project contemplates that Alaskan Arctic, Canadian Arctic, Northern Border, and ITAA will only be transporters and that Pacific Gas will act as a transporter by means of the facilities for which authorization is requested in Dockets Nos. CP74–241 and CP74–242. Various companies will use the pipeline in Alaska to have the Alaskan gas transported to markets in the lower 48 states.

The applications noticed herein are those which involve the delivery of the Alaskan gas to four distinct markets: Eastern United States, Southern California, Northwestern United States, and Northern and Central California.

Eastern United States

Columbia, Mich Wisc, Natural of America, Northern, Panhandle, and Texas Eastern filed in Docket No. CP75–257 a joint application pursuant to section 3 of the Natural Gas Act for authorization to export natural gas from the United States at Alaska to Canada and to import natural gas from Canada to the United States, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

These six applicants seek authorization to export the gas which will be transported by Alaskan Arctic to Canadian Arctic's system and to import at the Monchy point of entry the Alaskan gas plus Canadian supplies that may be obtained from producers in the Mackenzie Delta Region.

The application states that it is presently estimated that there are about 30 billion Mcf of gas reserves available on the North Slope of Alaska and in the Canadian supply areas. The application further states that Alaskan Arctic, Canadian Arctic and Northern Border will be neither buyers nor sellers of natural gas but contract carriers and that individual shippers who have contracted or will contract with producers for the purchase of gas will contract with Alaskan Arctic, Canadian Arctic and Northern Border for transportation of gas from the producing areas to market.

The ability of the Applicants to pass the costs incurred to each of their respective customers is said to be a condition precedent to completion of the project. Applicants, therefore, request that the Commission permit the recovery of such costs in Applicants' rates and and that authorizations sought herein be conditioned accordingly. Applicant state that they expect to file amendments to their jurisdictional gas tariffs for this purpose.

Applicants state that the exportation and importation of gas for which they seek authorization will add large volumes to their supplies and help materially to alleviate the energy shortage.

Southern California

Pacific Interstate filed in Docket No. CP75–248 an application pursuant to section 3 of the Natural Gas Act for an order authorizing the exportation of natural gas from the United States at Alaska and the importation of natural gas from Canada into the United States, all as more fully set forth in the application in Docket No. CP75–248, which is on file with the Commission and open to public inspection.

Pacific Interstate seeks authority to export via Alaskan Arctic's system natural gas which it is currently negotiating to acquire in the North Slope. In addition, Pacific Interstate states that an affiliate, Pacific Lighting Gas Development Company (PLGD), has assumed certain rights, title and interest in agreements relating to the exploration and development of hydrocarbons on the North Slope. Pacific Interstate also states, moreover, that one of its affiliates has certain rights to acquire volumes of gas from the Mackenzie Delta region and that if it appears that all or a portion this gas will be available for export as surplus to Canada's needs, a supplement to the application in Docket No. CP75–248 will be filed to cover the importation of such gas.

Pacific Interstate also seeks authority to import into the United States from Canada the volumes of Alaskan gas delivered for its account by Canadian Arctic at Kingsgate. Pacific Interstate's gas is to be transported from Kingsgate by ITAA to the California-Nevada border near Oasis, California by means of facilities proposed in the application for a certificate of public convenience and necessity in Docket No. CP74–292 by ITAA. In Docket No. CP74–292 ITAA proposes to construct 284 miles of 36-inch pipeline and 593 miles of 30-inch pipeline in order to transport the gas from Kingsgate to Oasis. Pacific Interstate has entered into a letter agreement with ITAA to transport the gas from Kingsgate to Oasis on the basis of a cost-of-service rate which Pacific Interstate estimates will be 25.4 cents per Mcf for the life of the project based on 1974 costs.[6]

Pacific Interstate intends to sell the Alaskan gas at the California border to Southern California Gas Company (So Cal), which will construct 242 miles of pipeline from its service area in Southern California to the point of delivery by ITAA.

To obtain authorization for the sale of gas to So Cal, Pacific Interstate filed in Docket No. CP75–249 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application in Docket No. CP75–249, which is on file with the Commission and open to public inspection.

Pacific Interstate, in the application in Docket No. CP75–249 states that So Cal and other potential purchasers are faced with a rapidly deteriorating gas supply and that in the face of increasing curtailments Northwest Pipeline Company (Northwest) and El Paso Natural Gas Company (El Paso) are unable to serve all of the gas requirements of their present customers and are unable to meet the normal requirements of the high-priority customers. Pacific Interstate further states that So Cal has informed it that So Cal has been unable to contract for additional supplies from traditional sources.

Pacific Interstate contemplates "project financing," which it defines as a system wherein a project must contain all of the economic and financial ingredients to stand on its own feet, independent of any additional credit guarantees. Pacific Interstate asserts that, therefore, the proposed project must be financially structured so as to assure that Pacific Interstate can pass on all costs directly or indirectly associated with the purchase, transportation and sale of natural gas to the ultimate consumer.

Both So Cal and Pacific Interstate, as well as Pacific Interstate's affiliated companies, are subsidiaries of Pacific Lighting Corporation.

Northwestern United States

Northwest Alaska Company (Northwest Alaska) filed in Docket No. CP75–251 an application pursuant to section

[1] See Alaskan Arctic Gas Pipeine Company, Docket Nos. CP75–239 and CP75–240.

[2] Canadian Arctic has filed an application with the National Energy Board of Canada.

[3] See Northern Border Pipeline Company, Docket Nos. CP75–290 and CP74–291.

[4] See Interstate Transmission Associates (Arctic), Docket Nos. CP74–292 and CP74–293.

[5] See Pacific Gas Transmission Company, Docket Nos. CP74–241 and CP74–242.

[6] Pacific Interstate and Northwest Alaska will join to form ITAA upon receiving applicable governmental and regulatory authorizations as requested in the applications filed in Docket Nos. CP74–292 and CP74–293.

7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Northwest Pipeline Corporation (Northwest), an affiliated company of Northwest Alaska, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Along with said application Northwest Alaska filed in Docket No. CP75–250 an application pursuant to Section 3 of the Natural Gas Act for an order authorizing the exportation of North Slope gas from the United States at Alaska to Canada and importation of such gas via the Gas Arctic Project, all as more fully set forth in the application in Docket No. CP75–250, which is on file with the Commission and open to public inspection. Northwest Alaska states that to the extent that volumes of gas are deemed surplus to the requirements of Canada and are available to Northwest Alaska, Northwest Alaska will petition to amend the instant application and request authorization to import from Canada volumes of gas produced in Canada.

Northwest Alaska requests authority to sell to Northwest initial volumes of 66,600 Mcf per day, increasing to an ultimate volume of 240,000 Mcf per day.

The Alaskan gas is proposed to be delivered through the facilities of Alaskan Arctic and Canadian Arctic and, like the gas for Southern California, through the facilities of ITAA to a point of delivery to Northwest on ITAA's proposed transportation system near Meacham, Oregon. In Pacific Interstate's application in Docket No. CP74–248, it is stated that ITAA's cost of service for delivery from Kingsgate to Meacham is expected to be 8.2 cents per Mcf.

Northwest Alaska will not own or operate any natural gas facilities in its own right, although it will form ITAA with Pacific Interstate.

Northwest Alaska, in order to obtain the gas to sell to Northwest, proposes to enter into long-term gas purchase contracts for no less than the volumes of natural gas it presently proposes to sell to Northwest, plus transmission system gas.

Northwest Alaska proposes to charge Northwest under a tariff which will provide for recovery of Northwest Alaska's full cost of service related to the purchase, exportation, importation, transportation and sale of such volumes. Applicant states that at the present time it has no gas purchase or transportation contracts to implement its proposals.

The application states that the instant proposals by Northwest Alaska will permit Northwest Alaska to make available to the Pacific Northwest additional volumes of natural gas to supplement the presently diminishing supplies dedicated to that market area. The application further states that the volumes obtained by Northwest through the proposal will be sold and delivered to Northwest's existing customers, within Northwest's presently certificated transmission capacity, exclusive of any new or expanded peaking service on said transmission system.

NORTHERN AND CENTRAL CALIFORNIA

Pacific Gas Transmission Company (Pacific Gas) filed in Docket No. CP71–182 and CP75–252 an application pursuant to Section 3 of the Natural Gas Act for an order authorizing the importation of the Alaskan Gas and gas produced in Canada, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. Pacific Gas further states that the instant application serves to bring up to date its application for authorization to import natural gas filed in Docket No. CP71–182, filed on January 13, 1971. In the January 23, 1975, order in Docket No. CP75–96, et al., the Commission noted that the application in Docket No. CP71–182 has not been updated since January 13, 1971, to reflect recent events.

Pacific Gas proposes to import at the Kingsgate point of delivery an additional 1.2 million Mcf of gas. Pacific Gas states that it expects to import one million Mcf of natural gas per day produced in the Prudhoe Bay and the Mackenzie Delta regions plus 200,000 Mcf per day produced in Alberta, Canada, and purchased from Alberta and Southern Gas Co. Ltd. (Alberta and Southern). The 200,000 Mcf per day from Alberta is the subject of Pacific Gas' application in Docket No. CP71–182.

Pacific Gas proposes to transport the imported gas through its pipeline system from Kingsgate to a point on the California-Oregon border near Malin, Oregon, where the gas will be delivered to Pacific Gas and Electric Company (PG and E) for further delivery to PG and E's markets in northern and central California. Pacific Gas already owns and operates a 36-inch transmission line between Kingsgate and Malin and proposes in Docket No. CP74–241 to construct and operate a parallel 42-inch line. Pacific Gas states that since the National Energy Board of Canada has not issued an export license for the additional 200,000 Mcf per day of Alberta natural gas which is the subject of the application in Docket No. CP71–182, it has submitted, in an application filed concurrently with the instant application, a proposal for an alternative 36-inch transmission line to allow Pacific Gas flexibility in determining the optimum pipeline design once the final volumes of natural gas available for importation are determined.

Pacific Gas further states that the rates to be paid by it for the imported gas have not been finally determined, but that the charges to transport natural gas produced in the Arctic regions to the International Boundary between Canada and the United States will be approximately $1.00 to $1.05. Pacific Gas states that if the additional supplies of natural gas are not made available to PG and E severe economic hardship will result within the northern California service area of PG and E.

As part of the same general scheme to deliver gas to PG and E, Natural Gas Corporation of California (Natural of California), a subsidiary of PG and E, filed in Docket No. CP75–247 an application pursuant to section 3 of the Natural Gas Act for authorization to export Alaskan gas to Canada by means of the Gas Arctic Project, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. This gas will be reimported pursuant to Pacific Gas' authorization in Docket No. CP75–252.

Natural of California states that it has made proposals to Atlantic Richfield Company and Exxon, U.S.A., concerning the ultimate purchase of the Prudhoe Bay reserves, and that it proposes to sell the gas to Pacific Gas on a cost-of-service basis, with the major components being cost of purchased gas in Alaska, costs of transportation, plus minimal administrative and general expenses.

Natural of California further states that it will act solely as purchaser and exporter of the subject gas and will not own or operate any facilities.

Any person desiring to be heard or to make any protest with reference to the applications or amendment noticed herein should on or before April 3, 1975, filed 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.

Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in the consolidated proceeding in Docket No. CP75–96, *et al.*, need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6996 Filed 3–17–75;8:45 am]

[Docket No. RP66–15]

ARKANSAS LOUISIANA GAS CO.

Motion To Terminate Proceeding

MARCH 10, 1975.

Take notice that on December 14, 1970, Arkansas Louisiana Gas Company (Ark-La) filed a motion to terminate suspended proceedings in the above-captioned docket. On November 1, 1965, Ark-La, filed an off-system field sale rate increase of 1¢ per Mcf under its Rate Schedule XFS–20. The proposed increase was suspended until June 1, 1966 by a Commission order issued December 28, 1965, in Docket No. RP66–15.

Ark-La's December 14, 1970, motion states that since the sales under Rate Schedule XFS–20 are being made a price below the applicable area rate (18.5¢ per Mcf) established by Opinion No. 586, the proceedings should be terminated.

Any person desiring to be heard or to protest said filing should file a petition

to interevne 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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6956 Filed 3-17-75;8:45 am]

[Docket No. E-9241]

AMERICAN ELECTRIC POWER SERVICE CORP.

Changes in Rates and Charges; Correction

MARCH 3, 1975.

In the Notice of Changes in Rates and Charges issued February 21, 1975 and Published in the FEDERAL REGISTER on March 3, 1975 40 FR Page 8858, Paragraph 3, line 10 "February 21, 1975." should read "March 14, 1975."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6955 Filed 3-17-75;8:45 am]

[Rate Schedule Nos. 369, *et al.*]

ATLANTIC RICHFIELD CO.

Rate Change Filings

MARCH 11, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 14, 1975...	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	369	Tennessee Gas Pipeline Co..	Texas Gulf Coast.
Feb. 18, 1975...	Marathon Oil Co., Findlay, Ohio 45840..	16	United Gas Pipe Line Co....	Other Southwest.
Feb. 20, 1975...	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	12	El Paso Natural Gas Co....	Permian Basin.
Do.....	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	409	Montana Dakota Utilities Co.	Rocky Mountain.

[FR Doc.75-6957 Filed 3-17-75;8:45 am]

[Docket No. E-9254]

BOSTON EDISON CO.

Rate Schedule Filing; Correction

MARCH 3, 1975.

In the Notice of Rate Schedule Filing issued February 13, 1975 and Published in the FEDERAL REGISTER on February 26, 1975 40 FR 8252, Paragraph 1, lines 4 and 5: Change "Electric Light Department of Cambridge, Massachusetts", to "Cambridge Electric Light Company".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6958 Filed 3-17-75;8:45 am]

[Docket No. E-8884]

CAROLINA POWER AND LIGHT CO.

Further Extension of Procedural Dates

MARCH 10, 1975.

On February 25, 1975, ElectriCities of North Carolina (ElectriCities) filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued February 6, 1975, in the above-designated matter. On March 4, 1975, Carolina Power & Light Company filed a response in opposition to the above motion. On March 7, 1975, ElectriCities withdrew their request regarding the Phase I proceedings.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE II

Service of Intervenor's Testimony, May 12, 1975.
Service of Staff's Testimony, June 2, 1975.
Service of Company's Testimony, June 17, 1975.
Service of Intervenor's Rebuttal, June 30, 1975.
Hearing, July 21, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6959 Filed 3-17-75;8:45 am]

[Docket No. E-9196]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Facility Use Agreement Appendix

MARCH 11, 1975.

Take notice that on January 13, 1975, Central Illinois Public Service Company (CIP) tendered for filing a new Appendix S dated November 21, 1974, to the Facility Use Agreement between Central Illinois Public Service Company and Illinois Power Company.

CIP states that said Appendix "S" provides for the payment of rental charges by Illinois Power Company to Central Illinois Public Service Company for the reservation of use of a 138 KV circuit breaker of Central Illinois Public Service Company to provide greater reliability of service to Illinois Power Company's Industrial Park Substation at Jacksonville, Illinois.

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 March 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6960 Filed 3-17-75;8:45 am]

[Docket No. RP72-122; PGA75-4]

COLORADO INTERSTATE GAS CO.

Proposed Change In Rates Under Purchased Gas Adjustment Clause Provision

MARCH 10, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on February 28, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 1.87 cents per Mcf.

The filing is made pursuant to (1) the provisions of section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, which authorizes the Company to change its rates coincident with a pipeline supplier rate change, and (2) Opinion 699-G in Docket No. R-389-B issued November 29, 1974. Included in the increase of 1.87 cents per Mcf is (1) an adjustment to recover the increased purchased gas costs CIG will experience as a result of recent filings made by three

of CIG's pipeline suppliers, Northwest Gas Corporation, McCulloch Interstate Gas Corporation, and Western Transmission Corporation, and (2) an adjustment to recover through a surcharge adjustment to be effective from April 1, 1975 through September 30, 1975, the unrecovered purchased gas costs associated with Opinions 699 and 699–A for the period June 21, 1974 through March 31, 1975. The filing is proposed to become effective on April 1, 1975, the anticipated date of the Northwest and McCulloch increase to CIG.

On December 13, 1974, Western Transmission Corporation tendered for filing a purchase gas cost adjustment increase. By Commission Order issued January 10, 1975, this filing was accepted, suspended for one day, and allowed to become effective December 16, 1975, subject to refund. As a result of the short notice received of this filing, CIG has included the increased cost from Western in the instant filing.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–6961 Filed 3–17–75;8:45 am]

[Docket No. RP72–122; PGA75–5]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates

MARCH 10, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on February 28, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 3.86 cents per Mcf.

The filing is made pursuant to Opinion No. 699–H issued December 4, 1974, in Docket No. R–389–B, and includes only increased purchased gas costs associated with that Opinion.

Concurrently herewith, CIG has filed a PGA adjustment to reflect increased costs it will experience as a result of rate filings made by three of its pipeline suppliers and also to recover increased costs associated with FPC Opinion Nos. 699 and 699–A, as authorized to be recovered under FPC Opinion 699–G. In that filing, CIG requested that the increase be made effective on April 1, 1975. In order to accommodate its customers by minimizing the number of rate changes, CIG respectfully requested that the instant filing also be made effective on April 1, 1975.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–6962 Filed 3–17–75;8:45 am]

[Docket No. E–9308]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

MARCH 11, 1975.

Take notice that on March 5, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated January 29, 1975 between (1) CL&P, The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO), and (2) Public Service Company of New Hampshire (PSNH).

CL&P states that the Purchase Agreement provides for a sale to PSNH of a specified percentage of capacity and energy from eight gas turbine generating units (Norwalk Harbor, South Meadow, Devon, Middletown, Torrington Terminal, West Springfield, East Springfield and Tunnel) during the period from February 1, 1975 to April 30, 1975, together with related transmission service.

CL&P states that questions as to PSNH's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by PSNH and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit PSNH to receive urgently needed capacity, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day period and permit the rate schedule filed to become effective on February 1, 1975.

CL&P states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which PSNH is entitled to receive. The variable maintenance charge was arrived at through negotiations.

CL&P requests an effective date of February 1, 1975, for the PSNH agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and PSNH, Manchester, New Hampshire.

CL&P further states that the filing is in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 28, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–6963 Filed 3–17–75;8:45 am]

[Docket No. RP72–157; PGA 75–5]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MAROH 11, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on February 26, 1975, tendered for filing proposed changes to its FPC Gas Tariff, First Revised Volume No. 1, pursuant to the provisions of Opinion 699–H issued December 4, 1974, to be effective March 1, 1975. The proposed changes reflect:

(1) the flow through of pipeline supplier increases of approximately $51.2 million resulting from Opinion 699–H; and,

(2) a surcharge to recoup approximately $0.8 million resulting from increased costs from CNG Producing Company filed on January 31, 1975 with the Federal Power Commission as a result of Opinion 699–H.

Consolidated states that the proposed surcharge would be collected during the months of March and April, 1975 since the next semi-annual PGA filing of Consolidated will be put into effect May 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any persons 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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6964 Filed 3-17-75;8:45 am]

[Docket No. E-9294]

DETROIT EDISON CO.

Tariff Changes

MARCH 11, 1975.

Take notice that The Detroit Edison Company (DEC) on February 28, 1975, tendered for filing proposed changes in its FPC Electric Service Rate Schedules No. 2 (City of Croswell), No. 4 (Thumb Electric Cooperative), No. 5 (Consumers Power Company), No. 6 (Village of Clinton), No. 14 (Southeastern Michigan Rural Electric Cooperative), No. 18 (Village of Sebewaing), and rate schedule for service to the Michigan Municipal Cooperative Power Pool. DEC requests that the proposed rates be made effective on April 1, 1975. DEC states that the proposed changes would increase revenues from jurisdictional sales and service by $7,573,000 based on the twelve month period ending March 31, 1976. In addition, DEC states that it is proposing to (1) change the valley hour schedules to recognize changing load patterns clauses to conform to FPC Order which DEC states was issued in Docket R-479, and (3) add a paragraph to each rate schedule expressing the right of either party to unilaterally make an application for a change in rates which DEC states was contemplated by the Commission notice in Docket No. RM75-15.

DEC states that Copies of the filing were served upon the public utility's jurisdictional customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6965 Filed 3-17-75;8:45 am]

[Docket No. CP75-221]

EL PASO ALASKA CO.

Extension of Time

MARCH 11, 1975.

On March 3, 1975, the State of California and the Public Utilities Commission of the State of California jointly filed a motion to extend the time for filing petitions to intervene or protests to the petition of El Paso Alaska filed January 27, 1975 as fixed by notice issued February 14, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time for filing petitions to intervene or protests in the above matter is extended to and including March 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6967 Filed 3-17-75;8:45 am]

[Dockets Nos. AR61-1, *et al.*; RP67-9]

EL PASO NATURAL GAS CO.

Report of Accumulated Refunds

MARCH 10, 1975.

Take notice that on October 30, 1974, El Paso Natural Gas Company, (El Paso) tendered for filing its report of supplier refund accumulations. El Paso reports that the total applicable to customers of the Southern Division System is $8,326.57 as of September 30, 1974. The allowable accumulation for the Southern Division is $1,000,000 pursuant to the terms of its settlement at Docket No. RP67-9, therefore, no distribution of refunds has been made.

The total reported accumulation of supplier refunds to customers of the Northwest Division is $125,596.43 as of September 30, 1974. The allowable accumulation for the Northwest Division is $200,000, therefore, no distribution of refunds has been made.

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 March 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6966 Filed 3-17-75;8:45 am]

[Docket No. RP71-128]

FLORIDA GAS TRANSMISSION CO.

Withdrawal

MARCH 10, 1945.

On March 7, 1975, Edgar Plastic Kaolin Company filed a withdrawal of its application filed June 5, 1975, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective April 7, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6968 Filed 3-17-75;8:45 am]

[Docket No. RP75-67]

GAS CURTAILMENTS AND ALLOCATIONS

Petition for Convention of Joint Hearing

MARCH 11, 1975.

Take notice that on February 20, 1975, the Public Utilities Commission of Ohio (Ohio Commission) filed a petition pursuant to section 17 of the Natural Gas Act, as implemented by § 1.37(a)(1)(iii) of the rules of practice and procedure thereunder (18 CFR 1.37(a)(1)(iii), for the convening by the Commission of a joint board to be composed of one or more members of the Ohio Commission, the Commissions of other states, and the Federal Power Commission for the purpose of conducting a joint hearing to investigate on a nationwide basis natural gas curtailments and allocations, all as more fully set forth in the petition of Ohio Commission which is on file with the Commission and open to public inspection.

Ohio Commission avers that it is hampered in its ability to regulate effectively the distribution of gas within the State of Ohio due to the lack of a coordinated, national natural gas allocation policy. Ohio Commission claims that the Federal Power Commission's rulings with respect to proposed gas curtailments by natural gas companies affect the gas supply in Ohio; yet, Ohio Commission, by itself, is not in a position to know whether or not such proposed curtailments reflect authentic natural gas shortages. According to Ohio Commission, the only remedy available to it (or to other states) is piecemeal participation in Federal Power Commission proceedings, which is counterproductive to a national gas allocation policy. Participation in a curtailment proceeding by

one state to advocate its self-interest is said to work to the detriment of other states, because increased allocation to one state served by a pipeline will necessarily diminish the allocation to other states served by the same pipeline.

Ohio Commission suggests that only through a national investigation by the Federal Power Commission in conjunction with affected states who wish to participate can the extent of the natural gas shortage problem be recognized and proper solutions be adopted. Accordingly, Ohio Commission recommends that a joint hearing be convened empowering the various state commissions to sit with members of the Federal Power Commission in an advisory position. In the alternative, Ohio Commission recommends that a conference should be convened pursuant to the provisions of § 1.37(c) of the rules of practice and procedure (18 CFR 1.37(c)) to discuss natural gas allocation policy.

Any person, including any state commission, desiring to be heard or to make any protest with reference to the instant proposal should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, its comments or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any state commission desiring to participate in any cooperative procedure that might result from the instant proposal should so advise the Commission.

If the Commission deems the cooperation in the manner herein proposed, or in any other manner, to be practicable and desirable it will so advise each interested state commission and will invite each to participate therein.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6969 Filed 3-17-75;8:45 am]

[Docket No. RP73-17; PGA75-4]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates

MARCH 11, 1975.

Take notice that Granite State Gas Transmission, Inc. (Granite) on March 3, 1975, tendered for filing Substitute Sixth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective March 1, 1975. Granite states that the instant filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1972, in Docket No. RP73-17. Granite further states that its entire natural gas supply is purchased from Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) and that the increased purchased gas costs result from increases in rates which Tennessee proposes to make effective March 1, 1975, in Docket No. RP73-114, in a filing made February 28, 1975. According to Granite, the proposed changes would increase revenues from its jurisdictional sales by approximately $602,000 annually above the level of presently effective rates, based on deliveries for the 12 months ended December 31, 1974.

Granite also tendered for filing its Seventh Revised Sheet No. 3A and Alternate Seventh Revised Sheet No. 3A to reflect revised changes in rates for the costs of gas purchased from Tennessee which Tennessee proposes to make effective March 15, 1975, in Docket No. RP75-13. Granite states that its purpose in submitting the alternate rate filings is to track whichever of the Tennessee rate increases is permitted to become effective March 15, 1975. Granite states that the annual effect of Seventh Revised Sheet No. 3A is an increase of $171,850 above the level of the rates proposed in Substitute Sixth Revised Sheet No. 3A, and that the effect of Alternate Seventh Revised Sheet No. 3A is an increase of $53,811 above the level of the rates proposed in Substitute Sixth Revised Sheet No. 3A. Both estimates are based on sales for the 12 months ended December 31, 1974.

Granite states that its filing of Seventh Revised Sheet No. 3A and Alternate Seventh Revised Sheet No. 3A are, in effect, substitutes for rate filings it previously made on February 14, 1975 on its Sixth Revised Sheet No. 3A and Alternate Sixth Revised Sheet No. 3A, for effectiveness on March 15, 1975. The substitutions are made necessary, Granite states, because Tennessee filed proposed revisions to its rates on February 28, 1975, in Docket No. RP75-13, for effectiveness on March 15, 1975.

According to Granite, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 March 28, 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.75-6970 Filed 3-17-75;8:45 am]

[Docket No. CI75-522]

GULF OIL CORP.

Application

MARCH 11, 1975.

Take notice that on March 3, 1975, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI75-522 an application pursuant to Section 7(C) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from certain acreage in the Lisbon Field in Claiborne Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Gas excess residue gas produced from the Burgess-Simmons and Hall Sands or the Three Finger Lime (Pettit Zone) underlying Applicant's acreage in the Lisbon Field at the nationwide rate prescribed in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a). Applicant estimates monthly sales volumes of 21,000 Mcf at 14.73 psia with an initial upward Btu adjustment of 0 578 cent per Mcf.

Applicant states that all of the residue gas attributable to gas produced from the subject acreage has been covered by a transportation agreement between Applicant and Texas Gas dated June 15, 1962. Applicant relates that the primary term of said contract expired on February 1, 1975, and that Applicant and Texas Gas have entered into a new transportation contract which provides for a different volume of gas to be transported to Applicant's Cincinnati Refinery. Applicant states that inasmuch as the wells on Applicant's acreage in the Lisbon Field are presently capable of producing a daily volume of natural gas in excess of the volumes required under the new transportation agreement, Applicant has agreed to sell such excess volumes to Texas Gas in accordance with a contract dated January 6, 1975. Said residue gas will be delivered to Texas Gas at the tailgate of the Claiborne Gasoline Plant in Claiborne Parish.

Applicant further states that it commenced the sale of residue gas from the subject acreage on February 1, 1975, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29), and, consequently, requests authorization to begin the sale of residue gas pursuant to Commission authorization upon termination of said emergency sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6971 Filed 3-17-75;8:45 am]

[Docket Nos. E-9296; E-9297; E-9298]

IOWA PUBLIC SERVICE CO.

Filing of Initial Rate Schedules

MARCH 10, 1975.

Take notice that on February 28, 1975, the Iowa Public Service Company (IPS) tendered for filing two Participation Unit Agreements and one Firm Power and Participation Unit Agreement.

IPS states that the Participation Unit Agreement between IPS and Interstate Power Company (ISP), Docket No. E-9296, was signed on January 28, 1975 to run from May 1, 1975 through October 31, 1975.

IPS states that a copy of the filing was sent to ISP.

IPS states that the Participation Unit Agreement between IPS and Nebraska Public Power District (NPPD), Docket No. E-9297, was signed on February 20, 1975 to run from May 1, 1975 through October 31, 1975.

IPS states that a copy of the filing was sent to NPPD.

IPS states that the Firm Power Agreement and Participation Unit Agreement between IPS and Minnesota Power and Light Company (MPL), Docket No. E-9298, was signed on October 11, 1974 to run from November 1, 1975 through April 30, 1977 (under Service Schedule J according to IPS) and from May 1, 1976 through April 30, 1977 (under Service Schedule A according to IPS).

IPS requests that the Midcontinent Area Power Pool Agreement (MAPP), which IPS states is dated March 31, 1972 and is on file with the Federal Power Commission in Docket No. E-7734 be included in each filing as an item by reference.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6972 Filed 3-17-75;8:45 am]

[Docket No. E-9274]

KANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

MARCH 11, 1975.

Take notice that on February 18, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed amendment to that contract dated September 21, 1973, with the Lyon County Electric Cooperative, Inc., designated KPL Rate Schedule FPC No. 140 for an additional delivery point for wholesale electric service to that Cooperative. The proposed effective date is January 17, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in §35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements for the additional delivery point will be $403,741.39. Kansas states that copies of the amendment have been mailed to the Lyon County Electric Cooperative, Inc. and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 March 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6973 Filed 3-17-75;8:45 am]

[Docket No. E-9301]

KANSAS POWER AND LIGHT CO.

Filing of Renewal Contract

MARCH 11, 1975.

Take notice that on March 4, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed renewal contract dated February 20, 1975, with the City of Altamont, Kansas for wholesale electric service to that community. Kansas states that this is a renewal of a similar contract dated February 18, 1965, and designated KPL Rate Schedule FPC No. 78. The proposed effective date is March 7, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements was $66,555.50. In addition, Kansas states that copies of the contract have been mailed to the City of Altamont and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 March 20, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6974 Filed 3-17-75;8:45 am]

[Docket No. RI74-194]

KWB OIL PROPERTY MANAGEMENT, INC.

Certification of Proposed Settlement

MARCH 11, 1975.

Take notice that, on February 28, 1975, the Presiding Administrative Law Judge in the above-captioned proceeding pursuant to § 1.18(d) of the Commission's rules of practice and procedure certified a proposed settlement to the Commission for appropriate action. The certification states that, at a hearing convened on February 26, 1975, pursuant to a Commission order issued June 17, 1974, and a subsequent notice issued February 20, 1975, Staff counsel offered a "Staff Statement in Support of Proposed Stipulation and Settlement Agreement" and three letters from KWB Oil Property Management, Inc., each dated February 11, 1975. The Certification also states that Staff counsel offered a letter from Cities Service Gas Company, an intervenor, dated February 18, 1975, expressing agreement with the proposed settlement price of 35 cents per Mcf. The Judge's certification concludes by stating that all parties support the proposed settlement and that, if approved by the Commission, the Settlement would resolve the issue outstanding in this proceeding.

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 March 24, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6975 Filed 3-17-75;8:45 am]

[Docket Nos. CP69-249; CP70-163; and CP73-65]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition to Amend

MARCH 11, 1975.

Take notice that on February 24, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP69-249, CP70-163 and CP73-65 a petition to amend the orders issued in said dockets on June 24, 1969, August 4, 1970, and January 3, 1973, respectively, pursuant to section 7(c) of the Natural Gas Act by authorizing a new point of receipt of natural gas for transportation by Petitioner on behalf of Texas Gas Transmission Corporation (Texas Gas) and by authorizing a change in contract demand volumes at various points of receipt under said transportation arrangement, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Pursuant to the aforementioned orders in the subject dockets Petitioner transports an aggregate contract demand volume of 183,000 Mcf of gas per day for Texas Gas from various points in the Outer Continental Shelf, offshore Louisiana, to a point of redelivery near Calumet, St. Mary Parish, Louisiana. Applicant further states that the offshore transportation contract, under which such gas is transported, currently provides for the following points of receipt of gas by Petitioner for the account of Texas Gas and the following contract demand volumes:

Points of receipt:	*Contract demand (thousand cubic feet per day)*
Block 250, Eugene Island Area	140,000
Block 259, Eugene Island Area	15,000
Block 10, South Marsh Island Area	18,000
Block 204, Ship Shoal Area	10,000
Aggregate contract demand	183,000

Petitioner claims that Texas Gas has entered into contracts with producers for the purchase of gas in Block 217, Eugene Island Area, offshore Louisiana, which the producers are able to deliver to Petitioner at Block 208, Eugene Island Area, through existing facilities. Accordingly, Petitioner requests authorization to provide for a new point of receipt of gas for the account of Texas Gas at Block 208 and to transport such gas pursuant to the provisions of the offshore transportation contract. The petition indicates that the proposal calls for a daily contract demand volume at Block 208 of 9,000 Mcf and a corresponding reduction from 140,000 Mcf to 131,000 Mcf in the daily contract demand volume at Block 250. Thus, Petitioner proposes to transport gas received at various points as follows:

Points of receipt:	*Contract demand (thousand cubic feet per day)*
Block 250, Eugene Island Area	131,000
Block 259, Eugene Island Area	15,000
Block 10, South Marsh Island Area	18,000
Block 204, Ship Shoal Area	10,000
Block 208, Eugene Island Area	9,000
Aggregate contract demand	183,000

Petitioner points out that, while the instant proposal nominally involves no change in aggregate contract demand volumes, because Texas Gas has, at times, been unable to provide the current full contract demand volume of 140,000 at Block 250, the Block 208 deliveries represent a net increase in gas supply available for Texas Gas' system.

Petitioner states that the proposed change in transportation service will require the construction of no facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6976 Filed 3-17-75;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Filing of Revised Tariff Sheets

MARCH 11, 1975.

Take notice that on February 28, 1975, Missouri Edison Company (Edison) tendered for filing revised FPC Electric Tariff sheets pertaining to the City of Clarksville and a computation of revenue resulting from the revised tariff sheets. Edison states that its filing is being made in compliance with the Commission's order dated February 7, 1975, in Docket No. E-8547.

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 March 24, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6977 Filed 3-17-75;8:45 am]

[Docket No. E-9311]

MONTAUP ELECTRIC CO.

Revisions of Rate Schedules

MARCH 12, 1975.

Take notice that on March 5, 1975, Montaup Electric Company (Montaup) and Brockton Edison Company (Brockton) tendered for filing two supplements to a contract dated April 26, 1965 under which Brockton presently serves the Town of Middleboro, Massachusetts. Each supplement is intended to reflect Middleboro's entitlement in the Pilgrim No. 1 nuclear generating unit of Boston Edison Company.

One supplement, dated January 29, 1975, provides that Middleboro's Pilgrim No. 1 entitlement is a "Present Entitlement" as defined in an amendment dated January 15, 1973 to the April 26, 1965 contract. The other supplement, dated February 24, 1975, provides for a reduction in the monthly billing demand from 8,000 kilowatts to 7,000 kilowatts for the months from February 1, 1975 through October 31, 1976, after which the minimum monthly demand will again be 8,000 kilowatts.

Montaup and Brockton request that the supplements become effective at the same time as (1) the basic contract for the entitlement between Boston Edison and Middleboro and (2) the transmission contract for the entitlement between Boston Edison, Montaup and Middleboro. Both of these contracts are to be filed by Boston Edison with a requested effective date of February 1, 1975, the date Middleboro began to take delivery of its Pilgrim No. 1 entitlement. Montaup and Brockton ask for waiver of the 30 day notice requirement to permit their requested effective date.

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 March 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6978 Filed 3-17-75;8:45 am]

[Docket No. E-9299]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing of Supplemental Electric Service Agreement

MARCH 11, 1975.

Take notice that on March 3, 1975, Northern Indiana Public Service Company (Northern Indiana) tendered for filing Memorandum No. 63 under the Supplemental Electric Service Agreement between Commonwealth Edison Company of Indiana, Inc. (Com Ed of Indiana) and Northern Indiana acknowledging that Northern Indiana has entered a commitment with Indiana and Michigan Electric Company (I & M) to increase the purchase of firm power from I & M to 400,000 kilowatts effective January 1, 1978, to replace the current purchase of 200,000 kilowatts of firm power which will terminate on December 31, 1977.

Memorandum No. 63 further indicates the willingness of Com Ed of Indiana to treat the increase in the purchase of firm power by Northern Indiana from I & M as a firm source of purchase capacity.

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. All such petitions or protests should be filed on or before March 25, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6980 Filed 3-17-75;8:45 am]

[Docket No. RP73-8; PGA75-7]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

MARCH 11, 1975.

Take notice that North Penn Gas Company (North Penn) on March 3, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective March 15, 1975. North Penn states that the proposed rate increase would generate $319.1 thousand annually in additional jurisdictional revenues based on the twelve-month period ending January 31, 1975.

North Penn states that the PGA filing was triggered by a general rate increase filed at Docket No. RP75-13 by Tennessee Gas Pipeline Company (Tennessee) on February 28, 1975, to become effective March 15, 1975. Additionally, North Penn is filing in the alternate to track Tennessee's alternate tariff sheets filed in the above Docket.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive Tennessee's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on March 15, 1975.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons 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 March 24, 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.75-6979 Filed 3-17-75;8:45 am]

[Docket No. RP72-154; PGA 75-4A]

NORTHWEST PIPELINE CORP.

Revised Change in Rates

MARCH 11, 1975.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 28, 1975, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Northwest states that such change in rates is for the purpose of compensating Northwest for (1) increases in the cost of purchased gas which will become effective on or before March 31, 1975; (2) producer increases for the period June 21, 1974 through March 31, 1975 as provided in Opinion No. 699-H; and (3) interest cost attributable to unrecovered purchased gas costs at the Sumas, Washington import point for the period November 1-17, 1974.

On February 14, 1975, Northwest tendered for filing a notice of change in rates for the purpose of accomplishing the above, and on February 20, 1975 the Commission issued notice of said filing. However, due to certain information that has come to light since its filing, Northwest has asked for permission to revise its filing of February 14, 1975 in order to accurately reflect its purchased gas costs for the period involved.

The current PGAC adjustment aggregates an increase of .394¢ per therm in all rate schedules contained in Northwest's Original Volume No. 1 Tariff. The annualized change in Northwest's purchased gas costs aggregates a decrease of $981,067. In addition, Northwest will recover, through a surcharge, the balance of $7,289,959 in its Account 191 as of December 31, 1974, the remaining balance of $644,921 in El Paso Natural Gas Company's ("El Paso") unrecovered purchased gas costs which Northwest agreed to collect for El Paso at divestiture, the producer increases allowed under Opinion No. 699-H amounting to $652,250, and an interest cost of $239,000 for the period November 1-17, 1974, in which Northwest was not allowed to track increased purchased gas costs from its Canadian supplier at Sumas, Washington. The proposed change in rates would increase revenues from jurisdictional sales and service by $7,841,143.

On February 14, 1975 Northwest filed concurrently, pursuant to Commission order issued March 29, 1974 at Docket No. RP74-72, a notice of change in rates applicable to § 13.4, Change in Rates to Reflect Curtailment Credits ("Demand Charge Credits"), contained in its Original Volume No. 1 Tariff. As both the PGAC Adjustment and Demand Charge Credits Adjustment are reflected on Sixth Revised Sheet No. 10, tendered herewith, Northwest has requested permission to substitute Sixth Revised Sheet No. 10 for Seventh Revised Sheet No. 10, as filed February 14, 1975 at Docket No. RP74-72. At the time of Northwest's original filing, Sixth Revised Sheet No. 10 was on file with the Commission pending final disposition. However, by letter order issued February 20, 1975, the Commission rejected the tendered Sixth Revised Sheet No. 10. The revised tariff sheet tendered herewith has been redesignated as Sixth Revised Sheet No. 10 to reflect the proper sequential designation of this tariff sheet. Sixth Revised Sheet No. 10 is proposed to become effective as of April 1, 1975, without suspension.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person

wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6981 Filed 3-17-75;8:45 am]

[Docket No. CP75-107]

NORTHWEST PIPELINE CORP.

Petition to Amend Order and for Waiver of Regulations

MARCH 11, 1975.

Take notice that on February 14, 1975, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-107 a petition to amend the order issued in the subject docket on January 2, 1975, pursuant to section 7(c) of the Natural Gas Act by increasing the total and single project costs of gas purchase facilities to be constructed by Northwest during the calendar year 1975. Northwest further requests a waiver of § 157.7(b)(1)(ii) of the Commission's regulations (18 CFR 157.7(b)(1)(ii)) to permit the construction of a single gas purchase facility project at a cost not to exceed $2,000,000. Northwest's proposals are more fully set forth in the petition which is on file with the Commission and open to public inspection.

Northwest states that pending final disposition of the proceeding in Docket No. RM75-2, it requested in its application in the subject docket budget-type authorization to construct and operate gas purchase facilities with a total expenditure not to exceed $4,000,000 and the cost of a single project not to exceed $1,000,000. Such authorization was granted by the order of January 2, 1975.

Subsequently, by Order No. 522 issued January 16, 1975, in Docket No. RM75-2, the Commission amended §§ 157.7 of the regulations (18 CFR 157.7) and 2.58 of the General Policy and Interpretations (18 CFR 2.58) which relate to budget-type certificates. Sections 157.7(b)(1) and 2.58(a) were amended to provide that the total estimated cost of gas purchase facilities proposed in a budget type application may not exceed 2 percent of an applicant's gas plant (Account 101, Uniform System of Accounts) or $12 million, whichever is the lesser, and the cost of a single project may not exceed 25 percent of the total budget amount or $1,500,000, whichever is the lesser.

Northwest states that the purpose of its petition is to amend the order issued January 2, 1975, in the subject proceeding, a) to increase from $4,000,000 to $6,000,000 the maximum amount which Northwest may expend on gas purchase facilities during the calendar year 1975, b) to provide that the cost of gas purchase facilities for one single project may not exceed $2,000,000 and c) to provide that the cost for all other single project facilities be increased from $1,000,000 to $1,500,000. Northwest claims that the increase in annual expenditure and single project cost as proposed will provide Northwest additional flexibility in negotiating for and attaching new supplies of natural gas.

Northwest further states that the grant of a waiver of § 157.7(b)(1)(ii) to permit the construction of a single project at a cost not to exceed $2,000,000 will permit Northwest actively to compete for new gas reserves in a more extensive area and to connect such reserves as may be acquired without undue delay. Northwest claims that the request for waiver is justified in part by the fact that geography and topography of the Rocky Mountain region serves to increase the cost of constructing pipeline facilities over that which would be experienced in most other on-shore producing areas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 24, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6982 Filed 3-17-75;8:45 am]

[Docket No. E-9300]

OTTER TAIL POWER CO.

Revised Billing

MARCH 11, 1975.

Take notice that on March 3, 1975, Otter Tail Power Company (Otter Tail) tendered for filing material connected with the annual review of payments made by Cooperative Power Association (Coop). Otter Tail states that the filing is in compliance with Commission letter of March 31, 1971.

A copy of the filing has been sent to the Coop. The proposed effective date of the new billing is April 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 March 25, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6983 Filed 3-17-75;8:45 am]

[Project No. 1354]

PACIFIC GAS AND ELECTRIC CO.

Application for Change in Land Rights

MARCH 12, 1975.

Public notice is hereby given that application was filed December 4, 1974, and supplemented January 23, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by the Pacific Gas and Electric Company (correspondence to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for change in land rights for constructed Crane Valley Project No. 1354, located on the North Fork of Willow Creek, a tributary of the San Joaquin River, in Madera and Fresno Counties, California.

Licensee seeks Commission approval of the issuance of right-of-way easements to Madera County and to the United States Forest Service for the purpose of constructing a sewage disposal system at Bass Lake reservoir in the Crane Valley Development of Project No. 1354.

Bass Lake is a storage reservoir impounded on the North Fork of Willow Creek, a tributary of the San Joaquin River, in Madera County. The reservoir is approximately 4 miles long and ½ mile wide and contains approximately 45,000 acre-feet of storage capacity with 1,165 acres of water surfaces at normal full pool elevation 3,376 feet m.s.l.

Madera County proposes to construct sewage collection, trunk, disposal, and treatment facilities to service the developed areas on the Northeastern shoreline of the lake in the east central part of the County.

The Forest Service proposes to construct sewage collection facilities to service its developments on the Southeastern shoreline of the lake. The collection facilities would connect to Madera County's treatment and disposal facility to be located at the northwestern end of the lake.

The Forest Service would construct and retain ownership of its sewage collection facilities, but Madera County would operate the entire sewage system.

All proposed sewer lines would generally follow the shoreline and be buried to a minimum depth of three feet. Increased water supplies to complement the sewer system would be drawn from elsewhere in the Crane Valley watershed; no water would be drawn from or effluent discharged into Bass Lake.

Madera County has established the Bass Lake Sewer Service Area as a result of the California Regional Water Quality Control Board, Central Valley Region's establishment of detailed standards of water quality in Bass Lake and Willow Creek, and a later resolution banning leaching or percolation sewage

systems within the Bass Lake Sewer Service Area. Such systems are not to be built after January 1, 1974, and existing old systems are to be eliminated by July of 1977.

The proposed sewage system would eliminate existing and future pollution of Bass Lake and Willow Creek due to leaking vault-type toilets, inadequate leach fields and septic tanks, direct disposal of waste water on the land surface; and would prevent the degradation and slow the eutrophication of Bass Lake.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6997 Filed 3-17-75;8:45 am]

[Docket No. E-8927]

PENNSYLVANIA POWER AND LIGHT CO.

Extension of Procedural Dates

MARCH 10, 1975.

On February 18, and February 28, 1975, Ephrata, *et al.* filed motions to extend the procedural dates fixed by order issued September 20, 1974, in the above-designated matter. On March 7, 1975, Ephrata, *et al.* filed a motion, with the agreement of other parties, to postpone the hearing date.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, March 7, 1975.
Service of Company Rebuttal, April 1, 1975.
Hearing, April 22, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6984 Filed 3-17-75;8:45 am]

[Docket No. CI75-112]

SHELL OIL CO.

Withdrawal

MARCH 11, 1975.

On January 23, 1975, Shell Oil Company filed a withdrawal of its application filed August 21, 1974 in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application became effective February 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6985 Filed 3-17-75;8:45 am]

[Docket No. RP72-121; PGA75-5]

SOUTHWEST GAS CORP.

Filing of Tariff Sheets

MARCH 10, 1975.

Take notice that on February 14, 1975, Southwest Gas Corporation (Southwest) tendered for filing Ninth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its purchased gas adjustment clause in Section 9 of its General Terms and conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by, and will compensate Southwest only for, increases in the cost of purchased gas which will become effective on or before April 1, 1975, applied to the volumes purchased for the twelve (12) month period ended December 31, 1974.

Southwest has requested an effective date of April 1, 1975, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company, and the California Pacific Utilities Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6986 Filed 3-17-75;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Petition to Amend

MARCH 11, 1975.

Take notice that on February 28, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185 a petition to amend the order issued in the subject docket on June 22, 1970 (43 FPC 937), pursuant to section 7(c) of the Natural Gas Act by authorizing changes in the daily volume limitations at Petitioner's points of delivery of natural gas to Commonwealth Gas Company (Commonwealth), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it is presently serving Commonwealth a contracted demand of 55,386 Mcf of natural gas per day subject to the following daily volume limits by delivery point:

	Daily volume limits (14.73 lbs/in²a) (thousand cubic feet)
Delivery point:	
Worcester	40,802
Farnumsville	2,942
Hopkinton	21,834
Hudson	9,188
	74,766

Petitioner points out that the total of the daily volume limits exceeds Commonwealth's contracted demand of 55,386 Mcf per day in order to provide Commonwealth with operational flexibility among delivery points; however, Commonwealth is not entitled to take on any day a total of more than 55,386 Mcf at the several delivery points.

Petitioner requests that the daily volume limits be increased to permit Commonwealth to deliver increased quantities of gas to its liquefied natural gas facility during the summer and to use more efficiently volumes delivered by Petitioner in the winter for residential heating.

The requested increased daily volume limits are as follows:

	(14.73 lb/in²a) (thousand cubic feet)
Delivery point:	
Worcester	52,000
Farnumsville	6,000
Hopkinton	30,000
Hudson	11,000
	99,000

Based upon information from Commonwealth, Petitioner avers that the re-

quested increases will assist Commonwealth in assuring continued service to its high-priority customers. Petitioner states that the instant proposal does not entail an increase in contracted demand and will not affect Petitioner's ability to render natural gas service to its other customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 28, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6987 Filed 3-17-75;8:45 am]

[Docket No. RP71-11, *et al.*; PGA 75-3 and PGA 75-4]

TENNESSEE NATURAL GAS LINES, INC.

Proposed Rate Changes

MARCH 11, 1975.

Take notice that on March 3, 1975, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective March 1, 1975, consisting of the following revised tariff sheets: Tenth Revised Sheet No. PGA-1, and Fifth Revised Sheet No. PGA-2 (PGA 75-3).

Tennessee Natural states that the sole purpose of the tariff sheets tendered for filing is to track the rate filing of its sole supplier, Tennessee Gas Pipeline Company (Tennessee), made on February 28, 1975, proposed to be effective March 1, 1975.

Tennessee Natural requests waiver of the Commission's notice requirements so as to allow the above-listed tariff sheets to become effective March 1, 1975, the same date as Tennessee's.

Take further notice that in the same filing, Tennessee Natural tendered for filing alternative proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on March 15, 1975, consisting of the following revised tariff sheets: Eleventh Revised Sheet No. PGA-1, Substitute Eleventh Revised Sheet No. PGA-1; and Sixth Revised Sheet No. PGA-2, Substitute Sixth Revised Sheet No. PGA-2 (PGA 75-4).

Tennessee Natural states that the sole purpose of the sheets tendered for filing is to track, alternatively, the additional alternate rate filings of its sole supplier, Tennessee, made on February 28, 1975, which rate filings by Tennessee are proposed to be effective March 15, 1975.

Tennessee Natural proposes that the appropriate set of tariff sheets tendered for filing (depending upon which filing by Tennessee is allowed to become effective) become effective on March 15, 1975 and requests waiver of all necessary notice requirements in order to allow such sheets to become effective on such date.

Tennessee Natural states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 March 28, 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.75-6988 Filed 3-17-75;8:45 am]

[Docket No. RP74-41; PGA75-5a]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MARCH 10, 1975.

Take notice that Texas Eastern Transmission Corporation (TETCO) on February 28, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Eighth Revised Sheet No. 14.
Substitute Eighth Revised Sheet No. 14A.
Substitute Eighth Revised Sheet No. 14B.
Substitute Eighth Revised Sheet No. 14C.
Substitute Eighth Revised Sheet No. 14D.

TETCO states that these sheets are issued pursuant to the purchased gas cost adjustment provision contained in Section 23 of the General Terms and Conditions of TETCO's FPS Gas Tariff, Fourth Revised Volume No. 1, and that the change in TETCO rates proposed by this filing reflects a change in the cost of gas purchased from one of TETCO's pipeline suppliers, Texas Gas Transmission Corporation. TETCO further states that in addition, this filing incorporates changes occasioned by Texas Eastern's filing of February 24, 1975, reflecting cost increases pursuant to Opinion No. 699-H. The proposed effective date of the above tariff sheets is April 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6989 Filed 3-17-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

MARCH 10, 1975.

On February 14, 1975, Texas Gas Transmission Corporation filed a motion to extend the procedural dates fixed by order issued October 30, 1974, as most recently modified by notice issued February 18, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony (Unchanged), March 26, 1975.
Service of Intervenor's Testimony, April 30, 1975.
Service of Company Rebuttal, May 21, 1975.
Hearing, June 4, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6990 Filed 3-17-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Motion To Substitute and To Place Tariff Sheets into Effect

MARCH 10, 1975.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on February 26, 1975, filed a motion to substitute the following revised tariff sheets in lieu of the tariff sheets which were originally filed in the captioned proceeding on September 30, 1974, and suspended by the Commission's order issued October 30, 1974 until April 1, 1975:

Third Revised Volume No. 1

Substitute Eleventh Revised Sheet No. 7, Substitute Third Revised Sheet No. 102.

Original Volume No. 2

Substitute Seventh Revised Sheet Nos. 333 and 363, Substitute Sixth Revised Sheet Nos. 362 and 365.

Texas Gas also moves to place the substitute tariff sheets in effect on April 1, 1975 in accordance with the provisions of section 4(e) of the Natural Gas Act.

Texas Gas states that the principal purpose of the filing is to provide, in the rates to be collected subject to refund in the instant proceeding from and after April 1, 1975, certain increases in cost

of gas purchased which are reflected in Texas Gas' filing of February 18, 1975, and which were not included in the original filing.

Texas Gas further states that copies of the foregoing were served upon the Company's jurisdictional customers and interested state commissions as well as non-customer intervenors.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 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 and 1.10). All such petitions or protests should be filed on or before March 20, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6991 Filed 3-17-75;8:45 am]

[Docket No. RP73-35; PGA75-2]

TRUNKLINE GAS CO.

Change in Tariff

MARCH 10, 1975.

Take notice that on February 27, 1975, Trunkline Gas Company (Trunkline) tendered for filing Twelfth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1. An effective date of April 1, 1975 is proposed.

The company states that, in accordance with Paragraph (D) of the Commission's Opinion No. 699-H issued December 4, 1974, this filing reflects all increases in purchase gas costs attributable to the national rate which are in effect pursuant to filings made by natural gas producers on or before January 31, 1975 under § 2.56a(j) of the Commission's rules of practice and procedure. No other increases in purchase gas costs are included in this filing.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6992 Filed 3-17-75;8:45 am]

[Docket No. E-9295]

UNITED ILLUMINATING CO.

Application

MARCH 11, 1975.

Take notice that on February 28, 1975, The United Illuminating Company (UI) filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire certain transmission line facilities of The Connecticut Light and Power Company (CL&P) and The Rocky River Realty Company (RR). The consideration for said facilities is a cash payment of $6,698,195.

UI is a public utility incorporated in Connecticut and furnishing electric service in portions of New Haven County and Fairfield County, Connecticut. It seeks authority to purchase a 345 KV/115 KV double circuit transmission line, extending from the Town of North Branford, Connecticut, a distance of 6.1 miles to the City of New Haven, Connecticut. The transmission line was constructed by CL&P and RR, and was energized in August, 1974. UI states that the purchase price of the transmission line is its original cost to CL&P and RR.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-6993 Filed 3-17-75;8:45 am]

[Docket No. E-9156]

WISCONSIN PUBLIC SERVICE CORP.

Filing of Corrected Data

MARCH 11, 1975.

Take notice that on February 21, 1975, Wisconsin Public Service Corporation (Wisconsin) tendered for filing corrections to previously filed sales and revenue data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 March 26, 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.75-6994 Filed 3-17-75;8:45 am]

FEDERAL RESERVE SYSTEM

BURLINGAME BANKSHARES, INC.

Order Approving Acquisition of First State Insurance Agency

Burlingame Bankshares, Inc., Burlingame, Kansas ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of First State Insurance Agency, Burlingame, Kansas ("Agency"). Applicant would thereafter engage in the conduct of a general insurance agency business that would include the sale of credit-related life and disability insurance, life insurance, mortgage redemption insurance, homeowners' insurance, fire, liability, theft, automobile and surety insurance in a community of less than 5,000 people. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

This application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(32) of Rules Regarding Delegation of Authority.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 4 of the Act (40 FR 3340). The time for filing comments and views has expired and none has been received. This Reserve Bank has considered the application and in light of the public interest factors set forth in section 4(c)(8) of the Act.

Applicant controls one bank, First State Bank, Burlingame, Kansas ("Bank"), with deposits of $7.6 million, representing less than .2 percent of the total deposits in commercial banks in Kansas (all banking data are as of June 30, 1974).

Agency is a general insurance agency and conducts its business from the premises of the subsidiary bank in Burlingame. The continued availability of these services through Applicant assures the residents of the Burlingame area a convenient source of insurance agency services, which factor this Reserve Bank regards

as being in the public interest. Since the proposal represents merely a restructuring of the present ownership of Agency,[1] it does not appear that Applicant's acquisition of Agency would have any significant effect on existing or potential competition, and there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

The financial condition, managerial resources and future prospects of Bank and Applicant are regarded as satisfactory and consistent with approval of the application.

Based on the foregoing and other considerations reflected in the record, this Reserve Bank has determined, in accordance with the provisions of section 4(c)(8), that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to acquire Agency should be approved.

Accordingly, pursuant to authority delegated by the Board, this Federal Reserve Bank approves the application for the reasons summarized above. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 5, 1975.

[FR Doc.75-6945 Filed 3-17-75;8:45 am]

MORAMERICA FINANCIAL CORP.

Order Approving Acquisition and Retention of Insurance Agency Activities

MorAmerica Financial Corporation, Cedar Rapids, Iowa, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire and retain certain insurance agency activities pursuant to its merger with Bezanson Investments, Inc., Cedar Rapids, Iowa ("Bezanson"). Such activities have been previously determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 44814 (1974)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the 14th largest banking organization in Iowa, controls two banks with aggregate deposits of $45.6 million, representing approximately 0.5 percent of the total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries engage in Morris Plan financing, mortgage lending, personal property leasing, operating a small business investment company, conducting a travel agency business, owning, leasing and developing real property, and acting as an agent for the sale of credit-related insurance and insurance for the holding company system.[2]

By Order dated October 1, 1974 (39 FR 36391 (1974)), the Board conditionally approved an application by Applicant to merge with Bezanson, pursuant to section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)). Bezanson had operated a general insurance agency from its office in Cedar Rapids, Iowa, from the date of its organization in July, 1957. In addition, Bezanson had owned and controlled 40.77 per cent of Applicant's outstanding voting shares, although Bezanson was exempt from the prohibitions of section 4 of the Act by virtue of section 4(c)(ii) thereunder (12 U.S.C. 1843(c)(ii)). The insurance agency activities of Bezanson had encompassed the sale of fire and casualty insurance, life insurance, credit life insurance, and credit accident and health insurance, all of which had been offered to the general public through the operation of 17 offices in Iowa, Illinois, and Wisconsin. Inasmuch as the Board, in § 225.4(a)(9) of Regulation Y, had previously determined the scope of insurance agency activities in which bank holding companies may engage, the Board's Order approving Applicant's merger with Bezanson was conditioned upon Applicant restricting itself to those permissible activities for a period of only 90 days after consummation of the merger, unless, within said 90 days, Applicant applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) to retain them. Applicant has done so by filing the instant application. On January 2, 1975, upon consummation of its merger with Bezanson, Applicant did not commence those insurance sales activities which did not conform to § 225.4(a)(9).

As consummation of the merger between Applicant and Bezanson occurred on January 2, 1975, this application merely represents Applicant's request to continue the insurance agency activities of Bezanson which are permissible for bank holding companies pursuant to § 225.4(a)(9) of Regulation Y. Inasmuch as Applicant only proposes to continue to engage in an activity previously engaged in for a number of years by its former parent, and as Applicant prior to its merger with Bezanson engaged in no other insurance activities and currently engages in no insurance agency activities other than those for which it now seeks approval to continue, Applicant's continued provision of these services would not have any significantly adverse effects on actual competition. Further, in view of the respective sizes of Applicant and its insurance operations, and the facts that Applicant would be offering only a limited type of insurance at its 17 offices, and that there are a number of competing agencies already near those offices, it does not appear that consummation of this proposal would result in any adverse effects.

Approval of this application would allow Applicant to continue to engage in the permissible insurance activities of its former parent organization and would enable the public to continue to purchase credit insurance conveniently at Applicant's credit-granting offices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective March 10, 1975.

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

[FR Doc.75-6946 Filed 3-17-75;8:45 am]

NEW ENGLAND MERCHANTS CO., INC.

Order Approving Acquisition of Bank

New England Merchants Company, Inc., Boston, Massachusetts, a bank hold-

[1] Applicant's principal shareholder and president has operated Agency on Bank's premises for over 10 years and has been the managing officer of the subsidiary bank since its organization in 1940.

[1] All banking data are as of June 30, 1974, unless otherwise indicated.

[2] Applicant has committed itself to divest its travel agency by 1976 and its real estate activities by 1979. These commitments were made by Applicant in connection with the Board's consideration of its application to acquire shares of First Trust and Savings Bank, Wheatland, Iowa, and are referred to in the Board's Order in that case (39 FR 8660 (1974)).

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Coldwell. Absent and not voting: Governors Bucher and Wallich.

ing company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The Fall River National Bank, Fall River, Massachusetts ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the accquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set for in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the fifth largest banking organization in Massachusetts and controls two banks with aggregate deposits of $987.2 million, representing approximately 6.7 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank would increase Applicant's share of deposits by approximately three-tenths of 1 percent, while Applicant's rank among the State's banking organizations would remain unchanged.

Bank (with deposits of $48.9 million) is the third largest of seven commercial banks in the Fall River banking market and controls approximately 23.8 percent of total commercial bank deposits in this market.[2] Applicant's closest banking subsidiary to Bank is located 46 miles away and there is no significant existing competition between either of Applicant's subsidiary banks and Bank, nor does it appear that it is likely that any such competition would develop in the future. Furthermore, Applicant is prevented from entering the relevant market via branching due to Massachusetts law which prohibits branching outside of a bank's home office county and de novo entry is not likely in view of the economic characteristics of the area. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.[3]

The overall financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are consistent with approval of the application. In regard to considerations relating to the convenience and needs of the community to be served, Applicant indicates that the economy of the Fall River area has been declining. Although Bank is in sound financial condition, affiliation of Applicant with Bank would enable Applicant to inject capital into Bank to enable it to serve as a more flexible banking organization in the Fall River area, which is in need of additional bank credit at the present time. In this connection, Applicant proposes to increase Bank's loan-to-deposit ratio as well as to provide Bank with access to more loan participations and to Applicant's expertise in financial plans for both small business and building construction. These considerations relating to the convenience and needs of the community to be served lend significant weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 10, 1975.

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

[FR Doc.75-6947 Filed 3-17-75;8:45 am]

[1] All banking data are as of June 30, 1974, and reflect bank holding company acquisitions and formations approved through October 31, 1974.

[2] The Fall River banking market encompasses the towns of Swansea, Somerset and Westport, and the city of Fall River, all located in Bristol County, Massachusetts; and the town of Tiverton, located in Newport County, Rhode Island.

[3] The Board notes that one of Applicant's nonbanking subsidiaries, New England Merchants Realty Corporation, Boston, Massachusetts, is engaged in real estate construction and mortgage lending, and has a loan for $2.8 million outstanding in Bank's service area. To the extent that this company is an alternative source of financing to that offered by a bank, some competition may be eliminated by consummation of this proposal. However, Bank has no loans greater than $1 million and, therefore, is not directly competing for the same business as serviced by this subsidiary. Thus, any competition eliminated by approval of this application appears to be de minimus.

[4] Voting for this action: Vice Chairman Mitchell and Governors Wallich and Coldwell. Voting against this action: Governors Bucher and Holland. Absent and not voting: Chairman Burns and Governor Sheehan.

GENERAL ACCOUNTING OFFICE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Receipt of Regulatory Reports Review Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 10, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 7, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request for clearance of a statistical survey covering reporting and recordkeeping requirements for EEOC Form 221, "Higher Education Staff Information" (EEO-6). The filing of this report is required of all institutions of higher learning with 15 or more employees which are subject to Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. Frequency is every other year, and the average annual respondent burden is estimated at 5 hours per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-7091 Filed 3-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Receipt of Regulatory Reports Review Proposal

The following request for clearance of an application requirement for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 7, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 4, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General

Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for review and clearance of a new FCC application requirement "§ 97.41(f) of FCC Rules—Application for Special Event Station License". An Advanced Class or Amateur Extra Class licensee may now apply for a new short term amateur license for the purpose of celebrating or commemorating an event that is unique, distinct and of general interest to the public or to amateur operators for the purpose of bringing public notice to the Amateur Radio Service. Applications will be submitted to the FCC by letter for a license to operate one special event station for the period of a celebration, but not to exceed 30 days unless extraordinary circumstances are shown. It is estimated that a maximum of ten minutes would be required of an applicant to complete the information necessary for an application. It is also estimated that the FCC will receive 100 applications annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–7092 Filed 3–17–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Regulatory Reports Review; Receipt and Approval of Proposed Public Notice

The following request for clearance of a proposed notice intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 6, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request was made for approval of the Notice of Requirement that Major Fuel Burning Installations Identify Themselves to FEA. The notice requires all fossil-fuel fired installations (other than power plants) that have a design firing rate equal to or greater than 100 million BTU's per hour provide data on location and firing rate of each combuster at a location.

The Energy Supply and Environmental Coordination Act of 1974 authorizes FEA to issue mandatory orders to major fuel burning installations (other than power plants) to convert to coal under specific conditions. There is no complete listing of major fuel burning installations currently available; the notice is part of FEA's effort to identify this universe. The collected data will be used to select respondents for a more detailed questionnaire to be mailed at a later date.

Based on FEA's need for this information and the fact that respondent burden is minimal, GAO has provided clearance of this collection of information under number B–181254 (S75020). This clearance expires April 30, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–7094 Filed 3–17–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

Receipt of Regulatory Reports Review Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 6, 1975. See 44 U.S.C. 3512(c) & (4). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed SEC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 4, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

SECURITIES AND EXCHANGE COMMISSION

Request for review and clearance of an extension (no change) of Form R–4I, "Private Pension Plans". The questionnaire is voluntary and is used annually by the Securities and Exchange Commission to collect from corporations, unions and multi-employer groups as sponsors of pension plans, information for its annual survey of pension funds. The form requests information on the total assets and investment management fees distributed by type of investment manager; total assets and own company common stockholdings distributed by type of plan; receipts and disbursements; and employee coverage. The respondent burden is estimated to be 3 hours per response. The sample will consist of approximately 3600 respondents.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–7093 Filed 3–17–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

INDEXES PROVIDING IDENTIFYING INFORMATION

In accordance with section 1(a) of Pub. L. 93–502, approved November 21, 1974, amending 5 U.S.C. 552a(2)(c), the Commission has determined that quarterly, or more frequent, publication of indexes of the Commission's final opinions and orders, statements of policy and interpretations, and administrative manuals and instructions is unnecessary and impracticable. Such indexes shall be available for public inspection and copying in the Office of the Secretary, United States International Trade Commission, Washington, D.C. 20436.

By order of the Commission.

Issued: March 4, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75–6930 Filed 3–17–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75–20]

NASA SPACE PROGRAM ADVISORY COUNCIL

Change of Agenda

On March 5, 1975, an announcement of a meeting of the NASA Space Program Advisory Council was published in the FEDERAL REGISTER. That announcement specified that an executive session, scheduled from 2:15 p.m. to 4 p.m. on March 26, 1975, would be closed to the public. That session is now scheduled as an open session. This and other changes in the agenda for the meeting are set forth in the following schedule. Time and place of the meeting are unchanged. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755–8433.

Item, Time and Topic	
MARCH 25, 1975	
1. 9 a.m.	*Opening Remarks.* This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
2. 9:15 a.m.	*NASA Budget Status.* The status of the NASA budget will be reviewed. The extent of the FY 1975 budget deferrals and the contents of the FY 1976 budget proposals will be described and their respective implications outlined. The prospects for the FY 1977 budget and its schedule will be reviewed. The Council will be asked to study the issues considered to be important and to give their views on how best to resolve them at the next SPAC meeting.

12 Noon		*Lunch.*
3. 1:15 p.m.		*Stratospheric Research.* The Council will be briefed on recent developments in the NASA Stratospheric Research Program. The contents of the program will be reviewed, including elements related to space shuttle environmental effects, effects of high altitude aircraft, and effects of chlorofluoromethanes. The relation of this program to programs of other parties and to national needs for stratospheric research will be described, along with the elements of NASA's organization for stratospheric research. The Council is asked to advise NASA on the adequacy of this program in the light of national needs.
4. 2 p.m.		*Outlook for Space.* A report on the status of the planning study, "Outlook for Space," will be provided for the information of the Council.
5. 2:45 p.m.		*SPAC Ad Hoc Subcommittee on Scientist Astronauts.* The subcommittee will report on its study to the Council and, if its final report is complete, will provide it for the Council's consideration.
6. 3:30 p.m.		*Spacelab Mission Objectives.* The status of plans for the first Spacelab mission will be described to the Council. SPAC will be asked to comment on the experiment objectives that are being established by the joint NASA-ESRO planning activity for this mission.
4:15 p.m.		*Adjourn.*

MARCH 26, 1975

7. 8:30 a.m.		*US/USSR Cooperative Programs.* The status of and prospects for US/USSR Cooperative Programs will be described for the information of the Council. Included will be summaries of present cooperative programs, new programs being developed, and proposals for future cooperation. A description of the overall framework for the Apollo-Soyuz Test Program (ASTP) will also be included.
8. 9:15 a.m.		*ASTP Status Report:* The Council will be presented a report on the specific technical status of the ASTP US/USSR joint docking mission, scheduled for launch in Summer, 1975.
9. 10 a.m.		*Standing Committee Reports.* The four standing committees of the Council will report on their activities since the last SPAC meeting. Recommendations of each Committee to SPAC and to the Association Administrator will be summarized for the Council and the Council will consider its own position on each recommendation.
10. 12 noon		*SPAC Working Session* The Council, in working session, will discuss the subjects and issues raised during the previous sessions. The issues and SPAC views on them will be summarized for feedback to NASA; issues requiring further study will be identified and arrangements made for their consideration.
1 p.m.		*Lunch.*
11. 2:15 p.m.		*Summary Session.* The SPAC will report to NASA management on its views of the issues raised during the previous sessions of the meeting. Recommendations on appropriate courses of action will be provided to NASA.
4 p.m.		*Adjourn.*

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MARCH 11, 1975.

[FR Doc.75-7052 Filed 3-17-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 3–5, 1975, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, APRIL 3, 1975

11 a.m.–12 noon. Meeting with NRC Staff to hear presentations and to discuss recent reactor operating experience, recent licensing actions, and reactor operator requalification programs.

1 p.m.–5 p.m.—Fulton Station. The Committee will meet with representatives of the Philadelphia Electric Company and the NRC Staff to hear presentations and hold discussions regarding the application for a Construction Permit for this facility. Portions of this session will be closed if required to discuss proprietary information related to the design, construction, and/or operation of this facility. Closed portions will also be held if necessary to discuss security arrangements for this plant and for Committee deliberative sessions.

FRIDAY, APRIL 4, 1975

10 a.m.–1 p.m.—Clinton Power Station Units 1 and 2. The Committee will hear presentations by and hold discussions with representatives of the Illinois Power Company regarding a Construction Permit for Units 1 and 2 at this Station.

Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this facility. Closed portions will also be held if necessary to discuss security arrangements for this facility and for Committee deliberative sessions.

3:30 p.m.–6 p.m.—Fast Flux Test Facility. The Committee will meet with representatives of the Project Management Corporation, the ERDA Staff and the NRC Staff to hear presentations and hold discussions regarding the design and construction of this facility.

Closed portions of this session will be held if necessary to discuss proprietary material related to the design, construction and/or operation of this facility.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552 (b)(5). Any nonexempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item

may do so by mailing 25 copies thereof, postmarked no later than March 26, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and as follows:

SUMMIT POWER STATION

Mrs. L. J. Brown, Librarian, Newark Free Library, Elkton Road & Delaware Avenue, Newark, Delaware 19711.

CLINTON POWER STATION

Mrs. Malinda McKinley, Librarian, Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 2, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m. Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on April 2, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in sessions.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. on or after July 4, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: March 13, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75–7089 Filed 3–17–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON SYSTEMS ANALYSIS OF ENGINEERED SAFETY FEATURES

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Working Group on Systems Analysis of Engineered Safety Features (ESF) will hold a meeting on April 2, 1975 in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of current methods in use within the Regulatory Staff for Systems Analysis of ESF.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

Wednesday, April 2, 1975—9 a.m. until the conclusion of business. The Working Group will hear presentations by representatives of the NRC Staff and will hold discussions with the Staff pertinent to its review of present Staff methods for Systems Analysis of nuclear plants and will also discuss with the Staff possible additional measures which might be desirable to enhance the usefulness of these analyses.

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above presentations and discussions. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Working Group members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Working Group may hold closed sessions with representatives of the NRC Staff and its consultants for the purpose of discussing preliminary opinions and views concerning Systems Analysis of ESF, if necessary.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Working Group operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 25, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group between the hours of 1:30 p.m. and 3:30 p.m. on April 2, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 31, 1975 to the Office of the Executive Secretary of the Committee (telephone 202–634–1371) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 4, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street N.E., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 after July 2, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: March 13, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75–7110 Filed 3–17–75;8:45 am]

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC. & N.Y. STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY (WEST VALLEY REPROCESSING PLANT)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Dr. Lawrence R. Quarles, Member

Dated: March 12, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75–7087 Filed 3–17–75;8:45 am]

[Dockets Nos. STN 50–522; STN 50–523]

PUGET SOUND POWER AND LIGHT CO., ET AL.

Prehearing Conference

In the matter of Puget Sound Power and Light Company, Pacific Power and Light Company, the Washington Water Power Company, Idaho Power Company, and Washington Public Power Supply System (Skagit Nuclear Power Project, Units 1 and 2).

The Atomic Safety and Licensing Board has been advised by the parties through their attorneys that all are available for a special prehearing conference to be convened on Tuesday, April 15, 1975 in Bellingham, Washington.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission,[1] particularly § 2.751(a) of 10 CFR, that a special prehearing conference in this proceeding shall convene at 9 a.m. on Tuesday, April 15, 1975 in Room 218 of the Federal Building at 104 West Magnolia Street, Bellingham, Washington 98225.

This prehearing conference will consider suggestions from the attorneys for the parties and the Atomic Safety and Licensing Board will determine the procedural schedules and arrangements for the evidentiary hearing, the date for which will be designated by a later order. No evidence, nor statements by way of limited appearance from members of the public, will be received at the prehearing conference but such statements will be received at the evidentiary hearing. Members of the public are invited to attend the special prehearing and all conferences, however, as well as the evidentiary hearing.

Issued March 12, 1975 Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–6940 Filed 3–17–75;8:45 am]

[Dockets Nos. 50–259, 50–260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR–33 and Amendment No. 4 to Facility Operating License No. DPR–52 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of their date of issuance.

The amendments permit (1) a change in the power level above which operable control rods must be exercised weekly, (2) a change in the power level to which the Intermediate Range Monitor is calibrated on controlled shutdowns, (3) combining sub-sections 3.8.A.3.a and 3.8.A.3.b of the Technical Specifications into one sub-section 3.8.A.3.a, and (4) the addition of a footnote to page 136 of the Technical Specifications which would permit substitution of Residual Heat Removal Service Water (RHRSW) pump A3 and A1 and RHRSW pump C3 for C1.

The applications for these amendments comply 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 1, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendments dated September 20, 1974, December 13, 1974, December 17, 1974, and January 14, 1975, (2) Amendment No. 7 to License No. DPR–33 and Amendment No. 4 to License No. DPR–52 with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

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 11th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–7088 Filed 3–17–75;8:45 am]

---

[1] The Nuclear Regulatory Commission is the nuclear power licensing and regulatory organization successor to the Atomic Energy Commission by virtue of legislation enacted by the Congress by Public Law 93–438.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR CHEMISTRY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Chemistry to be held at 9 a.m. on April 3 and 4, 1975, in room 540 at 1800 G Street, NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations concerning the state-of-the-art and the role of the National Science Foundation in support of research in Chemistry. The agenda for this meeting shall include the following discussion topics.

APRIL 3, 1975

9—Introduction—Acting Head, Chemistry Section.

9:15—National Resource for Computation in Chemistry (NRCC).

11—Continued Discussion of NRCC with the attendance of Representatives of the National Research Council, NRCC Planning Committee.

Noon—Adjourn for Lunch.

1:30—The NSF Fiscal Year 1976 Budget—Division Director, MPS.

2—The Energy Research and Development Agency.

2:45—National and International Programs at the NSF.

4—Applicants for Chemistry Section Head Position.
5—Adjourn.

APRIL 4, 1975

9—The Research Directorate at the NSF.
9:45—Report on the New Research Directorate Office of Planning, Coordination and Evaluation—Head, Office of Planning, Coordination and Evaluation.
10:30—Future Trends in Chemistry.
Noon—Adjourn for Lunch.
1—Continued Discussion of Future Trends in Chemistry.
3—Potential Centers in Chemistry and/or Chemical Related Fields.
4:15—Agenda for Next Meeting and Discussion of New Panel Members.
5—Adjourn.

The session of April 3 from 9 a.m. to 4 p.m. and the entire session on April 4 will be open to the public. The afternoon portion (4 to 5 p.m.) of the April 3 session will not be open to the public based upon a determination by the Director of the National Science Foundation dated March 7, 1975. The closed portion is concerned with personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(b)(6)).

Those persons interested in attending the open portions of this meeting or who would like more information about this Panel should contact Dr. O. William Adams, Acting Head, Chemistry Section (202/632-4262) Rm. 346, National Science Foundation, Washington, D.C. 20550. Summary minutes of the open portion of the meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. 248, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

MARCH 13, 1975.

[FR Doc.75-7040 Filed 3-17-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS PROPOSAL REVIEW SUBPANEL ON SCIENCE AND ENGINEERING TECHNOLOGY EDUCATION PROGRAM

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Proposal Review Subpanel on Science and Engineering Technology Education Program to be held at 8:30 a.m. on April 7 and 8, 1975, in room 651, 5225 Wisconsin Avenue NW., Washington, D.C.

The purpose of this Subpanel is to review and evaluate specific education proposals submitted to the Science and Engineering Technology Education Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual proposals. Also, 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), (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. William Adams, Program Manager, Materials and Instruction Development Section, Rm. 632-W, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7910.

R. GAIL ANDERSON,
Acting Committee Management Officer.

MARCH 10, 1975.

[FR Doc.75-7041 Filed 3-17-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS SUBPANEL ON MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM

Postponement of Announced Meeting

This announcement concerns the meeting of the Subpanel on Minority Institutions Science Improvement Program of the Advisory Panel for Science Education Projects which was published in the FEDERAL REGISTER on February 20, 1975, Vol. 40 No. 35 (FR Doc. 75-4586) pg. 7507.

The previously scheduled meeting of March 27 and 28, 1975, is postponed until April 17 and 18, 1975. The location will remain unchanged as will the agenda.

Any questions may be routed to Dr. Art Diaz, Program Manager, Instructional Improvement Implementation Section, Rm. 448-W, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7760.

MARCH 12, 1975.

R. GAIL ANDERSON,
Acting Committee Management Officer.

[FR Doc.75-7039 Filed 3-17-75;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 March 12, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Qualifications Inquiry, CSC 1232, CSC 1232-A, on occasion, business firms, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

National Bureau of Standards, WIC Participant Survey, NBS-1011, NBS-1012, NBS-1013, NBS-1014, NBS-1015, NBS-1018, single-time, program eligibles, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:
Surveys for the Evaluation of the EBCE Projects, NIE 104, single-time, individuals, Human Resources Division, 395-3532.
Pupil Change Study of the Documentation and Evaluation of the Experimental Schools Program for Small School Serving, NIE 108, annually, pupils in junior and senior high ES schools, Human Resources Division, 395-3532.
Information Resources Survey for Comprehensive Information for Education Study, 86B, single-time, information service organizations, Planchon, P., 395-3898.

Center for Disease Control, Directory on Smoking and Health Research, HSM 16.5, single-time, scientists engaged in smoking and health research, Collins, L., 395-3756.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Study to Determine the Extent of Compliance With Federal Fair Housing Regulations, single-time, developer/sponsor interview, Community and Veterans Affairs Division, 395-3532.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

National Significance of Urban and Non-Urban Attitudes and Perceptions Toward Environmental Quality—Volume I (Region), single-time, individuals, Weiner, N., 395-4890.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Tree Nut Buyers Inquiries, Other (see SF-83), pecan buyers, Lowry, R. L., 395-3772.
Seed Inquiries—Growers, annually, seed producers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Application for Training—Center for Disease Control, HSMO 319A, on occasion, individuals applying for CDC training, Lowry, R. L., 395-3772.

Office of the Secretary, Cumulative Quarterly Progress Report—Aging, OS-9-75, quarterly, grantee agency, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

National Park Service, In-County Interviews Great Smoky Mountain National Park Visitor Survey, single-time, park visitors, Planchon, P., 395-3898.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-7143 Filed 3-17-75;8:45 am]

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 March 13, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Application for Veterans Group Life Insurance (Veterans separated more than 120 days), VAF 29-8714, on occasion, veterans separated on or after August 1, 1974, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Farm Tractor and Equipment Price Survey, Annually, Farm Tractor and Equipment Dealers, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Organizational Change Study of the Documentation and Evaluation of the Experimental Schools Program for Small Schools Serving Rural Areas, NIE 107, Annually, Professional Personnel in 10 Rural School Districts, Human Resources Division, 395-3532.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

Coast Guard, Application for Waiver and Waiver Order (Navigation and Vessel Inspection Laws and Regulations), CG-2633, On Occasion, Evinger, S.K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-7192 Filed 3-17-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

ANTHRACITE HEALTH AND WELFARE FUND

Hearing and Invitation for Comments on Proposed Partial Termination

Notice is hereby given that on April 14, 1975, at 10 a.m. the Pension Benefit Guaranty Corporation (hereinafter "Corporation" or "PBGC") will conduct a hearing at the Interdepartmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. The purpose of the hearing is to allow interested persons to present their views and comments on the issues raised by the application of the Anthracite Health and Welfare Fund (hereinafter "Anthracite Fund" or "Fund"), a multiemployer pension plan, for benefits pursuant to section 4082(c) of the Employee Retirement Income Security Act of 1974 (hereinafter "ERISA"), 88 Stat. 1034-1035 (1974).

Section 4082(c) of ERISA provides generally that the Corporation shall not pay benefits guaranteed under Title IV of ERISA in the case of the termination of a multiemployer plan prior to January 1, 1978. However, that section also authorizes the PBGC in its discretion to pay guaranteed benefits with respect to multiemployer plan terminations prior to January 1, 1978, under the circumstances set out in paragraphs (2), (3), and (4) of section 4082.

In its application, the Anthracite Fund proposes:

1. that until January 1, 1978, the Fund cease benefit payments to some 6,300 retired participants. The retirees to be terminated had less than fourteen years of "classified" service after June 1, 1946 and retired from the employ of an employer who had ceased contributions to the Fund prior to January 1, 1975;

2. that the PBGC act as trustee through December 31, 1977 on behalf of the 6,300 participants whose benefits will be terminated;

3. That the PBGC make all benefit payments to which the 6,300 participants would be entitled under the terms of the Fund; and

4. that the Fund convey to the Corporation all claims it has as of the date of the proposed partial termination for payment of delinquent contributions due the Fund.

If benefits are guaranteed as proposed, the Fund estimates that PBGC will pay out $1.9 million in 1975, $2.3 million in 1976, and $2.2 million in 1977.

This is a case of first impression, involving millions of dollars, which requires the resolution of issues which may set an important precedent for the future. Because of the widespread interest which has been expressed in this case, the differing views which have been indicated, and the broad discretion granted the PBGC under section 4082(c) of the Act, the PBGC hereby invites interested persons to submit their views on the application of the Anthracite Fund and the range of possible PBGC responses to it.

A copy of the application and supporting documents will be available for inspection and copying between the hours of 8:15 a.m. and 4:45 p.m. at the Corporation's Offices located at 8701 Georgia Avenue, Silver Spring, Maryland, in Room 708.

Comments should be addressed to the Acting Executive Director, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044, mailed in an envelope marked "Anthracite Fund" in the lower left-hand corner and postmarked no later than midnight April 12, 1975. Three copies of any written comments should be submitted on 8½" x 11" paper, double-spaced, containing no more than 50 pages, including tables and appendices.

Interested persons who wish to present their views orally at the hearing must notify the Acting Executive Director at the above address by a letter postmarked not later than midnight April 3, 1975. The letter must identify the person or persons, labor organization, employer, or association wishing to be heard, should give the name and address of the representative who will appear, and the amount of time requested.

The Corporation will adopt a schedule of the order of presentation, and limit the duration of all presentations if the number of requests necessitates such action. Additional comments in response to the views expressed at the hearing and contained in the written submissions may be filed with the Corporation provided that those comments are mailed in an envelope postmarked no later than April 26, 1975.

Issued at Silver Spring, Maryland on March 12, 1975.

PENSION BENEFIT GUARANTY CORPORATION,
STEVEN E. SCHANES,
Acting Executive Director.

[FR Doc.75-7095 Filed 3-17-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

OCCUPATIONAL NOISE EXPOSURE

Review and Report Requested by EPA

On October 24, 1974, the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, published a Notice of Proposed Rulemaking (39 FR 37773) concerning revision of the occupational noise exposure regulations found at 29 CFR 1910.95. Briefly, OSHA proposed to retain the noise exposure limits now in effect, that is, a permissible exposure of 90 dBA as an eight hour time weighted average. The OSHA proposal, among other things, added monitoring and audiometric testing requirements beginning at 85 dBA, defined minimum requirements for hearing conservation programs and proposed new exposures limits to impulse or impact noise. Interested persons were invited to submit

written data, views and objections to the proposal and to request a hearing.

On December 18, 1974, the Administrator of EPA, acting under the authority of section 4(c)(2) of the Noise Control Act of 1972 (86 Stat. 1236, 42 U.S.C. 4903), published a notice in the FEDERAL REGISTER requesting that the Secretary of Labor review the proposed occupational noise exposure regulation and report to the Administrator within 90 days on the advisability of revising the regulation (39 FR 43802). In his request, the Administrator suggested a number of revisions to the proposal. This notice constitutes the Secretary of Labor's response to EPA's request, and is published pursuant to the requirements of section 4(c)(2) of the Noise Control Act.

At the outset the Secretary wishes to note that the OSHA document at issue herein is merely a proposal, required by section 6(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655) as a preliminary step in the administrative rulemaking process under the Act. To date OSHA has received over 800 comments from interested persons concerning this proposal. There have also been a number of requests for an informal hearing on the proposal and OSHA will shortly publish a notice in the FEDERAL REGISTER scheduling such a hearing. EPA's objections to the OSHA proposal center, primarily, on the permissible noise exposure level, and the time intensity trade-off or doubling rate. Numerous comments received by OSHA from the public also relate to the issue of the permissible exposure. The propriety of a 5 dB doubling rate has been the subject of a number of comments as well.

Pursuant to the EPA request, OSHA has reviewed the proposed occupational noise exposure regulation and for the reasons set out below does not find sufficient cause to revise the proposal at this time. The points raised by EPA will be issues at the hearing. After the hearing OSHA will consider the proposal on the basis of the full record, including the EPA request, and will make such revisions as are warranted by the evidence.

I. LEVEL NECESSARY TO PROTECT EMPLOYEES

EPA expresses the view that the OSHA proposal "does not protect the public health and welfare to the extent required and feasible." However, the obligation of the Secretary of Labor under section 6(b)(5) of the Occupational Safety and Health Act is to, "set the standard which most adequately ensures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure * * * for the period of his working life." Thus, the statutory criterion for an OSHA standard is not couched in the general terms of protection of the "public health and welfare". OSHA believes that its proposal is adequate to achieve the mandate of the Occupational Safety and Health Act.

Since the language of the Act speaks to "material impairment" it is necessary to make some assessment of what constitutes "material impairment." With regard to hearing loss, clearly the most directly measurable deleterious effect of noise exposure, the Administrator bases his argument strictly upon the document, "Information on Levels of Environmental Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety," published in March 1974. The methodology and the levels set out in this document were endorsed by the individuals recommended by a subcommittee of the Committee on Hearing, Bioacoustics and Biomechanics (CHABA) of the National Academy of Science—National Research Council (1). Within the parameters of that document, the Department of Labor also has no objection to either the methodology or the levels. The basic problem is that, for the purposes of that document and for setting standards for hearing conservation, EPA has chosen levels designed to protect virtually the whole population (the 96th percentile) from a noise induced permanent threshold shift (NIPTS) greater than 5 dB at 4,000 Hz after 40 years of exposure (2). This is a level of NIPTS which cannot be observed either subjectively or by instrumentation in any individual case. EPA admits, at 39 FR 43808, that "normal variability among subjects, audiometers, and technicians will reduce the probability of detecting hearing losses before they become significant." The measured reproducibility of audiometric determinations is such that to state that a real change has occurred with a 95 percent confidence the recorded change must be at least 10 dB at frequencies below 4 kHz, 15 dB at frequencies from 4 to 6 kHz, and at least 20 dB at 8 kHz (11)(12). A 5 dB change might be measured by averaging the hearing levels of large groups. Even such an averaged measurement would be somewhat questionable since the standard audiometric zero is in doubt by 2 or 3 dB (3)(4). The Secretary can not accept a criterion for "material impairment" which can neither be subjectively observed nor instrumentally measured.

The hearing level which has been accepted by the medical profession as marking the beginning of impairment is that level which begins to interfere with the hearing of everyday speech under everyday conditions. The "Guides to the Evaluation of Hearing Impairment" of the American Medical Association (5) states, "the ability to hear sentences and to repeat them correctly in a quiet environment is taken as satisfactory evidence for correct hearing of everyday speech." Because of the practical difficulties with speech audiometry, the usual test is pure tone audiometry according to a formula worked out by the Subcommittee on Noise of the American Academy of Opthalmology and Otolaryngology (AAOO) which was subsequently adopted by the AAOO and the American Medical Association (5)(6). It is also the formula which has been adopted by the International Standards Organization (7). This formula is an average hearing level of 25 dB at 500, 1000, and 2000 Hz re: ANSI 1969. It is correct, as EPA has pointed out, that this formula has been criticized by various authors, but it is still the standard regularly used by the medical profession both here and in Europe in judging the beginning of impairment. The Federal Bureau of Employee Compensation, apparently because of a belief that frequencies higher than 2000 Hz are important to the understanding of speech, has recently modified this formula, for compensation purposes, to an average hearing level of 25 dB at 1000, 2000, and 3000 Hz. Both criteria are used in the following discussion.

Based on these generally accepted definitions of impairment, we can make an estimate of the consequences of life-long habitual exposure at the levels which have been proposed. We have chosen for this estimate to use Robinson's data since it appears that his audiometric work is the most careful which has been done in any large study. Robinson's study has also taken some pains to eliminate such variables as temporary threshold shifts, conductive losses, and other otologic abnormalities from the data. Robinson (3 page 133) provides an equation and nomogram for calculating the hearing levels to be expected in various percentiles of an exposed population. Table I shows the results of this calculation for the second and tenth percentiles of a population exposed for 30 years to 90 dBA and 85 dBA respectively. It is clear from these figures that "comparatively more workers will be at a lower risk at 85 dBA than at 90 dBA." It is also clear that the risk of impairment is minimal under either an 85 dBA or 90 dBA standard, being limited to the most sensitive 2 percent of the population at risk. There is a very high probability that even this minimal risk will be avoided under the proposed standard by the requirement for periodic audiograms for all employees exposed to 85 dBA and mandatory hearing conservation programs for those few individuals who show a modest increase in hearing level. If further investigations, now in progress, show that these conclusions are not correct, they may be reconsidered at that time. Currently, they represent the best data available to us.

TABLE I

Level	Duration	Percent	Hearing level DB				Impairment	
			500	1,000	2,000	3,000	AAOO	BEC
90	30	2	20	25	30	42	2dB	9dB
90	30	10	12	16	23	31	0	0
85	30	2	15	18	26	34	0	1dB
85	30	10	10	12	17	22	0	0

The Baughn data (13) were not used in these calculations because they are contaminated by temporary threshold shifts (TTS). Baughn states, "our audiograms are taken throughout the day with only a 20 minute (average) quiet rest period preceding" (p. 27). While a 20-minute period of quiet will allow a fraction of the auditory fatigue caused by several hours of exposure to disappear, full recovery usually requires 8 to 16 hours. Indeed, all current proposals for establishing programs for monitoring the hearing of workers require that the worker be out of the noise at least 14 hours before testing. Naturally, the higher the average noise level, the greater the TTS, so that one would expect higher (but erroneous) hearing levels (HLs) for the "92" group than the "86", and for "86" than for "78." Figure 3 of Baughn's report (p. 12) indicates that the median difference between the HLs of the 78 dBA and 92 dBA groups is never more than 5 decibels. A few hours of exposure to 90 dBA will produce a TTS (measured 20 minutes after exposure) of considerably more than 5 dB. The Passchier-Vermeer report (14) was not used because it is a compilation and recalculation of several studies, the quality of which is difficult to judge.

OSHA's tentative conclusion that 90 dBA provides adequate protection is supported by the recent action of the ILO Panel of Experts on Noise and Vibration in the Working Environment meeting in Turin, Italy, December 2–10, 1974. This panel has recommended 85 dBA as the warning level and 90 dBA as the danger level for hearing purposes. This recommendation parallels the position taken in OSHA's proposal which requires audiometry starting at 85 dBA and sets an exposure limit of 90 dBA. This was also the recommendation of the Advisory Committee on Noise.

Technological Feasibility. The Department of Labor generally agrees with EPA that the technology now exists for compliance with either an 85 dBA or a 90 dBA limit through engineering controls. While there are some significant exceptions, such as textile weaving, we would accept the Bolt, Beranek, and Newman (8) conclusion that by the maximum application of existing technology the sound levels at 92 percent of jobs can be reduced to either 90 dBA or 85 dBA.

EPA asserts that the Bolt, Beranek and Newman cost estimates are inflated. Whether the cost estimates contained in the study are correct is an appropriate issue for the rulemaking proceeding. A number of the written comments received by OSHA relate to the accuracy of the study, and we expect that additional data will be submitted at the hearing. On the basis of the evidence in the record, OSHA will make a determination, to the extent possible, as to the likely costs to industry in complying with various noise limits. We believe that feasibility, including economic feasibility, is a factor which may be taken into consideration in setting a standard. However, we recognize that consideration of economic costs can not detract from the overriding purpose of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions." As EPA recognizes, in the final analysis it is OSHA which must make the legislative judgment necessary to balance the factors of protection of employees, technology and cost.

Other Health Factors. EPA states that "there are certain adverse effects of noise which have apparently not even been discussed in the formulation of the standard." This statement appears inconsistent with the position taken by EPA in the "Levels Document" (2 page 17) that "At this time, there is insufficient scientific evidence that non-auditory diseases are caused by noise levels lower than those that cause noise induced hearing loss." This question of non-auditory effects of noise was, in fact, discussed and considered by the Advisory Committee. Reference to such non-auditory health effects was eliminated for the same reason set out by EPA in the "Levels Document." In our view, therefore, a standard which protects against hearing loss will also provide adequate protection against non-auditory health effects.

II. Time-Intensity Trade-Off

Under the OSHA proposal, permissible noise exposure may not exceed an 8-hour time weighted average of 90 dBA. Since permissible exposure is defined in terms of a time weighted average, the level of noise may increase if the exposure time is decreased. The 5 dB doubling rate incorporated in the present standard and continued in the proposal would allow an exposure of 85 dBA for 16 hours; 90 dBA for 8 hours; and 95 dBA for 4 hours.

EPA has recommended a doubling rate of 3 dB rather than 5 dB which is proposed by OSHA. The 3 dB doubling rate is hypothetically correct for uninterrupted noise exposure. However, noise exposure in industry is seldom continuous. There are normally a number of instances during the workday when an employee's exposure is interrupted. Evidence discussed below indicates that where breaks in exposure occur, workers show significantly less temporary threshold shift than would otherwise be expected. Therefore, OSHA agrees with the Advisory Committee that the doubling rate should be adjusted to take into account various interruptions which normally occur in a workday. OSHA therefore believes that a doubling rate of 5 dB is more appropriate than 3 dB.

"EPA states that the noise in production industries is fairly continuous or steady-state in nature and that it is not intermittent, i.e., interrupted by periods of subjective silence or by noise levels below 55 dBA to 65 dBA depending on the definition of intermittency (39 FR 43807). EPA concludes that "for this type of noise there is widespread agreement that the equal energy rule holds true, that is that equal amounts of sound energy will cause equal amounts of hearing loss regardless of how the energy is distributed in time. This rule allows a 3 dB increase in exposure level with each halving of exposure duration, rather than the 5 dB increase permitted by OSHA."

While most industrial operations do tend to produce steady-state noise, frequently with some impulsive components, it does not follow that the exposure of the employees is constant. One of the problems in relating noise exposure to hearing loss is to find subjects who actually have had continuous exposure to constant noise levels. The problem is exemplified by the following quotation from Baughn (13): "The group assigned 86 dBA spend 65% of their work time at 86 plus or minus 3 dBA, 80% at 86 dBA plus or minus 5 dBA and not more than 5% at above 92 and below 78 dBA combined." Baughn gives similar descriptions of the groups which he assigned to 78 dBA and 92 dBA. Burns and Robinson (3 pg 97) found the same problem. As they stated, "The magnitude of the difference (L_{A5}–L_{A50}) ranged generally from 0 to 10 dB but was as much as 15 in exceptional cases."

EPA has apparently accepted the equal energy hypothesis that equal amounts of acoustical energy produce equal amounts of auditory damage regardless of the distribution in time. At least for temporary threshold shift, and presumably for permanent threshold shift, this hypothesis is not in accord with the evidence from laboratory experiments, which show a difference in temporary threshold shifts depending on the temporal pattern. These experiments were conducted with the periods of noise exposure uniformly spaced in the experimental period, and EPA consequently says that the criteria require evenly spaced quiet intervals in which to recover from temporary threshold shift.

The work of Sataloff, Vasello, and Menduke (10), which measured permanent threshold shifts of miners, showed shifts which would be predicted for levels about 15 dBA lower than the actual levels in which they were working. This lends some credibility to the argument that the pattern of distribution of noise exposure is not of overriding importance, since the quiet periods in these operations are dictated by the nature of the mining operations and can be presumed not to have been evenly spaced. It also indicates that the equal energy hypothesis may not apply to permanent threshold shift with any more accuracy than it does to temporary threshold shift.

In addition, Dr. Terry Henderson of NIOSH told the Advisory Committee, "Based upon presently available evidence, NIOSH could find no technically feasible formula that was clearly superior and more equitable than the presently accepted 5 dB rule" (9).

III. Regulatory Alternatives

EPA requests that, if OSHA disagrees with the basic position of EPA, it should consider several regulatory alternatives. We will address some of these alternatives in detail. At the outset, it should be emphasized that since, for the reasons

stated above, we do not believe that an 85 dBA standard and 3 dB trade-off are necessary to afford employees adequate protection, we need not reach the question of whether regulatory strategies which would impose incremental reduction or requirements on a selective basis should be adopted.

1. *Industry-by-industry standards.* EPA has suggested that OSHA develop industry-by-industry standards, and that lower levels be set for those industries which can not achieve such levels. The establishing of varying noise levels for different industries, while a possibility, raises complex policy issues and presents a number of practical difficulties. If OSHA were to adopt this approach, it would be subject to the charge that it is acting inequitably by affording one level of protection for employees in some industries and another, and lesser, level of protection for employees in other industries, even though all employees were subject to the same hazards. In addition, we would confront practical difficulties in determining in a satisfactory manner the appropriate industry groupings; in collecting the data necessary to set industry-by-industry standards; and in enforcing standards with varying permissible limits.

EPA asserts that the national compliance agreement with American Can Company reflects OSHA's recognition of the administrative feasibility of varied compliance intervals on an industry-by-industry basis. This assertion confuses OSHA's section 6 standard-setting function with its section 8 enforcement responsibilities. Thus, in the issuance of a citation for a violation of the noise standard, the Secretary must, under section 9(a) of the Act, "fix a reasonable time for the abatement of the violation." The American Can Company agreement, as well as the Secretary's disposition of Petitions for Modification of Abatement dates represent the exercise of the Secretary's abatement setting authority within the context of enforcement. The agreement is predicated on the noise standard now in effect, which is equally applicable to all industries.

The fact that in specific cases OSHA determines that a particular abatement date is appropriate is in no way a precedent for a determination that separate industry-by-industry standards are justified in the standards-setting context.

2. *Stringent Standard with Variance Provision.* EPA suggests that a more stringent standard be adopted on an industry-wide basis and individual companies that are economically or technologically unable to comply could apply for temporary variances. We believe this alternative misconstrues the purpose of the temporary variance section.

Under section 6(b)(6) of the Act, OSHA may grant temporary variances to an employer if he establishes, among other things, that "he is unable to comply with a standard by its effective date because of the unavailability of professional or technical personnel or of material necessary to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date." Such variances may be granted only after notice to employees and an opportunity for a hearing and may remain in effect for a period of no more than one year, and renewed only twice.

The purpose of this section is to provide a remedy to individual employers, or classes of employers, who because of circumstances peculiar to them are unable to comply with a standard for specific reasons. It was not the purpose of this section to permit temporary variances because of cost factors. More important, under the legislative scheme, OSHA cannot rely on the availability of temporary variances in setting a standard which large numbers of employers are unable to comply with. Clearly, it is not the purpose of the temporary variance section to allow OSHA to avoid its responsibility of determining which standard is generally feasible for industry.

Moreover, adoption of this alternative would impose an unmanageable burden on OSHA in the handling of the variance applications, and an inequitable burden on employers by requiring them to resort to the variance procedures in order to comply with the requirements of the Act.

Conclusion. After a careful review of the proposal, in view of the request from EPA, the Secretary of Labor finds that no changes should be made in the proposal at this stage. EPA's request and the evidence contained therein, will be considered together with the entire record developed in this proceeding in formulating the final OSHA noise standard.

Signed at Washington, D.C., this 13th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

REFERENCES

1. Letter from Milton A. Whitcomb to Dr. Alvin F. Meyer, Jr., dated November 26, 1973.
2. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, EPA Document 550/9-74-004 March 1974 page 18.
3. Hearing and Noise In Industry, W. Burns and D. W. Robinson, London: Her Majesty's Stationery Office 1970 page 235 et seq.
4. M. E. Delaney and L. S. Whittle, Acustica 18:227 (1967).
5. Guides for the Evaluation of Hearing Impairment. Trans Am. Acad. Opthal. Otolaryngol. 1961.
6. Guides to the Evaluation of Permanent Impairment—Ear, Nose, Throat, and Related Structures, J. Am. Med. Assn. 177:489-501 (1969).
7. ISO Recommendation 1999, Assessment of Occupational Noise Exposure for Hearing Conservation Purposes, May 1971.
8. Bolt, Beranek, and Newman, Inc., "Impact of Noise Control at the Work Place," Report #2671 (January 1974)
9. Standards Advisory Committee on Noise, Thursday, February 22, 1973, Transcript page 27.
10. Hearing Loss from Exposure to Interrupted Noise, J. L. Sataloff, Vasello, and H. Menduke Arch. Env. Health 18:972 (1969).
11. Reproducibility of Sweep—Frequency Audiometry. W. Passchier-Vermeer and J. Van den Eijk. Am. Ind. Hyg. Assn. J. 35:366-369 (1974).
12. The Reliability of Repeated Auditory Threshold Determination. G. R. C. Atherly and I. Dingwall—Fordyce. Brit. J. Ind. Med. 20:231-235 (1963).
13. Relation between daily noise exposure and Hearing Loss based on the Evaluation of 6,835 Industrial Noise Exposure Cases, amrl-TR-73-33, June 1973.
14. Hearing Loss Due to Exposure to Steady-State Broadband Noise, W. Passchier-Vermeer IG-TNO Report 35 (1968), Delft, Netherlands.

[FR Doc.75-7167 Filed 3-17-75;8:45 am]

Office of the Secretary

GENERAL ELECTRIC CO.

Certification of Eligibility of Workers to Apply for Adjustment Assistance

Under date of February 7, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-255) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to petitions for determinations of eligibility to apply for adjustment assistance filed by the International Union of Electrical, Radio and Machine Workers and by the International Association of Machinists and Aerospace Workers on behalf of workers producing transistors and diodes at the Syracuse, New York and Auburn, New York plants, respectively of General Electric Co., New York, New York. In this report, the Commission found that articles like or directly competitive with transistors and diodes produced by the Syracuse, New York and Auburn, New York plants of General Electric Co. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the International Trade Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 40 FR 7512; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with transistors and diodes produced at the Syracuse and Auburn plants of General Electric Co. increased substantially. Imports of transistors and diodes more than doubled in value from 1971 to 1973, and increased further in

the first nine months of 1974. During the 1971–1974 period, imports substantially increased their share of the domestic market for transistors and diodes. As a consequence of the penetration of lower-priced imports into the domestic market, General Electric transferred substantial portions of its domestic transistor and diode production to offshore manufacturing facilities. Production was cut back substantially at the Syracuse and Auburn plants in 1974, necessitating the layoff of approximately one-third of the transistor and diode workforce of each plant. Unemployment and underemployment of a significant number or proportion of workers of the Syracuse and Auburn plants, caused in major part by increased imports, began in July 1974 and continues. After due consideration I make the following certification:

"All hourly and salaried employees of the Semiconductor Products Department of the Syracuse, New York, and Auburn, New York plants of the General Electric Company, who became or will become unemployed or underemployed after July 14, 1974 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962."

Signed at Washington, D.C. this 11th day of March 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-7051 Filed 3-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 723]

ASSIGNMENT OF HEARINGS

MARCH 13, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 109501 Sub 15, Calhoun Trucking Corp., now being assigned April 24, 1975 (2 days), at New York, N.Y., in a hearing room to be designated later.

MC 117119 Sub 516, Willis Shaw Frozen Express, Inc., now being assigned April 10, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 112822 Sub 343, Bray Lines Incorporated, now being assigned April 10, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 116370 Sub 1, Charles W. Napierski d.b.a. Catawese Coach Lines, now being assigned June 24, 1975 (3 days), at Williamsport, Pa., in a hearing room to be designated later.

MC 67866 Sub 30, Film Transit, Inc., now being assigned June 10, 1975 (9 days) at Memphis, Tenn., in a hearing room to be designated later.

MC 135678 Sub 23, Midwestern Transportation, Inc., now assigned April 7, 1975, at Oklahoma City, Okla., is postponed to April 23, 1975, in Room 3011B, U.S. Courthouse & Office Building, 200 NW. 4th St., Oklahoma City, Okla.

MC 134922 Sub 77, B. J. Mcadams, Inc., now being assigned May 28, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 139639 Sub 1, Freddie E. Smith, d.b.a. Freddie's Towing Service, now being assigned May 29, 1975 (2 days), at Louisville, Ky., in a hearing room to be designated later.

MC 38320 Sub 13, Central Motor Express, Inc., now being assigned June 2, 1975 (1 week), at Louisville, Kentucky, in a hearing room to be designated later.

I & S No. 8938, Waterborne Shipments, North Atlantic Ports, now assigned March 24, 1975, at Washington, D.C., is canceled.

MC 126716 Sub 2, Weston Trucking Company d.b.a. Weston Trucking, a corporation, now assigned April 8, 1985, at Carson City, Nev., will be held in Hearing room 314, Nevada Highway Dept., 1263, South Stewart St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-7076 Filed 3-17-75;8:45 am]

[Notice 28]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 14, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 26377 (Sub-No. 18TA), filed March 6, 1975. Applicant: LEONARDO TRUCK LINES, INC., 511 South First St., Selah, Wash. 98942. Applicant's representative: Ernest Marang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in steamship cargo containers, having an immediately prior or subsequent movement by water transportation between points in Yakima, Grant, Franklin, and Benton Counties, Wash., on the one hand, and, on the other, Seattle, Tacoma, Longview, and Vancouver, Wash., and Portland, Oreg., and their commercial zones, for 180 days. Supporting shipper: Welch Foods, Inc., P.O. Box 6067, Kennewick, Wash. 99336. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 33641 (Sub-No. 117TA), filed March 4, 1975. Applicant: IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to St. Louis, Mo., for 180 days. Supporting shipper: Kennecott Copper Corporation, 161 East 42nd Street, New York, N.Y. 10017. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 64932 (Sub-No. 546TA), filed March 3, 1975. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reprocessed sulphuric acid*, in bulk, in tank vehicles, from Lafayette, Ind., to Streator and Marseilles, Ill., for 180 days. Supporting shipper: Charles W. Verna, Jr., Coordinator, Bulk Transportation, Transportation & Distribution Dept., E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, Del. 19898. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 82063 (Sub-No. 56TA), filed March 5, 1975. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Forrest City, Ark., to points in Georgia, Alabama, Missouri, Illinois, Oklahoma, Tennessee, North Carolina, South Carolina, Texas, Louisiana, Florida, Mississippi, Kentucky, and Arkansas, for 180 days. Supporting shipper: Na-Churs Plant Food Company, Inc., 3132 Industrial Road, Forrest City, Ark. 72335. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce

Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 107496 (Sub-No. 993TA), filed March 7, 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: *Liquid fertilizer*, in bulk, from Keil, Ill., to points in Missouri, for 180 days. Supporting shipper: Swift Chemical Company, 111 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 994TA), filed March 7, 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: *Liquid sugar and corn syrup blend*, in bulk, in tank vehicles, from Memphis, Tenn., to Belleville, Ill., for 180 days. Supporting shipper: Amstar Corp., 7417 North Peters St., Arabi, La. 70032. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107527 (Sub-No. 55TA), filed March 7, 1975. Applicant: POST TRANSPORTATION CO., 1970 East 213th Street, Carson, Calif. 90745. Applicant's representative: R. Sherman Kirksey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, liquid in bulk, from Los Angeles, Calif., to Upper Scheelite, California (applies only on shipments having prior interstate rail movements from Arizona origin), for 180 days. Supporting shipper: Union Carbide Corporation, 1 California Street, San Francisco, Calif. 94111. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 1321, Los Angeles, Calif. 90012.

No. MC 111045 (Sub-No. 123TA), filed March 7, 1975. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral spirits* in bulk, in tank vehicles, between Douglasville, Ga., on the one hand, and, on the other, Miami, Fla., and Port Charlotte, Fla., for 180 days. Supporting shipper: Arivec Chemicals, Inc., P.O. Box 54, Douglasville, Ga. 30134. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 NW. 8th Avenue, Miami, Fla. 33178.

No. MC 113475 (Sub-No. 25TA), filed March 5, 1975. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, Va. 23847. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber*, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 29 to junction Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 20 via Greensboro, High Point, and Thomasville, N.C., to junction U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., and thence along U.S. Highway 21 to the North Carolina-South Carolina State line, points in South Carolina on and east of U.S. Highway 21 from the North Carolina-South Carolina State line to Columbia, S.C., and on and north of a line beginning at Columbia, and extending along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence in an easterly direction along a straight line to the Atlantic Ocean; to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, District of Columbia, New York, N.Y., and Virginia on and east of U.S. Highway 29.

(B) *Lumber*, except plywood and veneer, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 29 to junction Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to junction U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., and thence along U.S. Highway 21 to the North Carolina-South Carolina State line, points in South Carolina on and east of U.S. Highway 21 from the North Carolina-South Carolina State line to Columbia, S.C., and on and north of a line beginning at Columbia, and extending along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence in an easterly direction along a straight line to the Atlantic Ocean; to points in New York, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Rhode Island, Tennessee, Vermont, and Virginia on and east of U.S. Highway 29, for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Bldg., 400 North Eighth St., Richmond, Va. 23240.

No. MC 116497 (Sub-No. 3TA), filed March 5, 1975. Applicant: CLANCY BROS. TRANSPORTATION CO., INC., 85 Bengal Terrace, Rochester, N.Y. 14610. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses* 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, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to Rochester, N.Y., and from Rochester, N.Y., to Harrisburg, Pa., and Jersey City, N.J., for 180 days. Supporting shipper: Tobin Packing Co., Inc., Rochester, N.Y. 14611. William G. Jacob, Traffic Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 117068 (Sub-No. 45TA), filed March 5, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Allen I. Koenig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Storage systems and parts*, when moving therewith, *materials and supplies used in the installation thereof*, moving on self-unloading winch equipment, from St. Paul, Minn., to Corpus Christi, Tex., for 180 days. Supporting shipper: Brown-Minneapolis Tank & Fabricating Co., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 5540.

No. MC 117119 (Sub-No. 527TA), filed March 6, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail discount, variety, and department stores (except commodities in bulk), from New York City, N.Y., and its Commercial Zone to the warehouse and storage facilities of Sterling Stores Co., Inc., at Little Rock, Ark., restricted to traffic destined to the named facilities, for 180 days. Supporting shipper: Sterling Stores Company, Inc., 6500 Forbing Road, P.O. Box 2301, Little Rock, Ark. 72209. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117765 (Sub-No. 185TA), filed March 6, 1975. Applicant: HAHN TRUCK LINE, INC., 3515 N.W. Fifth St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fruit juices, punches and fruit flavored drinks* (except commodities in bulk), from the plantsite of Milk Producers Marketing Company, at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above named origin point, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., 2200 E. El Dorado, Decatur, Ill. 62525. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102

No. MC 118535 (Sub-No. 64TA), filed March 4, 1975. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Jim Tiona, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from the IMC facilities, located in Lea and Eddy Counties, N. Mex., to points in Michigan, Ohio, Indiana, Kentucky, Tennessee, Mississippi, and North Carolina, for 180 days. Supporting shipper: International Minerals & Chemicals Corp., 501 E. Lange St., Mundelein, Ill. 60060. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 239TA), filed March 6, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food and canned seafood*, from Biloxi, Miss., to points in Georgia, for 180 days. Supporting shipper: Mavar Shrimp & Oyster Co., Ltd., P.O. Box 208, Biloxi, Miss. 39533. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120098 (Sub-No. 25 TA), filed March 5, 1975. Applicant: UINTAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: W. Claude Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Hamilton, Colo., and Baggs, Wyo., over Colorado and Wyoming State Highway 789, serving all intermediate points and serving the off-route points of Dixon and Savery, Wyo. (Applicant requests that the restriction against tacking normally accompanying grants of temporary authority by negated). Tacking is also intended as follows: MC 120098. Tacking is to take place at Craig, Colo. Interlining is to take place at Salt Lake City, Utah, Craig, Colo., and Baggs, Wyo., for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 123407 (Sub-No. 225TA), filed March 7, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules*, in bags, from Wausau, Wis., to Brookville, Ind., for 180 days. Supporting shipper: L. A. Fry Roofing Co., 5818 Archer Road, Summit, (Argo P.O.), Ill. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne, Fort Wayne, Ind. 46802.

No. MC 135082 (Sub-No. 16TA), filed March 5, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled waste paper*, from points in the States of California, Nevada, Utah, Colorado, Kansas, Missouri, Oklahoma, Texas, and New Mexico to Navajo County, Ariz., for 180 days. Supporting shipper: Southwest Forest Industries, 3443 North Central Avenue, Phoenix, Ariz. 85012. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Avenue SW., Albuquerque, N. Mex. 78101.

No. MC 136605 (Sub-No. 2TA), filed March 5, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: Gordon L. Roberts, 79 South State Street, P.O. Box 11898. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and related masonry items* (except commodities in bulk), from points on the International Boundary between Canada and the United States at or near Roosville and Sweetgrass, Mont., to points in Montana and Idaho, for 180 days. Supporting shippers: Jack's Masonry Supply, 1724 Fairview Ave., Missoula, Mont. 59801. R-Lite Concrete Products, Inc., West of Missoula, Missoula, Mont. 59801. Smitty's Fireplace Shop, 4373 N. Montana Ave., Helena, Mont. 59601. Forzley Sales, Inc., 930 River Drive South, Great Falls, Mont. 59403. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

NOTE.—Applicant will tack to provide a through service from Canada.

No. MC 136876 (Sub-No. 5TA), filed March 5, 1975. Applicant: PAULIE BRAZIER, doing business as PAULIE BRAZIER COMPANY, 415 Buffalo Road, Lawrenceburg, Tenn. 38464. Applicant's representative: Harold Seligman, 24th floor, First American Center, Nashville, Tenn. 37230. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from points in Davidson County, Tenn., to points in Colbert, Lauderdale, Lawrence, Madison, Limestone and Jackson Counties, Ala., and *Dry Fertilizer*, in bulk and bags, from Davidson County and from Humboldt, Tenn., to points in Kentucky south and west of a line beginning at junction U.S. Highway 25E and the Kentucky State line east of Middlesboro, Ky., thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along U.S. Highway 150 through Danville to junction U.S. Highway 68 at or near Perryville, thence along U.S. Highway 68 to Lebanon, thence along Kentucky Highway 61 to Elia Elizabethtown, thence along U.S. Highway 62 to Leitchfield, thence along Kentucky Highway 65 to junction U.S. Highway 60 at or near Harned, thence along U.S. Highway 60 to Cloverport, thence north along a line from Cloverport to the Ohio River, and to points in Estill, Lee, Rockcastle, Jackson, Owsley, Breathitt, Laurel, Knox, Clay, Bell, Leslie, Perry, Knott, Harlan and Letcher Counties, Ky., for 180 days. Supporting shipper: Federal Chemical Company, P.O. Box 90205, Nashville, Tenn. 37209. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138104 (Sub-No. 21TA), filed March 5, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove, Fort Worth, Tex. 76106. Applicant's representative: Billy M. Keck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in dump vehicles, from points in Texas to points in Arkansas, and Louisiana, for 180 days. Supporting shipper: Texas Industries, Inc., P. O. Box 400, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 138941 (Sub-No. 6TA), filed March 7, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110

South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Calif. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, (except in bulk), from points in Wayne, Ontario and Monroe Counties, N.Y. to Jacksonville, Ill., and Chicago, Ill., for 180 days. Supporting shipper: Mobile Chemical Co., Plastic Division, Macedon, N.Y. 14502. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif.

No. MC 140663 (Sub-No. 1TA), filed March 6, 1975. Applicant: JAMES C. PARKER TRUCKING, INC., Route 2, Effingham, S.C. 29541. Applicant's representative: Thomas E. Smith, Jr., P.O. Box 308, Pamplico, S.C. 29583. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the plantsite and storage facilities of Kaiser Agricultural Chemical Company at or near Reigelwood, N.C., to points in Florence, Georgetown, Williamsburg, Clarendon, Sumter, Chesterfield, Darlington and Lee counties, S.C., for 180 days. Supporting Shipper: Kaiser Agricultural Chemical Company, P.O. Box 246, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 140704 TA, filed March 4, 1975. Applicant: OKLAHOMA ASPHALT COMPANY, 10838 East Newton Place, Tulsa, Okla. 74116. Applicant's representative: Louis J. Bodnar, 417 Couch Drive, Oklahoma City, Okla, 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy Equipment, and Machinery including but not limited to bulldozers, cranes and motor graders* (except oilfield equipment and supplies including pipe, tanks and tank materials), between points in Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Arkansas, New Mexico, Wisconsin, Illinois, Kentucky, Indiana, Ohio, Pennsylvania, and Texas, with transportation for compensation on return, for 180 days. Supporting Shipper: Consolidated Equipment Sales, Inc., Jack R. Williamson, Branch Mgr., 10525 East Pine, Tulsa, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla.73102.

No. MC 140705 TA, filed March 5, 1975. Applicant CABRILLO MOVING SERVICE, INC., 206 West Thirty-Fifth Street, National City, Calif. 92050. Applicant's representative: Alan F. 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 San Diego County, Calif., 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: H C & D Forwarders International, Inc., P.O. Box 4795, Hayward, Calif. 94540; Imperial Van Lines International, Inc., 2805 Columbia St., Torrance, Calif. 90503; and AFI Worldwide Forwarders, 335 Valencia St., San Francisco, Calif. 94103. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles St., Room 1321, Los Angeles, Calif. 90012.

No. MC 140706 TA, filed March 6, 1975. Applicant: HARNETT TRANSFER, INC., Route 4, Bunn, N.C. 28334. Applicant's representative: W. Glenn Johnson, 31 East Harnett St., Lillington, N.C. 27546. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite of Allied Bakers, Inc., of Westbury, N.Y., to points in Maryland, Virginia, North Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana and Florida, for 180 days. Supporting shipper: Allied Bakers Co., Inc., 437 Railroad Ave., Westbury, N.Y. 11530. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 140708 TA, filed March 5, 1975. Applicant: E. R. COMBER & SON, INC., Main Street, Jackman, Maine 04945. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Shipper's Plants in Holeb and Greenville, Maine, to the United States-Canada Boundary line at or near Jackman, Maine, for 180 days. Supporting shipper: Beaudry Lumber Co., Inc., P.O. Box 310, Jackman Station, Maine 04946. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 140707 TA, filed March 3, 1975. Applicant: HIGH PLAINS TRUCKING, INC., 119 South Main, Box 123, Yuma, Colo. 80759. Applicant's representative: Raymond M. Kelley, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sprinkler irrigation systems, sprinkler irrigation system parts and supplies, and irrigation pipe; farm machinery and equipment*, from points in Yuma County, Colo., and that portion of Washington County, Colo., lying on and east of Colorado Highway 63 and Washington County Road 27, to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, Wyoming, points in Oklahoma on and west of Interstate Highway 35, and points in Texas on and west of Interstate Highways 35 and 35E and on and north of U.S. Highway 80; (2) *Materials, supplies and equipment used in the manufacture, servicing, sale and distribution of sprinkler irrigation systems, such commodities as are delt in by retail farm implement and farm supply dealers, and irrigation pipe*, from points in Indiana, Iowa, Kansas, Michigan, Nebraska, Ohio, Wisconsin, points in Illinois, and Missouri, on and north of Interstate Highway 70, points in Oklahoma on and west of Interstate Highway 35, and points in Texas on and west of Interstate Highways 35 and 35E and on and north of U.S. Highway 80; to points in Yuma County, Colo., and that portion of Washington County, Colo., lying on and east of Colorado Highway 63 and Washington County Road 27, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-7077 Filed 3-17-75;8:45 am]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 531 (Sub-No. 308TA), filed March 3, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Nalco Chemical Company, at or near Garyville, La., to all points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas), for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 8535 (Sub-No. 54TA), filed February 27, 1975. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: Charles J. McLaughlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in containers, from Catlettsburg, Ky., to Evart, Mich., for 180 days. Supporting shipper: Joseph Puleo, Traffic Manager, Calgon Corporation, P.O. Box 1346, Pittsburgh, Pa. 15230. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 17002 (Sub-No. 49TA), filed March 4, 1975. Applicant: CASE DRIVEWAY, INC., 100 22d Street, P.O. Box 1156, Huntington, W. Va. 25714. 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: *Coal*, in dump vehicles, from Mine Sites of Lady Washington Mining Company, in Breathitt, Elliott, Magoffin and Morgan Counties, Ky., to Coal Grove, Ohio, for 180 days. Supporting shipper: Lady Washington Mining Co., 103 Lady Washington Street, Louisa, Ky. 41230. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 30887 (Sub-No. 217TA), filed March 3, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in special constructed and permitted rear unloading bulk tank trucks capable of maintaining the product at 360–370° F in transit, from Longview, Tex., to Minneapolis, Minn., for 180 days. Supporting shipper: Gus Brown, Assistant Division Traffic Manager, Texas Eastman Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 51146 (Sub-No. 418TA), filed March 4, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(b)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, from the plant and warehouse facilities of the Henry Wurst Company at North Kansas City, Mo., to points in Illinois, Indiana, Wisconsin, Iowa, and Omaha, Nebr., and from Omaha, Nebr., to points in Illinois, Indiana, Wisconsin and Iowa. Restriction: The Service from Omaha, Nebr., is restricted to traffic which originates at North Kansas City, Mo., and is stopped to part-load at Omaha, for 180 days. Supporting shipper: Henry Wurst, Inc., 1331 Saline, North Kansas City, Mo. 64116, Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 61396 (Sub-No. 281TA), filed March 3, 1975. Applicant: HERMAN BROS., INC., P.O. Box 189, 2526 St. Marys Avenue, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lecompton, Conway, Hutchinson, and Clay Center, Kans., to points in Missouri, for 180 days. Supporting shipper: Moderngas, Inc., Monte Milstead, Vice President & General Manager, Route 3, P.O. Box 886, Lawrence, Kans. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 111729 (Sub-No. 517TA), filed March 4, 1975. Applicant: PUROLATOR COURIER, CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) Between Cleveland, Ohio, and Carpentersville, Ill., (b) Between Cincinnati, Ohio and Danville, Ill. (c) Between Cincinnati, Ohio, and Murfreesboro, Tenn., (2) *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies, and advertising literature*, between Cincinnati, Ohio and Danville, Ill., for 180 days. Supporting shippers: Jergens, Inc., 19520 Nottingham Road, Cleveland, Ohio. Photo Service, Inc., 933 Meadow Gold Lane, Cincinnati, Ohio. Cintas Corporation, 11255 Reed-Hartman Hwy., Cincinnati, Ohio. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114569 (Sub-No. 116TA), filed March 3, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles and machines, accessories and parts*, and (2) *equipment and supplies* used in the manufacture, distribution, or sale of the commodities in (1) above; between Lincoln, Nebr., on the one hand, and, on the other, points in California; and points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi. (2) *Bicycles, accessories and parts*, from Long Beach and El Segundo, Calif., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting Shippers: Kawasaki Motors Corp., 1062 McGaw Ave., Santa Ana, Calif. 92705. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 114604 (Sub-No. 31TA), filed February 28, 1975. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market Bldg. 33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, 3384 Peachtree St. NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, frozen foods, fresh and cured meats and dairy products, other than oleomargarine), in vehicles equipped with mechanical refrigeration, from points in Mecklenburg County, N.C., to points in Tennessee, all points in Mississippi on and north of U.S. Hghway 98, all points in Alabama on and north of a line beginning at the Georgia-Alabama State Line and running via Alabama State Highway 22 to Selma, Ala., thence via U.S. Highway 80 to its junction with Alabama State Highway 5, thence via Alabama State Highway 5 to Grove Hill, Ala., and thence via U.S. Highway 84 to the Alabama-Mississippi State Line and all points in Louisiana except Slidell and New Orleans, for 180 days. Supporting shippers: Charlotte Control Storage, Inc., 5100 Exchange St., P.O. Box 8644, Charlotte, N.C. 28208. Shasta Beverages, 3820 N. Davidson St., Charlotte, N.C. 28255. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 114896 (Sub-No. 26TA), filed February 27, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mock-

ingbird Lane, Suite 1001 E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bullion*, from San Francisco, Calif., to New York, N.Y., for 180 days. Supporting shipper: General Services Administration, Crystal Mall, Bldg., No. 4, Arlington, Va. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116014 (Sub-No. 71TA), filed March 3, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Bath, Bell, Boyd, Breathitt, Carter, Clay, Clinton, Cumberland, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley and Wolfe Counties, Ky., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia and Virginia, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 222 Bakhaus Bldg., 1500 West Main Street, Lexington, Ky. 40505.

No. MC 116254 (Sub-No. 148TA), filed March 5, 1975. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Douglas O. Logue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Forrest City, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Na-Chures, Inc., Forest City, Ark. 72335. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 116763 (Sub-No. 303TA), filed February 27, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. at Muscatine, Iowa and Iowa City, Iowa, to the distribution facility of Heinz U.S.A. at Jacksonville, Fla., for 180 days. Supporting shipper: Heinz U.S.A., P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117068 (Sub-No. 44 TA), filed March 3, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixer feeders, forage systems, fertilizer spreaders* (except those which because of size or weight require the use of special equipment), from Rochester, Long Lake, and Cambridge, Minn., to points in Texas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, New York and Pennsylvania, for 180 days. Supporting shipper: Van Dale, Inc., Box 337, Long Lake, Minn. 55356. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118039 (Sub-No. 21 TA), filed March 3, 1975. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1598 Phoenix Blvd., Atlanta, Ga. 30349.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to points in Georgia, for 180 days. Supporting shippers: Allstate Beer Co., 2060 DeFoor Hills Rd. NW., Atlanta, Ga. 30318. Alko Distributors, Inc., 515 W. Hull St., Savannah, Ga. 31400. Southland Beverage Company, Inc., P.O. Box 105, Marietta, Ga. 30061. Sent protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 118039 (Sub-No. 22TA), filed March 3, 1975. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New Orleans, La., to points in Georgia, for 180 days. Supporting shippers: Jackson Beverages, Inc., 878 E. Broadway, Griffin, Ga. 30223. General Wholesale Beer Co., 813 5th St., Augusta, Ga. 30901. Better Brands, Inc., 980 Jefferson St., Atlanta, Ga. 30318. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 118039 (Sub-No. 23TA), filed March 3, 1975. Applicant. MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Norfolk, Va., to points in Tennessee, for 180 days. Supporting shipper: Champale Products, Corp., Box 1148, Norfolk, Va. 23501. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 119726 (Sub-No. 54 TA), filed February 28, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay* products, in bags and in bales, except in bulk, from the plant and Warehouse facilities of the Oil-Dri Corp., of America, located at or near Ochlocknee, Ga., to points in the states of Texas, Louisiana, Minnesota, Iowa, Missouri, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee and Florida, and from the plant site of Waverly Mineral Products Co., at or near Cuality, Ga., to points in the states of Alabama, Mississippi, Louisiana, and Arkansas, for 180 days. Supporting shippers: Oil-Dri Corporation of America, 520 Michigan Ave., Chicago, Ill. Waverly Mineral Products Co., 3018 Market Street, Philadelphia, Pa. 19105. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 124212 (Sub-No. 83 TA), filed February 28, 1975. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Minneapolis, Minn., to the plantsite of Lehigh Portland Cement Company at Mason City, Iowa, for 180 days. Supporting shipper: Lehigh Portland Cement Company, 718 Hamilton Mall, Allentown, Pa. 18105. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 818 Federal Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 124802 Sub-14 TA, filed March 4, 1975. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, Pa. 15684. Applicant's representative: Kent S. Pope, attorney at law, Pope and Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Armstrong, Clarion and Jefferson Counties, Pa., on the one hand, and, on the other, to points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, Connecticut, Michigan

and the District of Columbia, excluding, however; 1. The transportation of coal, in bulk, in dump vehicles from points in Jefferson and Clarion Counties, Pa., to points in Cuyahoga, Geauga, Portage and Lorain Counties, Ohio. 3. The transportation of coal, in bulk, in vehicles, from points in Armstrong, Jefferson and Clarion Counties, Pa., to points in Cuyahoga, Geauga, Portage, and Lorain Counties, Ohio. 3. The transportation of coal, in bulk, in dump vehicles, from points in Armstrong, Clarion and Jefferson Counties, Pa., to points in the Counties of Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington, New Jersey, for 180 days. Supporting shipper: Ernest C. Dean Contractors, Inc. Rural Delivery 3 New Bethlehem, Pa. 16242. Paul C. Harman Company, Inc. Rural Delivery 1 Fairmount City, Pa. 16242. Send protests to: James C. Donaldson, District Supervisor Bureau of Operations Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127832 (Sub-No. 12TA), filed February 28, 1975. Applicant: C & S TRANSFER, INC., P.O. Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, supplies and equipment* used in the operation of cafeterias and restaurants, between the storage facilities of State Wholesale Foods, Inc., at or near Macon, Ga., and Knoxville, Tenn., for 180 days. Supporting shipper: State Wholesale Foods, Inc., Macon, Ga. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street N.W., Room 546, Atlanta, Ga. 30309.

No. MC 127943 (Sub-No. 5TA), filed March 4, 1975. Applicant: FRED J. ROGERS, doing business as FRED ROGERS LUMBER CO., INC., 4713 SR 2, Everett, Wash. 98205. Applicant's representative: Jennie Rogers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Snohomish, Skagit and Whatcom Counties to the United States-Canadian border (in Washington) and back from the border to the Everett Area, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 128988 (Sub No. 58TA), filed March 3, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Heating and air conditioning units*, (1) from the plantsite and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Idaho, Utah, Arizona, Colorado and New Mexico; (2) from Norman, Okla., Medina, Ohio; Elyria, Ohio and Staunton, Va., to the plantsite and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., and (B) *Materials, equipment, and supplies* used in the manufacture and distribution of the above-named commodities, from points in Idaho, Utah, Arizona, Colorado, and New Mexico to the plantsite and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif. Restriction: The service sought herein is subject to the following restrictions: Restricted against the transportation of commodities in bulk and those commodities which because of their size or weight require the use of special equipment; and further restricted to a transportation service to be performed under a continuing contract or contracts with Fraser & Johnston Co., for 180 days. Supporting shipper: Fraser & Johnston Co., 2222 Grant Avenue, San Lorenzo, Calif. 94580. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133106 (Sub-No. 49TA), filed March 4, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures and materials and supplies* necessary for the installation thereof, (1) Between the plantsite and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and Southaven, Miss., and (2) from the plantsite and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and Southaven, Miss., to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California and Nevada, for 180 days. Supporting shipper: International Telephone and Telegraph Corporation, 320 Park Avenue, New York, N.Y. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans., 67202.

No. MC-133627 (Sub-No. 5TA), filed February 27, 1975. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe*, from Pueblo, Colo., to Calexico, Calif., for 180 days. Supporting shipper: T. R. Rutila Company, Inc., 1220 East Maryland Avenue, Phoenix, Ariz. 85014. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 134978 (Sub-No. 9TA), filed March 3, 1975. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, S.C. 29323. Applicant's representative: Mitchell King, P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross*, in bulk, in dump vehicles, from Spartanburg, S.C., to Cleveland, Ohio, for 180 days. Supporting shipper: Foseco Minsep, Inc., 20200 Sheldon Road, Brook Park, Ohio 44143. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 135797 (Sub-No. 35TA), filed March 4, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods or foodstuffs and canned grapefruit juice*, except in bulk and except frozen, *paper napkins and coasters*, when gift wrapped or packaged, in straight or mixed shipments with citrus fruits and commodities otherwise exempt from economic regulation, from the plantsite of warehouse or storage facilities of or used by Crest Fruit Company, Alamo, Tex., and/or Donna, Tex., to Birmingham, Ala., Los Angeles, Oakland and San Francisco, Calif., Denver, Colo., Washington, D.C., Atlanta, Ga., Chicago, Ill., Indianapolis, Ind., Des Moines, Iowa, Louisville, Ky., New Orleans, La., Baltimore, Md., Boston, Mass., Detroit, Mich., Minneapolis, Minn., Kansas City, and St. Louis, Mo., Secaucus, N.J., New York City and its Commercial Zone as defined by the Commission, New York, Charlotte, N.C., Cincinnati, Cleveland and Columbus, Ohio, Oklahoma City, Okla., Portland, Oreg., Philadelphia and Pittsburgh, Pa., Memphis, Tenn., and Seattle, Wash., for 180 days. Supporting shipper: Crest Fruit Co., P.O. Box 517, Alamo, Tex. 78516. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139091 (Sub-No. 8 TA), filed February 20, 1975. Applicant: LOGAN MOTOR LINES, INC., Route 2, Box 174–A, Canyon, Tex. 79015. Applicant's representative: Gaylon Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum bottles, and fillers, lunch and picnic boxes and kits, containers, travel bags, camping equipment, stoppers, plastic articles, jugs, cooling boxes and chests, tents, display racks and insulating material*, from (1) The plantsite and storage facilities of King-Seeley Thermos Co., at or near Macomb, Ill., to Indiana, Ohio, Kentucky, Michigan, New Jersey, New York, and Pennsylvania, and (2) The plantsite and storage facilities of King-Seeley Thermos Co., at or near Norwich, Conn., to points in West Virginia, Pennsylvania, Indiana, Illinois, Ohio, Kentucky and Michigan, for 180 days. Supporting shipper: King-Seeley Thermos Co., Norwich, Conn. 06360. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 140645 (Sub-No. 1TA), filed February 28, 1975. Applicant: UNITED TRUCKING, INC. (a Georgia corporation), 100 Stoffel Drive, Tallapoosa, Ga. 30176. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends and machinery materials and supplies* used in the manufacture and distribution of metal containers, between Tallapoosa, Ga., on the one hand, and, on the other, all points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, for 180 days. Supporting shipper: Southern Can Company, 100 Stoffel Drive, Tallapoosa, Ga. 30177. SEND PROTESTS TO: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 140654 (Sub-No. 2TA), filed March 3, 1975. Applicant: OLIVER & OLIVER, INC., P.O. Box 83, Campton, Ky. 41301. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Bath, Bell, Boyd, Breathitt, Carter, Clay, Clinton, Cumberland, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties, Ky., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia, and Virginia, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 222 Bakhaus Bldg., 1500 West Main St., Lexington, Ky. 40505.

No. MC 140690 (Sub-No. 1TA), filed February 28, 1975. Applicant: DONALD R. SIMMONS, P.O. Box 71, Glenwood, Mo. 63541. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Missouri, to all points in the States of Iowa and Illinois, for 180 days. Supporting shipper: Missouri Mining, Inc., Unionville, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140691 (Sub-No. 1TA), filed March 3, 1975. Applicant: OREGON FOOD EXPRESS, INC., 1303 N. McClellan, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat* (fresh, frozen and smoked), *lard, shortening and packinghouse products*, in shipments requiring refrigeration (1) from points within the city of Portland, Oreg., to all points in the State of Oregon; and (2) from points within the city of Portland, Oreg., to all points in Clark County, Wash., for 180 days. Supporting shippers: Silver Falls Packing Co., 9902 N. Hurst St., Portland, Oreg. 97217. Associated Meat Packing Co., P.O. Box 17195, Portland, Oreg. 97217. Wilson & Co., Omaha, Nebr., P.O. Box 13027, Portland, Oreg. 97213. Pacific Meat Co., P.O. Box 17036, Portland, Oreg. 97217. Coast Packing Co., 955 N. Columbia Blvd., Portland, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140700 TA, filed March 4, 1975. Applicant: H. D. WALLS, d.b.a. H. D. WALLS TRUCKING COMPANY, P.O. Box 399, Ridgely, Maryland 21660. Applicant's representative: J. Michael May, Esq., 1459 Peachtree St. NE., Suite 20, Atlanta, Georgia 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Queen Anne, Maryland, to points in Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and West Virginia; between Queen Anne, Maryland, on the one hand, and, on the other, Greenwood, Delaware, under a continuing contract or contracts with Fox Foods, Inc., a Division of Kane-Miller Corp., Queen Anne, Md. for 180 days. Supporting shipper: Mr. William S. Teat, Jr., Vice President (Sales), Fox Foods, Inc., P.O. Box 298, Queen Anne, Maryland 21657. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 140701 TA, filed March 5, 1975. Applicant: BIG J TRUCKING COMPANY, INC., Route 4, Box 961, Marion, N.C. 28752. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons or crates, from Hickory, N.C., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Michigan (lower Peninsula, only), New Jersey, New York, Pennsylvania, Texas, and Virginia, for 180 days. Supporting shipper: Carolina Tables, Inc., P.O. Box 2446, Hickory, N.C. 28601. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-7078 Filed 3-17-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

MARCH 12, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 217 (Sub-No. 18G), filed June 4, 1974. Applicant: POINT TRANSFER, INC., 5075 Navarre Road, SW., P.O. Box 1441, Canton, Ohio 44708. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery and electrical appliances*, (1) between Pittsburgh, Pa. and points

within 15 miles thereof, located on and west of U.S. Highway 19, on the one hand, and, on the other, points in that part of Ohio on, south and east of a line beginning at Fairport Harbor, Ohio and extending along Ohio Highway 535, to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 91, thence over Ohio Highway 91 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 71 thence over Interstate Highway 71 to Columbus, Ohio thence over U.S. Highway 23 to Portsmouth, Ohio, (2) between Pittsburgh, Pa. and points in its commercial zone and points within 15 miles of Pittsburgh, Pa. located on and east of U.S. Highway 19 on the one hand, and, on the other, points in that part of Ohio east and north of a line beginning at Fairport Harbor, Ohio and extending along Ohio Highway 44 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82 and thence over Ohio Highway 82 to the Ohio-Pennsylvania State line; and points in that part of Ohio bounded by a line beginning at Steubenville, Ohio and extending along U.S. Highway 22 to junction Interstate Highway 77 and thence over Interstate Highway 77 to the Ohio-West Virginia state line, and (3) between Pittsburgh, Pa. and points within 15 miles thereof on the one hand, and, on the other, points in Ohio and West Virginia. The purpose of this filing is to eliminate the gateways of Coraopolis, Pa. or points in Neville, Crescent and Moon Townships, Allegheny County, Pa.

No. MC 1380 (Sub-No. 17G), filed June 4, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Baltimore, Md., on the one hand, and, on the other points and places in North Carolina on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway at Raleigh, N.C.

(2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Virginia south of a line beginning at Cape Henry, Va., and extending along U.S. Highway 60 to Richmond, Va., thence along U.S. Highway 250 to Staunton, Va., and thence southwesterly along U.S. Highway 11 to Bristol, Va., on the one hand, and, on the other, Augusta, Ga., and points in that part of North Carolina, South Carolina and Tennessee within 150 miles of Charlotte, N.C. The purpose of this filing is to eliminate a gateway at Charlotte, N.C.

No. MC 2860 (Sub-No. 142G), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 West Park Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between points in New Jersey, New York, Pennsylvania, and Maryland, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and Delaware; (b) between points in Monmouth, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, Merrimack, N.H.; (c) between points in Maryland, District of Columbia, on the other hand, and, on the other, points in New Jersey, New York, and Pennsylvania; (d) between points in New York on and east of Interstate Highway 81, on the one hand, and, on the other, points in Pennsylvania on the west of the Susquehanna River; (e) between points in Pennsylvania on and east of the Susquehanna River, on the one hand, and, on the other, points in New York on and west of Interstate Highway 81; (f) between points in Burlington, Bergen, Passaic, Morris, Mercer, Essex, Cape May, Hunterdon, Somerset, Warren, Monmouth, Ocean, and Sussex Counties, N.J., on the one hand, and, on the other, points in Pennsylvania on and west of the Susquehanna River;

(g) from Richmond, Va., to points in New Castle County, Del., north of Chesapeake and Delaware Canal; points in Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts and New York; (h) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, District of Columbia, points in Maryland and Delaware; (i) between points in Pennsylvania on and east of the Susquehanna River, on the one hand, and, on the other, points in Cape May, Mercer, and Burlington Counties, N.J.; and (j) from Norfolk and Portsmouth, Va., to points in New Castle County, Del., Pennsylvania, Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. The purpose of this filing is to eliminate the gateways at Camden, Deepwater, Sommerville, N.J., points in Middlesex, Ocean, and Morris Counties, N.J., the junction of Interstate Highway 276 and U.S. Highway 1, the junction of Interstate Highway 276 and U.S. Highway 130, New York, N.Y., Chesapeake City and Salisbury, Md.

(2) *Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood and empty containers* (except commodities in bulk), (a) from points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Pennsylvania, to Norfolk and Portsmouth, Va.; and (b) from points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, those in New Castle County, Del. on and north of the Chesapeake and Delaware Canal, and those in Pennsylvania on and east of a line beginning at the Maryland State line, thence north along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to Ashland, thence along Pennsylvania Highway 42 to Beech Glen, thence along U.S. Highway 220 to the New York State line, to Richmond, Va. The purpose of this filing is to eliminate the gateways at Deepwater, N.J., and Chesapeake City and Salisbury, Md.

(3) *Canned goods*, from points in Maryland, to points in Georgia and Florida. The purpose of this filing is to eliminate the gateways at points in Accomack County, Va.

(4) *Such canned goods* as are distributed by meat packinghouses, (a) from the plant site of Agar Packing Company at Momence, Ill., to points in North Carolina and those in South Carolina on and east of Interstate Highway 95 and on and north of U.S. Highway 521; (b) from the plant site of Armour & Company near Sterling, Ill., to points in North Carolina, South Carolina, and those in Chatham County, Ga.; and (c) from the plant site of Wilson & Co., Inc. at Monmouth, Ill., to points in North Carolina and those in South Carolina on and east of Interstate Highway 95 and on and north of U.S. Highway 521. The purpose of this filing is to eliminate the gateways at points in Greene County, Pa.

(5) *Canned goods* and *preserved foods*, from points in Massachusetts, Connecticut, New Jersey, Rhode Island, those in New York on and south, and east of a line beginning at the Pennsylvania State line and extending along U.S. Highway 11 to Binghamton, thence northward along New York Highway 12 to the intersection of New York Highway 5, thence east along New York Highway 5 to Amsterdam, and thence along New York Highway 67 to the Vermont State line, those in Pennsylvania on, south and east of a line beginning at the Maryland State line and extending along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to the intersection of Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey State line, and those in Delaware on and north of the Chesapeake and Delaware Canal, to points in Ohio. The purpose of this filing is to eliminate the gateways at Deepwater, N.J. and Summit Bridge, Del.

(6) *Canned pet foods*, from points in Maryland, Pennsylvania, New York, Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, to points in Alabama, Georgia, South Carolina, Florida and Tennessee. The purpose of this filing is to eliminate the gateways at Deepwater, N.J., and Cambridge, Md.

(7) *Fibrous glass products and materials* (except fiber glass boats), from points in Connecticut, Rhode Island, Massachusetts, New Jersey, and those in New York on and east of Interstate Highway 81, to points in Ohio. The purpose

of this filing is to eliminate the gateways at Barrington, N.J.

(8) *Fibrous glass products and materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials, and materials, supplies and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between points in Maine and those in New Hampshire on and east of Interstate Highway 93 and on and south of U.S. Highway 202, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway at Winslow Township, N.J.

(9)(a) *Fibrous glass products and materials*, (b) *plastic products and materials*, (c) *asphalt and asbestos and asphalt and asbestos products*, and (d) *materials, supplies and equipment* used in the production, distribution and installment of the commodities described in (a), (b), and (c) above (except commodities in bulk, commodities requiring the use of special equipment, and fiberglass boats), between the plantsite and warehouse facilities of the Owens-Corning Fiberglass Corporation, at or near Fairburn, Ga., on the one hand, and, on the other, points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Jersey, New York, and Rhode Island. The purpose of this filing is to eliminate the gateways at Alexandria, Va. and points in Ocean County, N.J.

(10) *Fresh and frozen eggs, dressed and frozen poultry, butter and cheese*, from Rock Island and Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, those in New York on and east of Interstate Highway 81, and those in Pennsylvania on and east of the Susquehanna River.

(11) *Fresh and frozen eggs, dressed and frozen poultry, butter, cheese and oleomargine*, from points in Wisconsin, Iowa, those in Nebraska on and east of U.S. Highway 83, those in Minnesota on and south of U.S. Highway 10, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, those in Pennsylvania on and east of the Susquehannna River, and those in New York on and east of Interstate Highway 81. The purpose of this filing in (10) and (11) above, is to eliminate the gateways Alexandria, Va., Richmond, Va., Chesapeake City, Md., Deepwater, N.J., and points in Ocean Country, N.J.

(12) *Frozen citrus products*, from points in Florida to points in Ohio, Delaware, Washington, D.C., Virginia, Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateways at Salisbury, and Baltimore, Md., and Bridgeton, and Vineland, N.J.

(13) *Frozen foods*, (a) from points in New York, New Jersey, Connecticut, Massachusetts and Rhode Island, to points in Virginia; (b) from points in New York west of Interstate Highway 81 and those in Pennsylvania on and east of a line beginning at the Maryland State line and extending along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to Frackville, thence along Interstate Highway 81 to the New York State line, to points in North Carolina; (c) from points in Connecticut, Massachusetts, Rhode Island, New Jersey, and those in New York on and east of Interstate Highway 81, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, and Wisconsin; (d) from points in New York west of Interstate Highway 81, and those in Delaware on and north of the Chesapeake and Delaware Canal, those in Pennsylvania on and east of Interstate Highway 83 from the Maryland State line to Harrisburg, and points on and east of U.S. Highway 15 from Harrisburg to the New York State line, to points in South Carolina, Georgia, and Florida;

(e) from points in Pennsylvania on, east and south of a line beginning at the Maryland State line, thence along U.S. Highway 222 to Allentown, thence along U.S. Highway 22 to the New Jersey State line, and those in Delaware on and north of the Chesapeake and Delaware Canal, to points in West Virginia, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Missouri, Louisiana, Alabama, Mississippi, Arkansas, Iowa, Kansas, Minnesota, Nebraska, Tennessee, Ohio, and those in Virginia on and west of U.S. Highway 1; and (f) from points in Maryland, to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateways at Lakewood, Deepwater, Camden, and Bridgeton, N.J., points in Middlesex County, N.J., Summit Bridge, Del., junction Interstate Highway 276 and U.S. Highway 130, junction Interstate Highway 276 and U.S. Highway 1, and Baltimore, Md.

(14) *Frozen fruits, frozen vegetables and frozen berries:* (a) from points in Ohio to points in Massachusetts, Delaware, Connecticut, Rhode Island, New Jersey, those in New York on and east of Interstate Highway 81, and those in Pennsylvania on and east of the Susquehanna River; and (b) from Chicago, Ill., Indianapolis, Ind., Kansas City, St. Joseph and St. Louis, Mo., Green Bay, Sussex and Sturgeon Bay, Wicconsin, to points in Michigan, and those in Ohio on and west of Interstate Highway 75, to points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Delaware, and those in Pennsylvania on and east of U.S. Highway 202. The purpose of this filing is to eliminate the gateway Vineland, N.J.

(15) *Glass containers*, in packages, cartons, and partitions, from points in Massachusetts, Connecticut, Rhode Island, New Jersey, those in New York on and east of a line beginning at Port Jervis, thence along U.S. Highway 209 to Kingston, thence along Interstate 87 to the Canadian Border, those in Pennsylvania on and east of a line beginning at the New York State line near Port Jervis, N.Y., thence south and west along U.S. Highway 209 to Stroudsburg, thence along Pennsylvania Highway 191 to its intersection with U.S. Highway 22 near Bethlehem, thence west along U.S. Highway 22 to Allentown, thence south along Pennsylvania Highway 29 to its intersection with Pennsylvania Highway 100, thence south along Pennsylvania Highway 100 through Pottstown and Chadds Ford to the Delaware State line, to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway at Gloucester City, N.J.

(16) *Glass containers, plastic containers, and paper containers*, from points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, those in New York on and east of Interstate 81, and those in Pennsylvania on and east of the Susquehanna River, to points in Ohio and Illinois. The purpose of this filing is to eliminate the gateways at Camden and Deepwater, N.J.

(17) *Meats, meat products and meat by-products and dairy products* (except commodities in bulk), from points in Pennsylvania, Maryland, Connecticut, Delaware, Massachusetts, New Jersey, New York, Rhode Island, and Washington, D.C., to Miami, Fla. The purpose of this filing is to eliminate the gateways at Camden, and points in Ocean County, N.J., and Baltimore, Md.

(18) *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), from the plant site of Armour and Company near Sterling, Ill., to points in Connecticut, Massachusetts, Rhode Island, and those in New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways at Camden and Somerville, N.J.

(19) *Merchandise*, as is dealt in and sold by retail chain grocery and department stores (except commodities in bulk), from points in Maryland, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, to points in Florida. The purpose of this filing is to eliminate the gateways at Deepwater, N.J. and Baltimore, Md.

No. MC 3854 (Sub-No. 25G), filed June 4, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Ancram, N.Y., to Louisville, Ky. The purpose of this filing is to

eliminate the gateways of Richmond and Danville, Va.

No. MC 7640 (Sub-No. 46G), filed June 4, 1974. Applicants: BARNES TRUCK LINE, INC., P.O. Box 999, Wilson, N.C. 27893. Applicant's representative: John T. Coon, P.O. Box 2006, High Point, N.C. 27261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Wilmington, North Carolina, to points in South Carolina and North Carolina on or south or east of a line extending from the South Carolina-Georgia State line near Anderson, South Carolina via U.S. 29 to Greenville, South Carolina, thence via South Carolina 145 to its junction with South Carolina 101, thence via South Carolina 101 to Woodruff, South Carolina, thence via South Carolina 146 to Cross Anchor, South Carolina, thence via South Carolina 49 to Union, South Carolina, thence via South Carolina 49 to Bullock Creek, South Carolina, thence South Carolina 322 to Rock Hill, South Carolina, thence via South Carolina 161 to Newport, South Carolina, thence via South Carolina 274 and South Carolina 55 to Clover, South Carolina, thence via U.S. 321 to Gastonia, North Carolina, thence via Interstate 85 to its junction with North Carolina 273 near Mount Holly, North Carolina, thence via North Carolina 273 to its junction with North Carolina 16, thence via North Carolina 16 to its junction with North Carolina 73, thence via North Carolina 73 to Albemarle, North Carolina, thence via North Carolina 24 and North Carolina 27 to Carthage, North Carolina.

Thence via U.S. Highway 501 to Sanford, North Carolina, thence via U.S. 421 to Lillington, North Carolina, thence via North Carolina 27 to Benson, North Carolina, thence via Interstate 95 to Kenly, North Carolina, thence via North Carolia 222 to Falkland, North Carolina, thence via North Carolina 43 to its junction with North Carolina 42, thence via North Carolina 42 to its junction with U.S. Highway 64, thence via U.S. Highway 64 to Bethel, North Carolina, thence via U.S. Highway 64 to Williamston, North Carolina, thence via U.S. Highway 17 to Elizabeth City, North Carolina, thence via U.S. 158 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Smithfield, N.C.

(2) *Lumber*, from points in North Carolina, on and east of U.S. Highway 29, to points in Virginia, on and west of a line extending from the North Carolina-Virginia State line via Interstate 85 to its junction with Interstate 95 near Petersburg, Virginia, thence via Interstate 95 to Washington, D.C. The purpose of this filing is to eliminate the gateway of points within fifty (50) miles of Wilson, N.C. east of U.S. Highway 29.

(3) *Lumber* (except plywood and veneer), from points in North Carolina, on and east of U.S. Highway 29, to points in Tennessee. The purpose of this filing is to eliminate the gateway of points within fifty (50) miles of Wilson, N.C. east of U.S. Highway 29.

(4) *Lumber*, from points in South Carolina, to points in Pennsylvania, Virginia, and Maryland on and west of a line beginning at the Virginia-South Carolina State line near South Boston, Virginia and proceeding via U.S. Highway 501 to South Boston, Virginia, thence via U.S. Highway 15 to Warrenton, Virginia, thence via U.S. Highway 17 to Winchester, Virginia, thence via Interstate Highway 81 to its intersection with Interstate Highway 70 at Hagerstown, Maryland, thence via Interstate Highway 70 to Breezewood, Pennsylvania, thence via Interstate Highway 76 to Warrendale, Pennsylvania, thence via U.S. Highway 19 to its junction with Interstate Highway 79, thence via Interstate Highway 79 to Erie, Pennsylvania and Lake Erie. The purpose of this filing is to eliminate the gateway of points within fifty (50) miles of Wilson, N.C. east of U.S. Highway 29.

(5) *Lumber* (except plywood and veneer), from points in South Carolina, to points in Ohio, West Virginia, and Kentucky. The purpose of this filing is to eliminate the gateway of points within fifty (50) miles of Wilson, N.C. east of U.S. Highway 29.

(6) *Fiberboard, particleboard, and plywood*, from points in South Carolina, to those points in Maryland, Pennsylvania, and West Virginia, on and West of a line extending from Washington, D.C. via Interstate 70 S to Hagerstown, Maryland, thence via Interstate 70 to Breezewood, Pennsylvania, thence via Interstate 76 to Bedford, Pennsylvania, thence Pennsylvania Highway 56 to Johnstown, Pennsylvania, thence via U.S. Highway 219 to Dubois, Pennsylvania, thence via Interstate 80 to its junction with Pennsylvania 36, thence via Pennsylvania 36 to Titusville, Pennsylvania, thence via Pennsylvania Highway 8 to Erie, Pennsylvania and Lake Erie. The purpose of this filing is to eliminate the gateway of Waverly, Va.

No. MC 8768 (Sub-No. 36G), filed June 10, 1975. Applicant: SECURITY VAN LINES, INC., 100 West Airline Highway, Kenner, La. 70062. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, New Mexico, Oklahoma, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and the District of Columbia. Restrictions: Traffic is not permitted to move solely between New Mexico and Oklahoma.

(2) Between points in Arizona, California, Oregon, and Washington, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, and the District of Columbia. Restrictions: Service under the authority specified in this paragraph, and the rights granted hereinabove shall not be combined with any of the other rights granted herein for the purpose of engaging in the transportation of shipments moving between Arizona, California, Oregon and Washington, on the one hand, and, on the other, states not specified hereinabove.

(3) Between points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, and West Virginia. Restriction: Traffic is not permitted to move solely between Indiana and Michigan.

(4) Between points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, and West Virginia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, and the District of Columbia. Restriction: The operations authorized to and from Hawaii are restricted to the handling of traffic originating at or destined to points beyond the state of Hawaii.

New and used furniture, and office effects and equipment, between points in Louisiana, on the one hand, and, on the other, points in Mississippi, Tennessee, Arkansas, Georgia, Florida, Missouri, Illinois, Alabama, and Texas.

General Commodities, between points in an area comprising New Orleans, La., and points within 15 miles of New Orleans.

Used household goods, between points in Evangeline, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, East Baton Rouge, West Baton Rouge, Iberville, St. Martin, Lafayette, Acadia, Jefferson Davis, Vermilion, Iberia, St. Mary, Assumption, Ascension, St. James, Terrebonne, Lafourche, St. John the Baptist, St. Charles, Jefferson, Orleans, St. Bernard and Plaquemines Parishes, La.

Restriction: The service authorized herein is subject to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and decontainerization of such traffic. Between points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, Calif. Restriction: The operations authorized herein are subject to the following condi-

tions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. The purpose of this filing is to eliminate the gateways at Electra, Tex. and points in Georgia, New Jersey, New York, Virginia, Alabama, Florida, Tennessee, Illinois, Maryland, Missouri and North Carolina.

No. MC 14321 (Sub-No. 9G), filed June 4, 1974. Applicant: ENGEL VAN LINES, INC., 901 Julia St., Elizabeth, N.J. 07201. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Kentucky, Tennessee, Missouri, Indiana, West Virginia, Ohio, Illinois, Michigan, Wisconsin, Minnesota, Arkansas, Mississippi, Oklahoma, Texas, Colorado, Nebraska, Eureka, Kans., and points within 45 miles thereof, and the District of Columbia, restricted against shipments moving solely between Colorado and Nebraska. The purpose of this filing is to eliminate the gateways at Eureka, Kans., and points in Arkansas.

No. MC 30280 (Sub-No. 65G), filed June 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., Post Office Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading, (a) between points in South Carolina, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

(b) Between points in South Carolina, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

(c) From Danville, Va. and points within 5 miles thereof and points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Nottoway Counties, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of points in North Carolina.

(d) From Baltimore, Md., Philadelphia, Pa., Wilmington, Del., New York, N.Y. and points in the New York, N.Y. commercial zone; and, points in Cumberland, Gloucester, Salem, Hudson, Bergen, Essex, Passaic, Sussex, Morris, Monmouth, Somerset, Union and Middlesex Counties, N.J., to points in South Carolina. The purpose of this filing is to eliminate the gateways of Baltimore, Md. and points in North Carolina.

(e) From Norfolk, Va., to Raleigh, Durham, Ft. Bragg, and Fayetteville, N.C., and points in South Carolina. The purpose of this filing is to eliminate the gateways of points in North Carolina within 30 miles of Danville, Va. and Greenville, S.C.

(2) *Textile Products*, (a) From points in North Carolina and South Carolina to points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pa., and east of U.S. Highway 15 from Harrisburg to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

(b) From points in North Carolina and South Carolina to Wilmington, Del., Baltimore, Md., Philadelphia, Pa., New York, N.Y. and points in the New York, N.Y. commercial zone; and points in Cumberland, Gloucester, Salem, Hudson, Bergen, Essex, Passaic, Union and Middlesex Counties, N.J. The purpose of this filing is to eliminate the gateways of Gastonia, N.C. and/or New York, N.Y.

(c) From points in North Carolina and South Carolina, to points in Sussex, Morris, Monmouth and Somerset Counties, N.J. The purpose of this filing is to eliminate the gateways of Gastonia, N.C. and Baltimore, Md.

No. MC 30845 (Sub-No. 7G), filed June 4, 1974. Applicant: ROBERT M. JOHNSON, NANNIE LEE JOHNSON, AND MARY PITTMAN, doing business as ELLIS MOVING & STORAGE, 215 Fatherland Street, Nashville, Tenn. 37202. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) Between points in Alabama, Georgia, Mississippi, Florida, and Tennessee and points in Kentucky, within 65 miles of Nashville, Tenn., on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Michigan, Minnesota, Kansas and the District of Columbia (the purpose of this filing is to eliminate the gateways at (a) points in Lawrence, Wayne, Hardin or Giles Counties, Tenn., and/or (b) points in Belmont County, Ohio or Marshall, Brooke or Ohio Counties, W. Va.); (2) between points in Alabama, Georgia, Mississippi, and Florida, Nashville, Tenn. and points in Tennessee within 250 miles of Nashville, and points in Kentucky within 65 miles of Nashville, Tenn., on the one hand, and, on the other, points in Wisconsin, Iowa, Tennessee, Oklahoma, Texas, Nebraska, Colorado, Vermont, New Hampshire and Maine (the purpose of this filing is to eliminate the gateways of (a) Lawrence, Wayne, Hardin, or Giles Counties, Tenn., and/or (b) Belmont County, Ohio or Marshall, Brooke or Ohio Counties, W. Va., or points in Pennsylvania, Ohio, West Virginia or Maryland, within 125 miles of said counties); (3) between points in Alabama, Georgia, Missisippi, and Florida, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Carolina, Virginia and West Virginia (the purpose of this filing is to eliminate the gateways in Lawrence, Wayne, Hardin or Giles Counties, Tenn.).

No. MC 31600 (Sub-No. 669G), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in New York (except those in the New York, N.Y., Commercial Zone as defined by the Commission), on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Maine. The purpose of this filing is to eliminate the gateway at Fort Lee, N.J.

No. MC 39140 (Sub-No. 178G), filed June 3, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Avenue, West Chester, Pa. 19380. Applicant's representative: Harry T. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging because of size or weight, (1) between Fairless, Pa. and points within 3 miles thereof, on the one hand, and, on the other, points in New York on and east of a line beginning at Waverly, N.Y., extending in a northerly direction through Ithaca, N.Y. and Auburn, N.Y., to Oswego, N.Y., thence in a northeasterly direction along the shore line of Lake Ontario to the Canadian border, and (2) between Buffalo, N.Y. and points within ten (10) miles thereof, on the one hand, and, on the other, points in Maryland on and west of Route 15. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 41406 (Sub-No. 41G), filed June 3, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between

points in Illinois, Indiana, Michigan, that part of Ohio on and west of a line beginning at the Ohio-Michigan State line at Toledo, Ohio and extending along U.S. Highway 23 to Columbus, Ohio, thence along U.S. Highway 62 to Washington Court House, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission, and points in Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, Wis. (except those parts of Kenosha and Racine Counties on and east of U.S. Highway 41).

(2) From points in Illinois, Indiana and Michigan, to Henderson, Louisville, Owensboro and Paducah, Ky. The purpose of this filing is to eliminate the gateways of Chicago, Ill. Commercial Zone (including Gary, Ind.) and Portage Ind.

(3) From Middletown, Ohio and points in Illinois, Indiana and Michigan, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway at the plant site (Hennepin, Ill.) in Putnam County, Ill.

No. MC 43867 (Sub-No. 26G), filed June 2, 1974. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a corporation, P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* 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 machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, Between points in Arizona, Colorado, New Mexico, Utah and Wyoming. The purpose of this filing is to eliminate the gateways of Oklahoma, Texas, Lea or Eddy Counties, N. Mex., and Kansas.

(2) *Machinery, equipment, materials, and supplies* 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 machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, (a) between points in Arizona, Colorado, Montana, New Mexico, Utah and Wyoming. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, Texas, Lea or Eddy Counties, N. Mex. (b) between points in Montana and Kansas. The purpose of this filing is to eliminate the gateway of Texas.

(3) *Machinery, equipment, materials, and supplies* 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 machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the picking up or stringing of pipe in connection with main or trunk pipelines, (a) between points in Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, Texas, Lea or Eddy Counties, N. Mex. (b) between points in Montana and Kansas. The purpose of this filing is to eliminate the gateway of Texas.

(4) *Machinery, equipment, materials, and supplies*, 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 not including the stringing or picking up of pipe in connection with pipelines, (a) between points in Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, Texas, Lea or Eddy Counties, N. Mex. (b) between points in Montana, Kansas, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Texas. (c) Between points in Louisiana, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Oklahoma.

(5) *machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, between points in New Mexico and Wyoming. The purpose of this filing is to eliminate the gateways of Oklahoma, Texas, Lea or Eddy Counties, N. Mex.

(6) *machinery, equipment, materials, and supplies* used in, or in connection with, or incidental to, irrigation, and the drilling of water wells, (a) between points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, Texas, Lea or Eddy Counties, N. Mex., Wichita Falls, Tex., and Farmington, N. Mex., (b) between points in Montana, Kansas, Illinois, Indiana, Kentucky and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Texas, (c) between points in Louisiana, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Oklahoma, (d) between points in Idaho, Kansas, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateways of Wichita Falls, Tex. and Farmington, N. Mex.

(7) *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling, of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water or sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, *earth drilling machinery and equipment, machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with: (a) The transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) The completion of holes or wells drilled, (c) The production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) The injection or removal of commodities into or from holes or wells, *machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing, and picking up of pipe, restricted to the transportation of traffic originating at or destined to, pipeline rights-of-way, (a) between points in Arizona, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, Texas, Lea or Eddy Counties, N. Mex. (b) Between points in Montana, Kansas, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Texas. (c) Between points in Louisiana, Illinois, Indiana, Kentucky, and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 44053 (Sub-No. 8G), filed June 3, 1974. Applicant: TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., P.O. Box 16091, San Antonio, Tex. 78246. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Colorado, New Mexico, Oklahoma, Louisiana, Missouri and Illinois. The purpose of this filing is to eliminate the gateway of

Texas. (2) Between points in Colorado, Mississippi, Alabama and Georgia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.

(3) Between points in Oklahoma, Colorado, Kansas and Wyoming. The purpose of this filing is to eliminate the gateway of Texas.

(4) Between points in Oklahoma, New Mexico, Louisiana, Arkansas, Mississippi, Missouri, Illinois, Alabama and Georgia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.

(5) Between points in Oklahoma, South Carolina, North Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Georgia.

(6) Between points in Oklahoma, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island and Maine. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Missouri.

(7) Between points in Coloroda, South Carolina, North Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Georgia.

(8) Between points in Colorado, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, and Maine. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex., and points in Missouri.

(9) Between points in New Mexico, Colorado, Wyoming and Kansas. The purpose of this filing is to eliminate the gateway of Texas.

(10) Between points in New Mexico, Oklahoma, Louisiana, Mississippi and Alabama. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.

(11) Between points in New Mexico, South Carolina, North Carolina, Virginia, Kentucky, Missouri, Illinois, Minnesota, Wisconsin, Michigan, Indiana, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Georgia.

(12) Between points in Louisiana, Kansas and Colorado. The purpose of this filing is to eliminate the gateway of Texas.

(13) Between points in Louisiana, Oklahoma, Arkansas, Mississippi, Alabama, Georgia and Florida. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.

(14) Between points in Louisiana, South Carolina, North Carolina, Virginia, Kentucky, Missouri, Illinois, Minnesota, Wisconsin, Michigan, Indiana, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Georgia.

(15) Between points in Kansas, Oklahoma, New Mexico, Louisiana and Missouri. The purpose of this filing is to eliminate the gateway of Texas.

(16) Between points in Kansas, Arkansas, Mississippi, Alabama, and Georgia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex.

(17) Between points in Kansas, South Carolina, North Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Georgia.

(18) Between points in Kansas, Illinois, Wisconsin, Minnesota, Michigan, Indiana, Kentucky, Ohio, West Virginia, District of Columbia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of Orange and Jefferson Counties, Tex. and points in Missouri.

(19) Between points in Texas, Minnesota, Michigan, Indiana, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia and Florida. The purpose of this filing is to eliminate the gateway of Missouri.

MC 51146 (Sub-No. 377G), filed June 4, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: D. F. Martin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Building, paving, or roofing materials and supplies,* from Chicago, Ill., to points in Wisconsin on and south of a line commencing at Lake Michigan near Oconto, Wis., and extending west along Wisconsin State Highway 22 to the intersection of Wisconsin State Highway 29, thence west along Wisconsin State Highway 29 to the intersection of U.S. Highway 51, thence south along U.S. Highway 51 to the intersection of Wisconsin State Highway 54, thence west along Wisconsin State Highway 54 to the Wisconsin-Minnesota State line, (except Madison and Milwaukee and points south of Milwaukee within five miles of Lake Michigan). The purpose of this filing is to eliminate the gateways at Chicago Heights, Ill.

(B) *Pulpboard and pulpboard products,* from Otsego, Mich., to points in Missouri. The purpose of this filing is to eliminate the gateway at Columbus, Wis.

(C) Wrapping paper, from Rochester, N.Y., to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota and Iowa. The purpose of this filing is to eliminate the gateways at Paxinos, Pa. and Muncie, Ind.

No. MC 57880 (Sub-No. 13G), filed June 3, 1974. Applicant: ASHTON TRUCKING CO., a corporation, P.O. Box 472, Monte Vista, Colo. 81144. Applicant's representative: Kenneth R. Hoffman, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Contractors' machinery,* the transportation of which because of size or weight, requires special equipment, and *contractors' equipment* when its transportation is incidental to the transportation of machinery which, by reason of size or weight requires special equipment from points in Colorado (except Monte Vista, Colo., points within 35 miles of Monte Vista, those in Saguache County, Colo., and points in those portions of Mineral and Hinsdale Counties, Colo., lying east of the Continental Divide), to points in New Mexico. The purpose of this filing is to eliminate the gateways of Monte Vista, Colo., points within 35 miles of Monte Vista, those in Saguache County, Colo., and points in those portions of Mineral and Hinsdale Counties, Colo., lying east of the Continental Divide.

No. MC 61231 (Sub-No. 77G), filed June 4, 1974. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), (1) from Kansas City, Mo., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

(2) From Atlantic, Iowa, to points in Colorado. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(3) From Ottumwa, Iowa, to points in Kansas and Missouri. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(4) From Omaha, Nebr., to points in Montana, South Dakota and Wyoming. The purpose of this filing is to eliminate the gateways of Fort Dodge, Des Moines, or Council Bluffs, Iowa.

MC 61403 (Sub-No. 226G), filed June 4, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11 W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals,* in bulk, in tank vehicles, (A) From points in New Jersey (except points south of New Jer-

sey State Hwy. 33), to points in North Carolina (except points west of U.S. Hwy. 221). (B) From points in New Jersey (except points north of New Jersey State Hwy. 33), to points in North Carolina (except points west of North Carolina State Hwy. 18, beginning at the Virginia-North Carolina state line south to Wilkesboro; thence North Carolina State Hwy. 16 to Hickory; thence U.S. Hwy. 321 to the North Carolina-South Carolina state line).

(2) *Chemicals*, in bulk, in tank vehicles, (A) From points in New Jersey (except points west of New Jersey State Hwy. 545 beginning at Bordentown, south to junction of U.S. Hwy. 206; thence U.S. Hwy. 206 to the junction of U.S. Hwy. 30 and New Jersey State Hwy. 54; thence New Jersey Hwy. 54 to Millville; thence New Jersey State Hwy. 47 to the junction of unnumbered State Hwy. near Delmont; thence via unnumbered State Hwy. to Moores Beach), to points in South Carolina (except points west of South Carolina Hwy. 121 beginning at the South Carolina state line south to Newberry; thence U.S. Hwy. 76 to Ballentine; thence South Carolina State Hwy. 6 to Swansea; thence U.S. 321 to the South Carolina-Georgia line).

(B) From points in New Jersey (except points east of the Delaware River beginning at the New York-New Jersey state line south to Bordentown; thence New Jersey State Highway 545 to the junction of U.S. Hwy. 206; thence U.S. Hwy. 206 to the junction of U.S. Hwy. 30 and New Jersey State Hwy. 54; thence New Jersey State Hwy. 54 to Millville; thence New Jersey State Hwy. 47 to junction of unnumbered state highway near Delmont; thence unnumbered state highway to Moores Beach), to points in South Carolina (except points west of U.S. Hwy. 601). The purpose of this filing is to eliminate the gateways at Kingsport, Tenn.

(3) *Chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Florida (except Lacquers and Varnishes to points on and south of Florida State Hwy. 40). The purpose of this filing is to eliminate the gateways at Kingsport, Tenn. and Sheffield, Alabama.

(4) *Chemicals*, in bulk, in tank vehicles, from points in Pennsylvania (on and east of U.S. Hwy. 202) to points in South Carolina (east of South Carolina State Hwy. 121) and North Carolina (east of U.S. Hwy. 221).

(5) *Cotton Softeners*, in bulk, in tank vehicles, from Allentown, Pennsylvania, to Jefferson, South Carolina.

(6) *Chemicals*, in bulk, in tank vehicles, from points in Delaware to points in North Carolina (east of U.S. Hwy, 221). The purpose of this filing is to eliminate the gateways in (4), (5), and (6) at Kingsport, Tenn.

(7) *Insecticide Spreaders*, in bulk, in tank vehicles, from Atlas Point, Delaware, to points in Florida.

(8) Liquid Synthetic Plastics and Resins, in bulk, in tank vehicles, from Elkton, Maryland, to points in North Carolina (east of U.S. Hwy. 221), and Florida (except points on and west of U.S. Hwy. 331). The purpose of this filing is to eliminate the gateways in (7), and (8) at Kingsport, Tenn. and Sheffield, Ala.

(9) *Antioxidants*, in bulk, in tank vehicles, from Orangeburg, South Carolina, to Beaumont, Texas.

(10) *Chemicals*, in bulk, in tank vehicles, from Meade County, Kentucky, to points in New York (on and west of U.S. Hwy. 11 north from Riverside to Binghampton; thence New York State Hwy. 7 north to Central Branch, New York; thence New York State Hwy. 30A north to Riceville, New York; thence New York Hwy. 30 north to the intersection of New York State Hwy. 8 north; thence New York State Hwy. 8 north to Chestertown, New York; thence Interstate 87 north to Champlain, New York), and Pennsylvania (west of U.S. Hwy. 15 from Fairplay, Pennsylvania, at the PA-MD state line to Harrisburg; thence U.S. Hwy. 322 and PA State Hwy. 147 to the junction of U.S. 220 at Pensdale, Pennsylvania; thence U.S. 220 north to the PA-NY state line).

(11) *Liquid Cobalt/Manganese Catalyst Solution*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Decatur, Alabama. The purpose of this filing is to eliminate the gateway in (9), (10), and (11) at Kingsport, Tenn.

No. MC 68860 (Sub-No. 18G), filed June 4, 1974. Applicant: RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, restricted against the transportation of iron or steel articles, between Roanoke, Va., and points in South Carolina, on the one hand, and, on the other, Lynchburg, Norfolk, Richmond, Danville, Bristol, Narrows, Glenvar, and Grundy, Va., Winston-Salem, Greensboro, Durham, Canton, Asheville, Charlotte, and Raleigh, N.C., Washington, D.C., Baltimore, Md., Wilmington, Del., Phidadelphia, Pittsburgh, Marcus Hook, York, and Harrisburg, Pa., Newark and Sweedsboro, N.J., and Charleston, Bluefield, and Huntington, W. Va., and points in South Carolina.

(2) *Canned goods*, (a) from Baltimore and Frederick, Md. and all points in Montgomery County, Va., New York, N.Y., Philadelphia, Pa., Sweedsboro, N.J., Wyoming, Dover, and Houston, Del., to points named directly above, and Camden, Chester, Columbia, Greenville, Darlington, Spartanburg, Sumter and Charleston, S.C., Charlotte, Durham, Greensboro, Hickory, Salisbury, Winston-Salem, Gastonia, and Rocky Mount, N.C., and Charleston, Bluefield, Welch, Beckley, Princeton, and Iaeger, W. Va., and (b) from Lynchburg, Norfolk, Richmond, Danville, Bristol, Narrows, and Grundy, Va., Winston-Salem, Greensboro, Durham, Canton, Asheville, Charlotte, and Raleigh, N.C., Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pittsburgh, Marcus Hook, York, and Harrisburg, Pa., Newark and Sweedsboro, N.J., and Charleston, Bluefield, and Huntington, W. Va., and points in South Carolina to Roanoke, Glenvar, Lancaster, Camden, Chester, Columbia, Greenville, Darlington, Spartanburg, Sumter, and Charleston, S.C., Charlotte, Durham, Greensboro, Hickory, Salisbury, Winston-Salem, Gastonia, and Rocky Mount, N.C., and Charleston, Bluefield, Welch, Beckley, Princeton, and Iaeger, W. Va., Lynchburg, Va., and points in Virginia within 75 miles of Lynchburg, Va., restricted against transportation between points in North Carolina and South Carolina.

(3) *Sugar*, from Baltimore, Md. to points authorized above in Virginia, West Virginia, North Carolina, and South Carolina.

(4) *Feed*, from points authorized above in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and the District of Columbia to Winston-Salem, Greensboro, Durham, Reidsville, Thomasville, Mount Airy, Gibsonville, Spencer, Lexington, Hickory, High Point, Salisbury, Charlotte, Burlington, and Asheboro, N.C.

(5) *Petroleum*, from Philadelphia, Pa., to points authorized above in the states of Virginia, West Virginia, North Carolina, and South Carolina.

(6) *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from points authorized above in Virginia, West Virginia, North Carolina, South Carolina, Maryland, Delaware, Pennsylvania, New Jersey, and the District of Columbia, to Lynchburg, Va. and points in Virginia within 75 miles of Lynchburg, Va.

(7) *Such commodities* as dealt in from Lynchburg, Va., to points authorized above in Virginia, West Virginia, North Carolina, South Carolina, Maryland, Pennsylvania, Delaware, New Jersey or the District of Columbia, and

(8) *Angles, bars, bases, beams, bridge steel, channels, forms* (structural), *joists, piling, pipe* (case iron, plate or sheet), *pipe fillings, plates* (structural), *rivets, rods, sheets, slabs, wire rope, and accessories* for beams and joists, (a) from points in New Jersey, Maryland, Pennsylvania, District of Columbia, to points in West Virginia, south of U.S. Highway 33, points in Tennessee east of U.S. Highway 25W and points in North Carolina west of Highway 15, (b) from points in North Carolina, to points in West Virginia, south of U.S. Highway 33 and points in Tennessee east of Highway 25W, (c) from points in West Virginia, to points in North Carolina west of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of Roanoke and/or Lynchburg, Va.

No. MC 73165 (Sub-No. 343G), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from points in Florida, to points in Alabama, Mississippi, Tennessee, Georgia, Texas, Virginia, West Virginia, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. The purpose of this filing is to eliminate the gateways at Guntersville and Birmingham, Ala.

(2) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Florida, to points in Illinois, except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 39 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., thence along the Illinois-Indiana State line to point of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Kansas, Iowa, Michigan, Wisconsin, and Kentucky, except Louisville, Kentucky. The purpose of this filing is to eliminate the gateways at Guntersville and Birmingham, Ala.

(3) *Iron and steel articles*, described in Appendix V to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and commodities, which because of size or weight, require the use of special equipment), between points in Louisiana and Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River.

(4) *Iron and steel, and iron and steel articles* (except commodities which, because of size or weight, require the use of special equipment, and commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from points in Florida to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(5) *Cast iron and pipe fittings therefor* (except commodities, which because of size or weight, require the use of special equipment), from points in Florida, to points in Illinois, Ohio, and Indiana. The purpose of this filing is to eliminate the gateways at Guntersville and Holt, Ala.

(6) *Iron and steel pipe, pipe fittings, meter boxes, manhole frames, and manhole covers* (except commodities, which because of size or weight, require the use of special equipment), between points in Florida, on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Nebraska, Wyoming, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River, and Tyler, Tex.

(7) *Iron and steel, and iron and steel articles*, which because of size or weight require the use of special equipment, (except pipe, pipe line material, machinery, equipment, and supplies, incidental to and used in connection with the construction, dismantling, and repairing of pipeline; except buildings prefabricated or in sections; and except commodities which because of size or weight require the use of special equipment), between points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Arkansas, and Florida, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways at Memphis, Tenn. and Bridgeport, Ala.

(8) *Iron and steel, and iron and steel articles*, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies, incidental to and used in connection with the construction, dismantling, and repair of pipelines and except commodities which because of size or weight require the use of special equipment), Between points in Georgia, Alabama, Mississippi, Tennessee and Florida; on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways at W. Memphis, Ark., and Union City, Tenn.

(9) *Iron and steel, and iron and steel articles*, except those requiring special equipment, From points in Georgia, to points in Alabama, Mississippi, Tennessee, Florida, Texas, Virginia, Arkansas, West Virginia, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. The purpose of this filing is to eliminate the gateway at Birmingham, Decatur and Guntersville, Ala.

(10) *Iron and steel articles*, as described in Appendix V to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, (except those requiring special equipment), From points in Georgia, to points in Illinois except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to points of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, and Kentucky (except Louisville, Kentucky). The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(11) *Iron and steel, and iron and steel articles*, (except those requiring special equipment and commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), From points in Georgia to points in Arkansas, and Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(12) *Cast Iron pipe and fittings*, therefore, (except those requiring special equipment), From points in Georgia, to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateways at Birmingham, and Holt, Ala.

(13) *Iron and steel pipe, pipe fittings, meter boxes, manhole frames, and manhole covers*, (except those requiring special equipment), between points in North Carolina, South Carolina, Alabama, Mississippi, Tennessee, and Georgia, on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, Wyoming, Idaho, Oregon, California, Utah, Colorado, Nebraska, and Washington. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River, points in Alabama and Tyler, Tex.

(14) *Iron and steel articles*, (except commodities which because of size or weight require the use of special equipment), Between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Mississippi, Arkansas, Tennessee, Georgia, and Florida. The purpose of this filing is to eliminate the gateway at points in Alabama on the Tennessee River.

(15) *Iron and steel articles*, from North Carolina and South Carolina to points in Texas, Mississippi, Tennessee, and Louisiana east of the Mississippi River.

(16) *Iron and steel articles*, as described in Appendix V to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, (except those requiring special equipment and iron and steel buildings, complete, knocked down, or in sections), (a) Between points in Texas and Louisiana, on the one hand, and, on the other, points in North Carolina, South Carolina, Pennsylvania, Maryland, and New York. (b) From points in Texas and Louisiana, to points in Virginia, Illinois except points on and within a ter-

ritory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., and thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to point of beginning points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, Kentucky, except Louisville, Ky., West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey and Delaware. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River and points in Alabama.

(17) *Iron and steel articles,* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), From points in North Carolina and South Carolina, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateways at Decatur, or Birmingham, Ala.

(18) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, From points in North Carolina and South Carolina, to points in Illinois except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to point of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, and Kentucky except Louisville, Ky. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(19) *Iron and steel articles,* (a) From points in Alabama, to points in Texas, Virginia, Georgia, Mississippi, Tennessee, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Pennsylvania, Delaware, and Maryland, (b) From Gadsden, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(20) *Iron and steel articles,* as described in Appendix V to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, From points in Alabama, to points in Illinois, except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to point of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, and Kentucky except Louisville, Ky. The purpose of this filing is to eliminate the gateway at points in Birmingham, Ala.

(21) *Iron and steel articles,* except those which because of size or weight require the use of special equipment, between points in Alabama, on the one hand, and, on the other, points in Georgia, Florida, Arkansas, Tennessee, and Mississippi, From points in Alabama, to points in West Virginia. The purpose of this filing is to eliminate the gateways at points in Alabama on the Tennessee River.

(22) *Iron and steel articles,* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), From points in Alabama, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(23) *Iron and steel and iron and steel articles,* (except those requiring special equipment), (a) between points in Mississippi on the one hand, and, on the other, points in Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Pennsylvania, Maryland, and New York. (b) from points in Mississippi, to points in Virginia, West Virgina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(24) Iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except those requiring special equipment), From points in Mississippi, to points in Illinois except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to points of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio and thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, and Kentucky except Louisville, Kentucky.

(25) *Cast iron pipe and fitting therefore,* from points in Alabama, to points in Illinois, Ohio, Indiana, Michigan, Wisconsin, Kentucky except Louisville, Kentucky, and St. Louis Missouri. The purpose of this filing is to eliminate the gateway at Holt, Ala.

(26) *Cast iron pressure pipe and cast iron soil pipe,* from points in Alabama, to points in Iowa, Kansas, and Missouri (except St. Louis, Missouri). The purpose of this filing is to eliminate the gateway at Birmingham or Holt, Ala.

(27) *Iron and steel, and iron and steel articles,* the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and use in connection with the dismantling, construction, and repair of pipelines, and except commodities which because of size or weight require the use of special equipment), between points in Mississippi, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway at Memphis, Tenn.

(28) *Iron and steel, and iron and steel articles,* except those requiring special equipment, between points in Tennessee, on the one hand, and, on the other, points in Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Pennsylvania, Maryland, and New York. From points in Tennessee, to points in Texas, Virginia, West Virginia, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(29) *Iron and Steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except those requiring special equipment, from points in Tennessee, to points in Illinois except points on and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to point of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, and thence

along U.S. Highway 23 to Circleville, Ohio, thence along U.S. Highway 22 to Cincinnati, Ohio, Missouri, Iowa, Kansas, Michigan, Wisconsin, and Kentucky (except Louisville, Ky. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(30) *Iron and steel, and iron and steel articles,* (except those requiring special equipment and those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), From points in Tennessee, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(31) *Structural steel,* (except commodities which because of size or weight require the use of special equipment), Between points in Tennessee and Missouri, on the one hand, and, on the other, points in Arkansas, Mississippi, Alabama, Georgia, and Florida. The purpose of this filing is to eliminate the gateway at Memphis, Tenn.

(32) *Iron and steel pipe* which because of size or weight require the use of special equipment, except those which because of size or weight require the use of special equipment, Between points in Tennessee and Missouri, on the one hand, and, on the other, points in Arkansas, Mississippi, Alabama, Georgia, and Florida. The purpose of this filing is to eliminate the gateway at Memphis, Tenn.

(33) *Iron and steel, and iron and steel articles,* (except those requiring special equipment), Between points in Arkansas, on the one hand, and, on the other, points in Georgia and Tennessee. From points in Arkansas, to points in Virginia, West Virginia, and that part of Florida, on and north of a line beginning at St. Petersburg Beach, Fla., and extending along Florida Highway 263 to St. Petersburg, Fla., thence across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., thence along unumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateway at points in Mississippi on the Mississippi River and Birmingham, Ala.

(34) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), (a) between points in Arkansas, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, South Carolina, Pennsylvania, Maryland and New York. (b) from points in Arkansas to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateway at points in Mississippi River on the Mississippi River and Birmingham, Ala.

(35) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which because of size or weight require the use of special equipment, From points in Arkansas, to points in Illinois, except points in and within a territory bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., thence along U.S. Highway 51 to La Salle, Ill., thence along U.S. Highway 6 to Joliet, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago, Ill., and thence along the Illinois-Indiana State line to point of beginning, points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62, to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, thence along U.S. Highway 22 to Cincinnati, Ohio, Michigan, and Kentucky except Louisville, Ky. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(36) *Iron and steel and iron and steel articles,* which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and except commodities which because of size or weight require the use of special equipment), between points in Arkansas, on the one hand, and, on the other, points in Alabama, Mississippi, Georgia, and Florida. The purpose of this filing is to eliminate the gateway at Memphis, Tenn.

(37) *Iron and steel articles,* from points in Pennsylvania, Maryland, and New York to points in Mississippi, Tennessee, Alabama, Texas, and points in Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway at points in Alabama.

(38) Iron and steel articles, except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, From points in Pennsylvania, Maryland, and New York, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(39) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), From points in Pennsylvania, Maryland, and New York, to points in Alabama, Arkansas, Tennessee, and Mississippi. The purpose of this filing is to eliminate the gateway at Alabama.

(40) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209. From Brooke, Cabell, and Marshall Counties, W. Va., to points in Mississippi, Texas, Louisiana east of the Mississippi River, and that part of Florida on and north of a line beginning at St. Petersburg Beach, Fla., and extending along Florida Highway 263 to St. Petersburg, Fla., thence across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., thence along unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(41) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which because of size or weight require the use of special equipment, from points in Brooke, and Marshall Counties, W. Va., to points in Florida, Mississippi, Tennessee, and Arkansas. The purpose of this filing is to eliminate the gateway at points in Alabama.

(42) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment, from points in Brooke and Marshall Counties, W. Va., to points in Louisiana and Texas. The purpose of this filing is to eliminate the gateways at points in Alabama and points in Louisiana on the Mississippi River.

(43) *Structural steel, and iron or steel pipe* which because of size or weight require the use of special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), from points in Pennsylvania on and west of U.S. Highway 219 and Cabell and Wayne Counties, W. Va., to St. Louis, Mo., and points in the St. Louis, Mo., Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateways at points in Missouri (except St. Louis, Mo., and its Commercial Zone).

(44) *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, consisting of equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and in the construction, development, operation, and maintenance of facilities for the discovery of mining, and milling of lead, zinc, iron, coal, and other minerals, and commodities, which because of size or weight, require the use of special equipment (except those commodities, which because of size or weight, require the use of special equipment), from points in Pennsylvania on and west of U.S. Highway 219 and Cabell and Wayne Counties, W. Va., to points in Kansas within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway at points in Barton Counts, Mo.

(45) *Iron and steel and iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, the transportation of which because of size or

weight, require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and except commodities, which because of size or weight, require the use of special equipment), from points in Pennsylvania on and west of U.S. Highway 219 and Cabell and Wayne Counties, W. Va., to points in Kentucky, on and west of U.S. Highway 41, and points in Illinois within 40 miles of Sikeston, Mo. The purpose of this filing is to eliminate the gateway at Sikeston, Mo.

(46) *Iron and steel articles,* From points in Wayne, and Cabell Counties, W. Va., to points in Alabama, Mississippi, Georgia, and that part of Florida on and north of a line beginning at St. Petersburg Beach, Fla., and extending along Florida Highway 263 to St. Petersburg, Fla., thence across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., thence along unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways at specified points in Alabama.

(47) *Iron and steel articles,* (except those which because of size or weight require the use of special equipment), From points in Wayne, and Cabell Counties, W. Va., to points in Tennessee, Arkansas, Georgia, Mississippi, and Florida. The purpose of this filing is to eliminate the gateways at points in Alabama.

(48) *Iron and steel articles,* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), From points in Wayne, and Cabell Counties, W. Va., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gate way at points in Alabama.

(49) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except those requiring special equipment, From points in Pennsylvania on and west of U.S. Highway 219, to points in Mississippi, Texas, Florida, Tennessee, Arkansas, Louisiana, Alabama, Georgia, Oklahoma, and Missouri (except St. Louis Mo., and points in the St. Louis, Mo., Commercial Zone as described by the Commission. The purpose of this filing is to eliminate the gateway at Cabell County, W. Va., and points in Alabama.

(50) *Iron and steel electrical conduit and fittings and attachments* therefor, (except commodities requiring special equipment), From points in Pennsylvania on and west of U.S. Highway 219, to points in Alabama, Florida, Louisiana, Mississippi, Tennessee, and that part of Georgia south of a line beginning at a point east of Savannah, Ga., on the Atlantic Coast and extending along U.S. Highway 80 to junction U.S. Highway 280, and thence along U.S. Highway 280 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway at Glendale, W. Va.

(51) *Iron and steel conduit* and *pipe and fittings and attachments* for conduit and pipe, From points in Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway at Glendale, W. Va.

(52) *Iron and steel conduit* and pipe and *fittings and attachments* therefor (except commodities which because of size or weight require the use of special equipment), From points in Pennsylvania, on and west of U.S. Highway 219 to points in New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, and Utah. The purpose of this filing is to eliminate the gateway at Glendale, W. Va.

(53) *Iron and steel and iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which because of size or weight require the use of special equipment, From the plantsite of the Kentucky Electrical Steel Company at or near Coalton, Boyd County, Ky., to points in Mississippi, Arkansas, Tennessee, Texas, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway at points in Alabama.

(54) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which because of size or weight require the use of special equipment and except iron and steel buildings, complete, knocked down, or in sections, from the plantsite of Kentucky Electrical Steel Company at or near Coalton, Boyd County, Ky., to points in Louisiana and Texas. The purpose of this filing is to eliminate the gateway at points in Alabama.

(55) *Iron and steel* and *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which because of size or weight require the use of special equipment and except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, from the plant site of the Kentucky Electrical Steel Company at or near Coalton, Boyd County, Ky., to points in Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(56) *Cast iron pipe, pipe fittings, pipe valves, and fire hydrants,* from Coshocton, Ohio, to points in Texas and Mississippi. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(57) *Cast iron pipe, pipe fittings, and pipe valves,* (except commodities which because of size or weight require the use of special equipment), from Coshocton, Ohio, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Florence, Ala.

(58) *Cast iron pipe, pipe fittings, and pipe valves,* from Coshocton, Ohio, to points in Texas. The purpose of this filing is to eliminate the gateway at points in Louisiana.

(59) *Cast iron pipe* which because of size or weight requires the use of special equipment, from Coshocton, Ohio, to points in Missouri, and points in Oklahoma and Kansas within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway at points in Tennessee.

(60) *Cast iron pipe, pipe fittings, pipe valves, and fire hydrants,* the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), From Coshocton, Ohio, to Sikeston, Mo., and points within 50 miles of Sikeston. The purpose of this filing is to eliminate the gateway at points in Kentucky.

(61) Cast iron pipe, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines), From Coshocton, Ohio, to points in Missouri, and points in Kansas, and Oklahoma within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateways at points in Kentucky and Joplin, Mo.

(62) *Cast iron pipe, pipe fittings, pipe valves, and fire hydrants,* consisting of oil field equipment and supplies, From Coshocton, Ohio, to points in Texas within 200 miles of Texarkana, Texas, including Texarkana. The purpose of this filing is to eliminate the gateway at points in Arkansas.

(63) *Cast iron pipe and fittings,* From the plant site of James E. Clow & Sons, Bensenville, Ill., to points in Texas, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at points in Louisiana and Alabama.

(64) *Iron and steel articles,* (except commodities which because of size or weight require the use of special equipment), (a) Between points in the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State Line, on the one hand, and, on the other, points in North Carolina, South Carolina, Pennsylvania, Maryland, and New York. (b) from points in the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State Line, to points in Maine, Virginia, West Virginia, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware. The purpose of this filing is to eliminate the gateway at points in Alabama.

(65) *Iron and steel articles,* (except those which because of size or weight require the use of special equipment), From the plant site of Tennessee Forgoing Steel Corporation, near Harriman, Tenn., to points in Florida, Texas, and those in Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway at points in Alabama.

(66) *Iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except those which because of size or weight require the use of special equipment and except iron and steel buildings, complete, knocked down, or in sections), From the plantsite of the Tennessee Forgoing Steel Corporation near Harriman, Tenn., to points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway at points in Alabama and points in Louisiana on the Mississippi River.

(67) *Iron and steel articles,* consisting of equipment, materials, and supplies 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 incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals, and commodities the transportation of which by reason of their size or weight require the use of special equipment or special handling, (except commodities which by reason of size or weight require the use of special equipment), from the plant site of Tennessee Forgoing Steel Corporation, near Harriman, Tenn., to points in Kansas and Oklahoma within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway at specified points in Missouri.

(68) Iron and steel articles, except those the transportation of which by reason of size or weight require the use of special equipment and except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, From the plant site of Tennessee Forgoing Steel Corporation, near Harriman, Tennessee, to points in Oklahoma. The purpose of this filing is to eliminate the gateway at Decatur, Ala.

(69) *Iron and steel plumbing materials and supplies,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except those requiring special equipment), (a) From points in Texas to points in Maryland, Pennsylvania, West Virginia, and Virginia. (b) From points in Maryland, Pennsylvania, West Virginia, and Virginia to points in Texas. The purpose of this filing is to eliminate the gateway at Swan, Tex.

(70) *Iron and steel scrap,* From points in Maryland, Pennsylvania, West Virginia, and Virginia, to points in Texas. The purpose of this filing is to eliminate the gateway at Swan, Tex.

(71) *Iron and steel articles,* From the plant site of Jones & Laughlin Steel Corporation, Putnam County, Ill., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at points in Alabama.

(72) *Iron and steel pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers,* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the *Commission in T. E. Mercer and G. E. Mercer-Extension-Oil Field Commodities, 74 M.C.C. 459 and 543*), (a) between points in Texas, on the one hand, and, on the other, points in Georgia, Kentucky, Michigan, Ohio, Tennessee, Alabama, Delaware, Florida, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia. (b) between points in Texas on and south of U.S. Highway 80, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Missouri, Wisconsin, and Minnesota. (c) between points in Louisiana on and south of U.S. Highway 80 and points in Texas on and east of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 80 to Gladwater, Tex., thence along U.S. Highway 271 to Tyler, Tex., thence along U.S. Highway 69 to Jacksonville, Tex., thence along U.S. Highway 79 to Round Rock, Tex., and thence along U.S. Highway 81 to Laredo, Tex., on the one hand, and, on the other, points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Tyler, Tex.

(73) Iron and steel articles, From the plant of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to points in Alabama, Louisiana, Texas, Mississippi, Georgia, that part of Tennessee on and north of the Tennessee or Holston River (except points in Tennessee on and east of U.S. Highway 25E), and that part of Florida on and north of a line beginning at St. Petersburg Beach, Fla., and extending along Florida Highway 263 to St. Petersburg, Fla., thence along across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., thence along unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateway at points in Cabell County, W. Va.

(74) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), From the plant site of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to points in Mississippi, Arkansas, Tennessee, Georgia, and Florida. The purpose of this filing is to eliminate the gateway at Cabell County, W. Va.

(75) *Iron and steel articles* as described in Appendix V of the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except commodities which because of size or weight require the use of special equipment), From the plant site of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to points in Arkansas, Oklahoma, and Missouri (except St. Louis, Mo., and points in the St. Louis, Mo., Commercial Zone as defined by the Commission). The purpose of this filing is to eliminate the gateway at points in Cabell County, W. Va.

(76) *Structural steel, and iron or steel* pipe which because of size or weight require the use of special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, (except those commodities which because of size or weight require the use of special equipment), from the plant site of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to St. Louis, Mo., and points in the St. Louis, Mo., Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateway at points in Cabell County, W. Va. and points in Missouri.

(77) Iron and steel articles as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, consisting of equipment, materials, and supplies 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 in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling, of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment, (except commodities which because of size or weight require the use of special equipment), from the plant site of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to points in Kansas within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway at points in Cabell County, W. Va. and points in Missouri.

(78) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines, and except commodities which because of size or weight require the use of special equipment), from the plant site of Wheeling Pittsburgh Steel Corporation at Martins Ferry, Ohio, to points in Kentucky east of the Tennessee River and points in Illinois within 40 miles of Sikeston, Mo. The purpose of this filing is to eliminate the gateway

at points in Cabell County, W.Va. and points in Missouri.

(79) *Iron and steel pipe, pipe fittings, meter boxes, manhole frames, and manhole covers*, between points in Louisiana, and points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, Tex., thence along Interstate Highway 45 to Galveston, Tex., on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Nebraska, Wyoming, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway at Tyler, Tex.

(80) *Cast iron and brass valves and components and cast iron fire hydrants*, (except those requiring special equipment), from points in Mississippi, Georgia, and Tennessee to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Oklahoma, Tennessee, Texas, Virginia, West Virginia, Wisconsin, that part of Louisiana east of the Mississippi River, and points in Ohio south of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(81) *Iron and steel valves, hydrants, and gaskets* (except those requiring special equipment), From points in Tennessee, Georgia, and Mississippi, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Birmingham, Ala.

(82) *Cast iron pipe and fittings therefor* (except those which because of size or weight require the use of special equipment), From points in Louisiana, to St. Louis, Mo., and points in Illinois, Ohio, Indiana, Michigan, Wisconsin, and Kentucky except Louisville, Ky. The purpose of this filing is to eliminate the gateway at points in the Mississippi River and Holt, Ala.

(83) *Cast iron pressure pipe and cast iron soil pipe* (except those which because of size or weight require the use of special equipment), From points in Louisiana to points in Iowa, Kansas, and Missouri (except St. Louis, Mo.). The purpose of this filing is to eliminate the gateway at points in Mississippi River and Holt, Ala.

(84) *Iron and steel articles* consisting of road and bridge building materials, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), Between points in Louisiana and Texas, on the one hand, and, on the other, all points in Missouri and Oklahoma, and points in Kansas, within 300 miles of Joplin, Mo.

(85) *Iron and steel articles*, of structural steel, contractors equipment other than oil field, and pipe which because of size or weight require the use of special equipment, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment), Between points in Louisiana and Texas, on the one hand, and, on the other, all points in Missouri, and points in Kansas within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateway at points in Louisiana on the Mississippi River, points in Arkansas, points in Barry County, Mo. and Sikeston, Mo. and 50 miles thereof.

(86) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight require the use of special equipment (except iron and steel buildings, complete, knocked down, or in sections, and except commodities which because of size or weight require the use of special equipment and pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines), Between points in Louisiana and Texas, on the one hand, and, on the other, Sikeston, Mo., and points within 50 miles of Sikeston, and all points in Kentucky and Illinois. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River, points in Arkansas, Sikeston, Mo. and 50 miles thereof, in W. Memphis, Ark.

(87) *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except iron and steel buildings, complete, knocked down, or in sections and except commodities which because of size or weight require the use of special equipment) consisting of equipment, materials, and supplies, 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, or consisting of equipment, materials, and supplies incidental to or used in construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and to other minerals, or consisting of commodities the transportation of which by reason of their size or weight require the use of special equipment or special handling, between points in Louisiana and Texas, on the one hand, and, on the other, points in Jasper, Lawrence, Newton, Barry, and Barton Counties, Missouri, Cherokee, Crawford, Labette, and Montgomery Counties, Kansas, Ottawa County, Oklahoma, Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois. The purpose of this filing is to eliminate the gateways at points in Louisiana on the Mississippi River, points in Arkansas, Mo. and points in Illinois within 50 miles of Sikeston, Mo.

(88) Iron and steel and iron and steel articles, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repairing of pipeline; except buildings, prefabricated or in sections; and except commodities which because of size or weight require the use of special equipment), Between points in Illinois, on the one hand, and on the other, points in Arkansas, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at points in Memphis, Tenn., W. Memphis, Ark., Bridgeport, Ala. and points in Illinois within 50 miles of Sikeston, Mo.

(89) Iron and steel and iron and steel articles consisting of equipment, materials, and supplies 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 equipment, materials and supplies incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities the transportation of which by reason of their size or weight require the use of special equipment or special handling, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and commodities which because of size or weight require the use of special equipment). The purpose of this filing is to eliminate the gateways at points in Illinois within 50 miles of Sikeston, Mo., W. Memphis, Ark. and Bridgeport, Ala.

Between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, on the one hand, and, on the other, points in Alabama, Arkansas, Tennessee, Mississippi, Florida, Georgia, North Carolina, and South Carolina.

(90) *Structural steel*, (except commodities which because of size or weight require the use of special equipment), Between points in Missouri, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways at points in Tennessee and Bridgeport, Ala.

(91) *Iron or steel pipe* which because of size or weight require the use of special equipment, (except commodities which because of size or weight require the use of special equipment), Between points in Missouri, on the one hand, and, on the other, points in North Carolina and

South Carolina. The purpose of this filing is to eliminate the gateway at points in Tennessee and Bridgeport, Ala.

No. MC 106497 (Sub-No. 99G), filed June 3, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912 (Business Rte. I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling, and commodities which do not require special equipment or handling when moving in the same shipment on the same bill of lading from a single consignor as commodities which by reason of size or weight require special equipment or handling, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), between Oregon and Washington, on the one hand, and, on the other points in New Mexico and Texas. The purpose of this filing is to eliminate the state of Wyoming gateway.

(II) (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling, and *parts of commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling, and, (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles transported on trailers), between points in Kentucky, on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Missouri, Oklahoma and Texas. The purpose of this filing is to eliminate the state of Indiana gateway.

(III) *Plastic pipe*, from points in Illinois, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin, to points in California. The purpose of this filing is to eliminate the gateways at McPherson Kansas or Waco, Tex.

(IV) *Iron and steel articles*, the transportation of which because of their size or weight requires the use of special equipment or handling, from points in Colorado, New Mexico, Oklahoma, Oregon, Texas, Washington, and Wyoming, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Baytown, Texas and state of Wyoming gateway.

(V) *Machinery, equipment, materials and supplies* 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, between points in Montana, North Dakota, and South Dakota, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Kansas, Kentucky, and Missouri. The purpose of this filing is to eliminate the state of Oklahoma gateway.

(VI) *Tubing*, other than oilfield tubing, the transportation of which because of size or weight requires the use of special equipment or handling, (a) from points in Arkansas, Louisiana, Oklahoma, and Texas, to points in Arizona, California, Idaho, Nevada, Montana, and Utah (the purpose of this filing is to eliminate the gateway at Rosenburg, Tex.); (b) from points in New Mexico and Texas, to points in Alabama, Connecticut, the District of Columbia, Delaware, Florida, Maryland, Massachusetts, Mississippi New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia (the purpose of this filing is to eliminate the gateway at Rosenburg, Tex.).

(VII) Transformers, which because of size or weight require the use of special equipment, (a) from points in Louisiana, to points in Alaska, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (b) from points in Texas, to points in Alabama, Alaska, Arizona, California, Florida, Georgia, Idaho, Minnesota, Mississippi, Montana, Nebraska, Nevada, North Dakota, Utah and Wisconsin; (c) from points in Colorado, Kansas, New Mexico, Oklahoma, Oregon, Washington, and Wyoming, to points in Alabama, Alaska, Florida, Georgia, Mississippi, and South Carolina; (d) from points in Arkansas, to points in Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (e) from points in Illinois, Indiana, Iowa, Kentucky, Missouri and Ohio, to points in Alaska, Arizona, California, Florida, Nevada and Utah. The purpose of this filing is to eliminate the gateways in (a), (b), (c), (d), and (e) at Shreveport, Louisiana, General Electric plantsite.

No. MC 107515 (Sub-No. 952G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, (a) from Cudahy, Wis., and points in its commercial zone (including Milwaukee), to points in Virginia (the purpose of this filing is to eliminate the gateways of points in Georgia and Charlotte, N.C.); (b) from Cudahy, Wis., and points in its commercial zone (including Milwaukee), to points in Florida (the purpose of this filing is to eliminate the gateway of points in Georgia).

(2) *Cheese*, (a) from Plymouth, Wis., to points in Louisiana, Florida, Alabama, Tennessee, and South Carolina (the purpose of this filing is to eliminate the gateway of Atlanta, Ga. and points in its Commercial Zone); (b) from Plymouth, Wis., to points in Texas (the purpose of this filing is to eliminate the gateways of Atlanta, Ga. and points in its Commercial Zone and Chattanooga, Tenn.).

No. MC 111401 (Sub-No. 421G), filed June 4, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and gaseous helium*, in bulk from points in Kansas and that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the boundary line between Texas and Mexico, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of the plant site of Alamo Chemical Co., and Gardner Cryogenics Corporation known as the Greenwood Facility, in Morton County, Kans., approximately 25 miles NW of Elkhart, Kans., the Helex plant near Ulysses, Kans., Tulsa, Okla., and Longview and Texas City, Tex.

No. MC 113843 (Sub-No. 207G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from Detroit, Mich., to points in Delaware, Maryland, New Hampshire, New Jersey, New York (except Rochester and points within 75 miles thereof), Pennsylvania, Vermont, West Virginia, and the District of Columbia (the purpose of this filing is to eliminate the gateway of Cleveland, Ohio); (b) from points in Michigan, to points in Delaware, Maryland, West Virginia, Virginia, Pennsylvania, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia (the purpose of this filing is to eliminate the gateway of Elmira, N.Y.).

(2) *Meats, meat products and meat by-products, as defined by the Commission*, (a) from Detroit, Mich., to Camden, Newark, and Jersey City, N.J., Philadelphia and Middletown, Pa. (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.); (b) from Detroit, Mich., to Cambridge, Springfield, Woburn, and Stoneham, Mass., Salisbury, Md., Philadelphia, Pa.,

and Roanoke, Va. (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Rochester, N.Y.); (c) from Detroit, Mich., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.); (d) from Detroit, Mich., to Buffalo, Syracuse, Rochester, Albany, N.Y., Elizabeth, N.J., Scranton, Harrisburg, Philadelphia, and Middletown, Pa., Stanford, Hartford, and New Haven, Conn., Worcester, Boston, Lawrence, Woburn, and Somerville, Mass., Clarksburg, Parkersburg, and Huntington, W. Va., Wilmington, Del., Portland, Maine, Norfolk, Richmond, Suffolk, and Smithfield, Va., Providence, R.I., Baltimore, Md., and Washington, D.C. (the purpose of this filing is to eliminate the gateway of Cleveland, Ohio); (e) from Detroit, Mich., to points in Vermont, New Hampshire, and that part of Maine on and south of Maine Highway 25 (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Syracuse, N.Y.).

(3) *Fresh, cooked, preserved, salted and smoked meats,* from Detroit, Mich., to points in Connecticut, Massachusetts, and Rhode Island (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.).

(4) *Dairy products,* as defined by the Commission, (a) from points in the lower peninsula of Michigan, to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia (the purpose of this filing is to eliminate the gateway of Harrodsburg, Ky.); (b) from Detroit, Mich., to points in Connecticut, Massachusetts, and Rhode Island (the purpose of this filing is to eliminate the gateway of Cleveland, Ohio); (c) from Detroit, Mich., to Buffalo, Syracuse, Rochester, Albany, and Schenectady, N.Y., Harrisburg, Reading, Allentown, Johnstown, Butler, Scranton, McKeesport Bayport, Clarierol, New Castle, and Beaver Falls, Pa., Camden, Passaic, Atlantic City, N.J., Baltimore and Cumberland, Md., Roanoke, Richmond, and Lynchburg, Va., N. Haverhill, Concord, Nashua, N.H., Bangor, Deering Junction, Portland, Maine, Charleston, Huntington, Clarksburg, Parkersburg, W. Va., and Washington, D.C. (the purpose of this filing is to eliminate the gateway of Cleveland, Ohio); (d) from Detroit, Mich., to Cattaraugus, Chautauqua, and Erie Counties, N.Y. (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.); (e) from Detroit, Mich., to points in Vermont, New Hampshire, and that part of Maine on and south of Maine Highway 25 (the purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Syracuse, N.Y.).

(5) *Preserved foodstuffs* (except frozen foods and dairy products), (a) from points in the lower peninsula of Michigan to Providence, R.I., Connecticut, and Massachusetts (the purpose of this filing is to eliminate the gateway of Syracuse, N.Y.); (b) from points in the lower peninsula of Michigan to points in Vermont, New Hampshire, and that part of Maine on and south of Maine Highway 25 (the purpose of this filing is to eliminate the gateway of E. Syracuse, N.Y.).

(6) *Frozen juices, frozen berries,* from the plantsite and storage facilities of Ore-Ida Foods, Inc., at or near Greenville (Montcalm County), Mich., to points in North Carolina and South Carolina (the purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.).

No. MC 121060 (Sub-No. 32G), filed December 17, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35301. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *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 (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties). The purpose of this filing is to eliminate the gateway at Demopolis, Ala.

(2) *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel, and iron articles* (except Classes A and B explosives, commodities in bulk, those requiring special equipment, tile, brick, roofing, and petroleum products; 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 at Demopolis, Lee, and Russell, Ala.

No. MC 134501 (Sub-No. 12G), filed June 4, 1974. Applicant: UFT TRANSPORT COMPANY, a corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T.M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* between points in the United States (except between points in Alaska, Hawaii, South Carolina, North Carolina, Virginia, Maryland, Delaware, District of Columbia, New Jersey, New York, Connecticut, Massachusetts, and Rhode Island). The purpose of this filing is to eliminate the gateways of points in Kentucky, points in Tennessee, Shelby County (Memphis), Tenn., points in Colorado, Dallas County, Tex., Little Rock, Ark., Camden, Ark., and points in Oklahoma.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MARCH 12, 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 29886 (Sub-No. E37), filed May 10, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment or special handling and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith: (1) Between points in Wisconsin, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Ohio, Pennsylvania, and those in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron (those points in Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line*); (2) between Crawford, Grant, Iowa, LaFayette, Dave, Green, Rock, Jefferson, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties, Wisc., on the one hand, and, on the other, points in Michigan, except those in Emmet, Cheboygan, Presque Isle, and Charlevoix Counties, Mich. (those points in Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line*);

(3) Between points in Wisconsin, on the on hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New

Jersey, and Connecticut (New York and those points in Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line*); (4) between points in Iowa, except those in Mitchell, Howard, Chicasaw, Fayette, Clayton, Winneshiek, and Allamakee Counties, Iowa, on the one hand, and, on the other, points in the Lower Peninsula of Michigan (those points in Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line*); (5) points in Iowa, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, except those in Emmet, Cheboygan, and Charlevoix Counties, Mich.*). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 106920 (Sub-No. E45), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Arkansas to those points in West Virginia north of a line beginning at the West Virginia-Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the West Virginia-Ohio State line, except those points on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 Sub-No. E103), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from those points in Missouri on or north of a line beginning at the Nebraska-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 16, thence along Missouri Highway 16 to the Illinois-Missouri State line to those points in Georgia on or east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Georgia Highway 56, thence along Georgia Highway 56 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 117344 (Sub-No. E9), filed May 17, 1974. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except road building and construction materials and spent silica gel catalyst) in bulk, in tank vehicles, from Cincinnati, Ohio to points in the Upper Peninsula of Michigan, those points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana boundary line and extending along U.S. Highway 131 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to Mackinaw City (except Grand Rapids, Mich., and points in its Commercial Zone, as defined by the Commission) and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Jackson County, Ind.

No. MC 119531 (Sub-No. E73) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, July 10, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes* (fibreboard or pulpboard), knocked down, from North Chicago, Ill., to points in Ohio south of a line beginning at the Ohio-West Virginia State line at East Liverpool, Ohio, and extending west along U.S. Highway 30 to Wooster, thence along Ohio Highway 3 to Mt. Vernon, and thence along U.S. Highway 36 to the Ohio-Indiana State line, including points on the indicated portions and U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Anderson, Ind. The purpose of this correction is to expand the territorial descriptions.

No. MC 119531 (Sub-No. E97) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, August 13, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* used in the manufacture of pulpboard, from points in that part of New York west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line and points in that part of Pennsylvania on and west of U.S. Highway 220, and points in that part of West Virginia on and north of a line beginning at New Haven, W. Va., and extending along U.S. Highway 33 to Spencer, W. Va., thence along U.S. Highway 119 to Welford, W. Va., thence along Interstate Highway 79 to its intersection with West Virginia Highway 91, thence along West Virginia Highway 91 to its intersection with U.S. Highway 60, and thence along U.S. Highway 80 to the West Virginia-Virginia State line, to Carthage, Ind. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio. The purpose of this correction is to expand the territorial destination.

No. MC 119531 (Sub-No. E142) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER, August 9, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories* when shipped with metal containers, (a) from the plant and warehouse sites of the Heekin Can Company at Cincinnati, Ohio; and (b) from points in Anderson Township, Hamilton County, Ohio, to points in Wisconsin, North Dakota, South Dakota, and Colorado. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the commodity description.

No. MC 119531 (Sub-No. E249) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER, September 9, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, from the plant site and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, thence along U.S. Highway 23 to Bay City, thence along the shore of the Saginaw Bay to the shore of Lake Huron to Port Huron. The purpose of this filing is to eliminate the gateway of Anderson, Ind. The purpose of this correction is to clarify the destination points.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-7079 Filed 3-17-75;8:45 am]