Vol.40—No.230
11-28-75
PAGES
55307-55631

federal register

FRIDAY, NOVEMBER 28, 1975

highlights

PRIVACY ACT OF 1974

On Thursday, December 4, 1975, the Office of Management and Budget will publish Supplementary Guidance on Implementing the Privacy Act. This document will address comments and questions of general interest raised since the release of OMB's Privacy Act Guidelines of July 1, 1975.

Extra copies of this document may be obtained from:

Office of Management and Budget
Rm. 5235
New Executive Office Building
Washington, D.C. 20503
Telephone: 202/395-5163

PART I:

AIRCRAFT

MOTOR VEHICLE SAFETY

CONTINUED INSIDE

PART II:

RAILROAD SAFETY

PART III:

PRIVACY ACT

PART IV:

FEDERAL ELECTIONS

PART V:

MINIMUM WAGES

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

FCC—Radio broadcast stations; FM table of assignments.... 49332, 49333, 49337, 49339; 10–22–75

HEW/FDA—Librax and Menrium; exemption from Schedule IV..... 52609; 11–11–75

PHS—Health maintenance organizations; employees' health benefits plans..... 50212; 10–28–75

Daily List of Public Laws

H.R. 8365..... Pub. Law 94–134
Department of Transportation and Related Agencies Appropriation Act, 1976
(Nov. 24, 1975; 89 Stat. 695)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. 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 $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

contents

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 List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

PROPOSED RULES:

930 55366

7 CFR

401 55307
907 55307
910 55308
984 55308
1464 (2 documents) 55309

PROPOSED RULES:

917 55362
1060 55362
1061 55362
1068 55362
1069 55362
1076 55362

9 CFR

381 55309

14 CFR

11 55312
21 55312
91 55312
97 55312
121 55313

PROPOSED RULES:

288 55366

15 CFR

385 55314

16 CFR

13 (3 documents) 55315–55317

PROPOSED RULES:

438 55368

17 CFR

239 55319
249 55319
269 55320
274 55320

20 CFR

PROPOSED RULES:

404 55362
410 55362
422 55362

21 CFR

123 55320
561 55320

24 CFR

203 55354
1914 55354
1915 55356

29 CFR

511 55321

32 CFR

286a 55518
286b 55525
286c 55535
826d 55535
286e 55535
287a 55535
290a 55537
291a 55543
295c 55543
298a 55546
505 55551
806b 55580

PROPOSED RULES:

701 55094

40 CFR

35 55321
52 55326
130 55334
131 55343
180 55349

PROPOSED RULES:

52 55367

41 CFR

1–1 55350

43 CFR

PUBLIC LAND ORDER:

5548 55350
5549 55351

47 CFR

PROPOSED RULES:

73 55367

49 CFR

212 55508

PROPOSED RULES:

571 55365

50 CFR

28 (11 documents) 55351–55353

CUMULATIVE LIST OF CFR PARTS AFFECTED—NOVEMBER

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 November.

1 CFR

304 54419

PROPOSED RULES:

425 52416
430 52056
431 52054

2 CFR

Ch's. I–II 52995

3 CFR

EXECUTIVE ORDERS:

11832 (Amended by EO 11889) 54765
11844 (Superseded by EO 11888) 55275
11887 51411
11888 55275
11889 54765

PROCLAMATIONS:

4405 51409
4406 51613
4407 51615
4408 51617
4409 52583

MEMORANDUMS:

Memorandum of October 23, 1975 53223

4 CFR

PROPOSED RULES:

331 53271

5 CFR

6 (Amended by EO 11887) 51411
213 ..... 51009, 52339, 52715, 52836, 53402, 53993, 54419, 54420, 54559, 54767
2470 54560
2471 54560

PROPOSED RULES:

930 55366

7 CFR

1 53368
2 52715
16 53229
24 51995
54 53993
58 52995
68 53545
70 53993
354 53993
401 ..... 52339, 52585–52592, 52715, 55307
402 52592
403 52592
404 52592
406 52592
408 52592
409 52592
410 52592
413 52593
630 53370
631 53370
701 ..... 52340, 54235
722 ..... 51177, 51178, 52715, 54560
728 52593
775 ..... 52598, 52716
905 ..... 51619, 54420, 54560, 54767
906 51177
907 ..... 54235, 54420, 55307
908 51619
909 ..... 53545, 54235

7 CFR—Continued

910 55308
911 52603
915 ..... 52605, 54768
929 ..... 51620, 53993
932 54236
946 52995
966 54236
971 ..... 52836, 53225
980 54237
982 53226
984 ..... 51995, 55308
987 54421
989 ..... 53228, 53994, 54768
993 52837
1421 ..... 52350, 52351, 52606, 52995
1430 51413
1464 ..... 52998, 52999, 55309
1822 ..... 51621; 52836, 52837, 54421
1823 54238
1831 52607

PROPOSED RULES:

42 ..... 52735, 54005
52 ..... 52038, 54005
68 53598
729 52613
793 53038
909 51052
912 53603
913 54252
917 ..... 53601, 55362
959 53261
981 51646
982 54586
984 ..... 51473, 51646
987 54428
1001 53603
1002 53603
1015 53603
1036 53405
1060 ..... 51052, 53038, 55362
1061 ..... 51052, 53038, 55362
1068 ..... 51052, 53038, 53603, 55362
1069 ..... 51052, 53038, 55362
1076 ..... 51052, 53038, 55362
1094 52854
1096 53038
1801 54429
1803 52854
1804 53269

9 CFR

76 53546
78 52838
92 ..... 52716, 52717
97 53994
102 51413
108 51413
112 ..... 51414, 53378
113 ..... 51415, 53000, 53378
307 53548
350 53548
355 53548
381 ..... 53548, 55309

PROPOSED RULES:

91 53262
92 54802
113 51646
314 52854
318 52614
381 52614

10 CFR

2 ..... 51995, 53379
40 53230
70 53230
73 52840
210 52841
211 54422
212 54561
213 52353

RULINGS:

1975–10 51414

PROPOSED RULES:

212 ..... 51656, 54263
214 54587
790 52857

11 CFR

PROPOSED RULES:

106 53159
107 ..... 51610, 54828
114 ..... 54547, 54592
115 54592
116 54592
120 ..... 51348, 53159, 54592
121 ..... 51348, 53159, 54592
122 ..... 51348, 53159, 54592
123 ..... 51348, 53159, 54592
124 ..... 51348, 53159, 54592

12 CFR

206 52843
208 51179
220 53379
226 54424
541 ..... 51414, 51415
555 52353
569a 52717

PROPOSED RULES:

225 53272
556 54264
563 54265

13 CFR

114 52717
115 54424
121 51033

PROPOSED RULES:

103 51069
113 51670
121 53407

14 CFR

11 55312
21 55312
39 ..... 51415, 51996, 52607, 52608, 52717–52721, 53001–53003, 53231, 53379, 53380, 53458, 53549, 53995, 54239, 54424, 54769
71 ..... 51033, 51416, 51622, 51997, 52608, 52722, 53231–53232, 53380, 53549, 53550, 53995, 53996, 54239, 54240, 54425
91 55312
95 52224
97 ..... 51622, 51623, 53004, 53996, 55312
121 55313
208 51180
372 52354
373 52355

47 CFR—Continued

73 ..... 51038–51043, 51441, 52028, 52729–52731, 53026, 53399, 54251, 54791, 54792
74 54793
76 ..... 52731, 53027, 54794
81 53592
94 53393
97 ..... 53032, 54794

PROPOSED RULES:

0 54436
1 54436
2 52745
68 53045
73 ..... 51481–51483, 52053, 53596, 53597, 54261, 54826, 55367
76 ..... 52053, 53407, 54587
78 54587
83 ..... 51059, 51483
87 52745
89 52857
91 52857
93 52857

49 CFR

10 54001
171 52037
212 55508
391 54796
393 ..... 51198, 52851
520 52395
553 53032
571 ..... 53033, 54426, 54427
1033 ..... 51198, 51442, 52037, 52611, 53592, 54796–54798
1047 51442
1104 ..... 51380, 54572
1115 51199
1201 ..... 51640, 53240
1202 ..... 51640, 53242
1203 53245
1204 53247
1205 53249
1206 ..... 51640, 53251
1207 ..... 51641, 53254
1209 ..... 51641, 53256
1210 ..... 51642, 53258

49 CFR—Continued

1240 51642
1249 51645

PROPOSED RULES:

192 52855
571 ..... 51059, 52856, 54007, 55365
572 51059
1003 ..... 52058, 54842
1063 52063
1100 ..... 51483, 52058, 52417, 54842

50 CFR

17 53399
20 ..... 52852, 54572
28 ..... 51199, 52852, 53400, 54572, 55351–55353
32 52037
33 ..... 52612, 52733, 52851, 53402, 54001, 54572, 54573, 54798
216 54427

PROPOSED RULES:

285 51647

FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	*Date*
51009–51176	3
51177–51407	4
51409–51612	5
51613–51994	6
51995–52337	7
52339–52582	10
52583–52713	11
52715–52807	12
52809–52993	13
52995–53221	14
53223–53354	17
53355–53544	18
53545–53991	19
53993–54234	20
54235–54418	21
54419–54558	24
54559–54763	25
54765–55306	26
55307–55631	28

rules and regulations

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; 1976 CROP

Correction

In FR Doc. 75-30304 appearing on page 52585 in the issue for Tuesday, November 11, 1975, make the following changes in the table:

1. The county "Grand Forks" should be moved up and inserted between "Barnes" and "Ranson". The crops for Grand Forks should read "Barley, flax, oats, wheat".

2. The crops for "Richland" should read "Barley, flax, oats, rye, soybeans, wheat".

3. The crops for "Steele" should read "Barley, flax, oats, wheat".

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE; 1976 CROP

Correction

In FR Doc.75-30303 appearing at page 52585 in the issue for Tuesday, November 11, 1975, make the following changes:

1. In the table for Kansas, insert the entry "Greeley" between "Gray" and "Haskell".

2. In the table for Ohio, the entry "Definance" should be spelled "Defiance".

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; 1976 CROP

Correction

In FR Doc. 75-30302 appearing on page 52587 in the issue for Tuesday, November 11, 1975, in the table for South Dakota, the entry "Moddy" should be changed to read "Moody".

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1976 CROP

Correction

In FR Doc. 75-30293 appearing at page 52589 in the issue for Tuesday, November 11, 1975, make the following change:

In the table for South Carolina, the entry "Craig" should be deleted and inserted as the first entry for Oklahoma.

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

[Navel Orange Reg. 355]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Nov. 28–Dec. 4, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.655 Navel Orange Regulation 355.

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

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained good last week. Prices f.o.b. averaged $5.01 a carton on a reported sales volume of 424 carlots last week, compared with an average f.o.b. price of $5.10 per carton and sales of 177 carlots a week earlier. Track and rolling supplies at 46 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 28, 1975, through December 4, 1975, are hereby fixed as follows:

(i) District 1: 1,092,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 108,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 25, 1975.

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

[FR Doc.75-32253 Filed 11-25-75;12:24 pm]

PART 910—HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Change in Grower Representation

This document amends the rules and regulations to realign the grower member representation on the Lemon Administrative Committee under Marketing Order No. 910.

Notice was published in the FEDERAL REGISTER on October 24, 1975 (40 FR 49790) that the Department was giving consideration to a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of fresh lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order". This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to said rules and regulations was unanimously recommended by the Lemons Administrative Committee, established under said order as the agency to administer the terms and provisions thereof, Said notice allowed interested persons until November 17, 1975, in which to submit written data, views, or arguments for consideration in connection with the proposed amendment. None were received.

The amendment would reapportion the grower representation among the grower marketing organization groups represented on said committee in recognition of a change in the relative volumes of lemons handled. Grower representation on the committee is apportioned among the following three types of marketing organization groups: the "co-op which markets more than 60%" (the principal cooperative lemon marketing association); the "other co-ops" (all cooperatives marketing lemons other than the dominant cooperative); and the "independents" (growers of lemons not affiliated with any cooperative marketing association). The order provides for reapportionment of grower membership among these groups when the relative volumes of lemons handled changes among such groups. Recently, a group of growers (Sun Country Citrus, Inc.) which operates a packinghouse changed their group affiliation from the "co-op which markets more than 60 percent of the lemons" (Sunkist Growers, Inc.) to "other co-ops" (Pure Gold, Inc.). As such change in affiliation does not reduce the volume of the principal cooperative marketing organization below the more than 60 percent level, the grower representation assigned to that group would not be changed. However, the change increases the volume of the "other co-ops" from 4.15 percent to 6.27 percent based on volume of regulated shipments in the fiscal year ended July 31, 1975. The volume of such shipments by the "independents" group was 9.01 percent. On the basis of estimated production for the 1975–76 fiscal year, the volume controlled by the "other co-ops" and "independents" is approximately 10 and 11 percent, respectively. Hence, the volume controlled by the these two groups is more nearly equal than when the current apportionment was made, and the proposed action would equalize grower representation between them by reducing the "independents" grower representation from three members to two and increasing the "other co-ops" grower representation from one to two.

Therefore, on the basis of the foregoing, the information submitted by the committee and upon other available information, it is found that the reapportionment hereinafter set forth in Section 910.120 *Changes in Grower Representation* is necessary to reflect the changed volume relationship among the marketing organizations represented on the committee, and will tend to effectuate the declared policy of the act.

The amendment is as follows:

A new § 910.120 *Change in grower representation,* is added reading as follows:

§ 910.120 Change in grower representation.

Pursuant to § 910.22(h) grower representative on the Lemon Administrative Committee for purposes of § 910.20 and § 910.22 shall be as follows:

District	Co-op more than 60 pct	Other co-ops	Independents
1	1	0	0
2	2	1	1
3	1	1	1

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

Dated November 24, 1975, to become effective December 29, 1975.

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

[FR Doc.75-32162 Filed 11-26-75;8:45 am]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Modification of Minimum Grade Standards for Inshell Walnuts

Notice was given of a proposal in the November 5, 1975, issue of the FEDERAL REGISTER (40 FR 51473) to modify the minimum grade standards for inshell walnuts shipped into domestic and export outlets. The proposal was pursuant to § 984.50(a) of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order (hereinafter referred to collectively as the "order") regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The proposal was based on a recommendation of the Walnut Marketing Board to better the quality of inshell walnuts handled and thereby maintain consumer acceptability and sales.

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 984.50(a) of the order prescribes minimum standards for inshell walnuts and provides that they may be modified by the Secretary on the basis of a Board recommendation or other information. Such standards require that inshell walnuts handled be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell (29 FR 12865; 33 FR 10840). U.S. No. 2 grade allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than ½ or 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, presence or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp.

The modification reduces the total tolerance for internal grade defects to a maximum of 15 percent, and the tolerance included within this total tolerance for damage by mold or insects or serious damage by other means to a maximum of 8 percent. The restricted tolerance of 5 percent for insects and the restriction on live insects would remain the same.

Section 984.50(e) of the order specifies that surplus inshell walnuts for export must meet the requirements of § 984.50 (a). Hence, the modification would also apply to exports of surplus inshell walnuts. The industry desires that inshell walnuts for export be at least the same quality as those shipped in the United States.

Lots of inshell walnuts failing to meet the increased requirements could be shelled, the defective kernels removed, and the balance marketed as shelled walnuts.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is hereby found that the modification of the minimum grade standards for inshell walnuts

as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and for making this action effective on the date hereinafter set forth, in that: (1) Handlers have been processing and shipping inshell walnuts in conformity with the proposed modification in the minimum grade standards, thus they need no additional time to prepare for and comply with the modification; and (2) no useful purpose would be served by postponing this action beyond the time hereinafter provided.

Therefore, § 984.450 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480; 40 FR 12481; 22266), is amended by revising the section heading, adding a new paragraph (a), and by redesignating present paragraphs (a) and (b), as (b) and (c), respectively. As amended § 984.450 reads as follows:

§ 984.450 Grade and size regulations.

(a) *Modified minimum standards for inshell walnuts.* Pursuant to § 984.50(a), inshell walnuts handled under this part shall be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts effective United States Standards for (Juglans regia) in the Shell, except that, not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.

(b) *Minimum kernel content requirements for surplus inshell walnuts.* Any lot of inshell walnuts withheld to meet any part or all of the handler's surplus obligation, shall have a certified kernel-weight of not less than 10 percent of the inshell weight of the lot: *Provided*, That no such lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(c) *Minimum kernel content requirements for surplus shelled walnuts.* Any lot of shelled walnuts withheld to meet any part or all of a handler's surplus obligation, shall have a certified kernel-weight of kernels six sixty-fourths of an inch or larger, of not less than 10 percent of the total weight of the lot: *Provided*, That such minimum kernel content requirements shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts: *And provided further*, That no such lots may be exported unless they meet the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

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

Dated: November 24, 1975, to become effective November 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-32163 Filed 11-26-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1464—TOBACCO

1975 Crop—Burley Tobacco, Loan Rate Schedule

Correction

In FR Doc. 75-30773, appearing on page 52999, in the issue of Friday, November 14, 1975, the following corrections should be made on page 53000, in § 1464.21 1975 Crop—Burley Tobacco, Type 31, Loan Schedule.:

1. In the first column, the numbers appearing under the loan rate heading that correspond to grades T4VR, T4GF, and N2L should read "85", "86", and "85", respectively.

2. In the second column, the numbers appearing under the loan rate heading that correspond to grades M5F and T4R should read "89" and "88", respectively.

PART 1464—TOBACCO

1975–Crop—Fire-Cured, Dark Air-Cured and Virginia Sun-Cured, Loan Rate Schedules

Correction

In FR Doc. 30795, appearing on page 52998, in the issue of Friday, November 14, 1975, the following changes should be made on page 52999, in § 1464.19 1975–Crop—Dark Air-Cured Tobacco, Type 35 and 36—Grade Loan Schedule:

1. In the table at the bottom of the first column, the numbers appearing under the 44 length heading that correspond to grades C4G and C5G should read "57" and "52", respectively.

2. In the second column, the numbers opposite grades X3G, X4G, and X5G should read "56", "53", and "49", respectively.

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Handling and Movement of 4-D Poultry and Certain Carcasses, Parts or Products of Poultry

Pursuant to the authority contained in sections 11(d) and 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 460(d), 463), the poultry products inspection regulations are amended to establish requirements for the buying, selling, handling, or other movement of dead, dying, diseased, or disabled (4–D) poultry, parts of the carcasses of poultry that died otherwise than by slaughter, and specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry, by persons engaged in the business of buying, selling, or transporting in commerce or importing any such articles.

Statement of Considerations: On July 13, 1973, there appeared in the FEDERAL REGISTER (38 FR 18681), a notice of proposed rulemaking, under the authority conferred by the Poultry Products Inspection Act, as amended, to amend the poultry products inspection regulations. The purpose of that notice was to propose requirements for the buying, selling, handling and movement of so-called 4–D poultry or parts of carcasses of poultry that died otherwise than by slaughter to prevent the use of such poultry and parts of carcasses for human food.

A total of six persons expressed their views on the proposal. One comment was not germane to the proposal in that it suggested that the proposal apply to livestock as well as poultry. However, the transportation and handling of 4–D livestock (cattle, sheep, swine, goats and equines) and parts of carcasses of such animals that died otherwise than by slaughter are already regulated under §§ 325.20 and 325.21 of the meat inspection regulations (9 CFR 325.20, 325.21).

Another comment requested a change in the poultry products inspection regulations to establish strict controls over the contents of pet food. However, enforcement of requirements to prevent the distribution of adulterated or misbranded pet foods is within the jurisdiction of the Federal Food and Drug Administration rather than this Department. Therefore, the change requested could not be made.

The remaining four comments expressed concern that the proposed amendments to the regulations would prevent continuation of a common poultry handling practice which the industry regards as desirable. This practice involves hauling 4–D poultry to the official establishments on the same vehicle as is used to transport live poultry or other articles.

The industry representatives who commented on the proposal also pointed out that while it is possible for dead, dying, and disabled poultry to be separated from a flock of poultry prior to shipment for slaughter, it is not always possible to identify diseased poultry until their diseased condition is discovered during inspection at the slaughtering establishments. Allowing the transportation of 4–D poultry and parts of carcasses of poultry that have died otherwise than by slaughter on the same truck with healthy live poultry and other articles will tend to insure that such 4–D poultry and parts of carcasses will be transported to official establishments where they can be handled and disposed of properly. Therefore, the proposed prohibition on the loading into any conveyance containing 4–D poultry, or parts of carcasses of poultry that died otherwise than by slaughter, of any other live poultry or products or commodities has been deleted.

Consideration of the comments on the proposal by the members of the National Meat and Poultry Advisory Committee has directed the attention of the Department to several existing practices involving the shipment of 4–D poultry which would be adversely affected by the proposed regulation change. For laboratory examination, exhibition purposes or other official use, it is vital that 4–D poultry and specimens of undenatured uninspected or adulterated carcasses, parts, or products of poultry be permitted to move to the Department or to its divisions in Washington, D.C., or elsewhere, and to other establishments for educational, research or other nonfood purposes. Movement of red meat articles for these purposes is currently permitted by the meat inspection regulations.

To allow this movement, a new § 381.189 is added to the poultry products inspection regulations which makes the provisions of new section 381.194 inapplicable to such movement of 4–D poultry. The new section 381.194 is likewise inapplicable to the movement of parts of poultry carcasses that are naturally inedible by humans. Such articles, if intended for use as animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

Section 381.189 is patterned after similar provisions in §§ 325.19 and 314.9 of the meat inspection regulations (9 CFR 325.19, 314.9). Section 381.189(a) permits shipment of 4–D poultry or specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere for laboratory examination, exhibition purposes, or other official use. Section 381.189(b) permits shipment of specimens of such articles for educational, research, or other nonfood purposes under permit issued by the inspector in charge upon his determination that collection and movement thereof will not interfere with inspection or sanitary conditions at the establishment, and the specimens are for nonfood purposes.

These provisions for the buying, selling, handling and transportation of 4-D poultry, parts of carcasses of poultry that died otherwise than by slaughter, and specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry, are promulgated under the authority contained in the Poultry Products Inspection Act in order to deter the use thereof as human food. Additional restrictions on the distribution of such articles for use as animal food are contained in the Federal Food, Drug, and Cosmetic Act.

After consideration of all comments and other relevant information available to the Department, the amendments are hereby issued as proposed, except that paragraph (d) of § 381.194 is deleted, and a new § 381.189 is added to Subpart S as set forth below.

1. The table of contents is amended by adding reference to a new § 381.189 as follows:

381.189 Provisions inapplicable to specimens for laboratory examinations, etc., or to naturally inedible articles.

2. The new § 381.189 is added to Subpart S to read as follows:

§ 381.189 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

The provisions of this Subpart do not apply:

(a) To dead, dying, disabled or diseased poultry and specimens of undenatured, uninspected or adulterated carcasses, parts, or products of poultry sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(b) To dead, dying, disabled or diseased poultry and specimens of undenatured, uninspected or adulterated carcasses, parts, or products of poultry thereof for educational, research, or other nonfood purposes shipped under permit issued by the inspector in charge upon his determination that collection and movement thereof will not interfere with inspection or sanitary conditions at the establishment, and the specimens are for nonfood purposes. The person desiring such specimens shall make a written application to the inspector in charge for such permit on Form MP–112 and shall obtain permission from the operator of the official establishment to obtain the specimens. Permits shall be issued for a period not longer than one year. The permit may be revoked by the inspector in charge if he determines after notice and opportunity to present views is afforded to the permittee that any such specimens were not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment. The specimens referred to in this paragraph shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition and shall be identified as inedible when they leave the establishment.

(c) To parts of poultry carcasses that are naturally inedible by humans, such as entrails and feathers in their natural state.

* * * * *

(Secs. 11(d), 14, 71 Stat. 441, as amended, 21 U.S.C. 460(d), 463; 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings would make additional relevant information available to the Department which would alter the decisions in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking proceedings on these amendments are impracticable and unnecessary.

These amendments shall become effective February 27, 1976.

Done at Washington, D.C., on November 21, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Program.

1. The Table of Contents is amended by adding reference to a new § 381.194 as follows:

Sec.
381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

2. The new § 381.194 is added to read as follows:

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (a) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director,

Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Section 381.224 is amended by adding a regulation reference to § 381.194 along with "Act, 11(d)" in the table as follows:

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

* * * * *

Paragraphs of act and regulations	Classes of operators	State	Effective date
*	*	*	*
Act, 11(d); § 381.194.			

[FR Doc.75-32102 Filed 11-26-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14978; Amdt. SFAR 27-2]

SFAR 27—COMPLIANCE WITH AIRCRAFT EMISSION STANDARDS ISSUED BY ENVIRONMENTAL PROTECTION AGENCY

Compliance With EPA Exhaust Emissions (Smoke) Standards Effective January 1, 1976

The purpose of this amendment to Special Federal Aviation Regulation (SFAR) 27 is to require compliance with Environmental Protection Agency (EPA) standards for exhaust emissions of smoke that are effective beginning January 1, 1976. These EPA standards, specified in 40 CFR Part 87, apply to new and in-use aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Foreign, as well as U.S. registered, civil airplanes are affected. The primary basis for this amendment is section 232 of the Clean Air Act, as amended.

Notice No. 75-34 was published in the FEDERAL REGISTER on September 16, 1975, (40 FR 42754), stating that the Federal Aviation Administration (FAA) was considering amending SFAR 27 to require compliance with EPA standards for exhaust emissions of smoke that are effective beginning January 1, 1976.

These standards, as currently prescribed in 40 CFR Part 87, apply to new and in-use aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Interested persons were afforded an opportunity to participate in the proposed rulemaking. Due consideration was given to all relevant matter presented.

Ten comments were received in response to the notice. Three commenters objected to U.S. action affecting foreign registered aircraft operated in the United States, and stated that the U.S. is seeking to apply the standards of SFAR 27 to these aircraft prior to an international agreement thereon. The FAA believes, as stated in response to a similar comment on the notice proposing amendment SFAR 27-1, that it would be desirable that the introduction of standards affecting international civil aviation be accomplished in an orderly fashion through the development of international standards. However, it is the position of the United States that no international treaties, conventions, or agreements currently prevent the FAA from discharging its responsibilities under the Clean Air Act, as amended, in accordance with the EPA standards prescribed in 40 CFR Part 87. Therefore, as previously stated, SFAR 27, including this and subsequent amendments, must be applied to foreign aircraft as prescribed herein.

Several commenters suggested that, since section 14(b) now reads in part: "Compliance with the exhaust emissions requirements of this SFAR that apply to Class T-4 engines beginning on February 1, 1974, is shown if the engine is either a JT8D-11 or JT8D-15 or . . .," compliance with these additional smoke requirements for Class T2 of, or more than, 29,000 pounds thrust should be shown in the same manner. The 1974 requirements applied to only one engine type, the JT8D, which could easily be handled in the regulations as a separate item. There are currently three engine types (the JT9D, CF6, and RB 211) within Class T2, and there may be applications for certification of additional engine types within this class and thrust range. Therefore, the more generalized language identifying the engine class, rather than the engine type, is used to designate which engines, including modifications, must conform to these standards.

One commenter was concerned that section 14(d), in conjunction with section 14(c), would imply that the FAA wants to witness the airlines' maintenance programs, and suggested that, as there are no present requirements for continuous monitoring of emissions, this section should be deleted or confined solely to engine certification testing conducted by the manufacturer. The FAA disagrees with this comment. SFAR 27 should contain, for the specific purpose of emissions testing, the same kind of FAA monitoring authority that is now exercised with respect to airworthiness and related testing or compliance programs. Section 14(d) is, therefore, adopted as proposed.

Several commenters were concerned that the proposed amendment contained no guidelines concerning the submission of engine test data that would be required to show compliance. The proposed amendment is explicit as to the maximum smoke number allowable for any class T2 engine of or over 29,000 pounds thrust, and clearly states that the "related test procedures" must be those prescribed by the EPA in 40 CFR Part 87. Further definition of compliance is not deemed necessary to this amendment. The FAA has a current program to develop correction procedures that would compensate for atmospheric variations. The results of these efforts will be reviewed to determine whether additional rule making is necessary.

One commenter stated that there was no specific requirement that foreign-built engines must comply with the proposed amendment. Section 1 of SFAR 27 states that the SFAR applies to both U.S. and foreign airplanes. Thus, there is no need to repeat the applicability to foreign aircraft in each amendment.

One commenter suggested that proposed section 15(b) be amended to apply the standards to each engine type, or type design, rather than "the engine." The FAA believes that it is clearly understood, throughout the type certification regulations, that compliance with those regulations involves compliance of the type design therewith. Further specificity is, therefore, not believed to be necessary in this regard. This proposal is, therefore, adopted as proposed.

One commenter proposed that section 14(c) include a reference to overhaul rework standards, in addition to maintenance requirements. The FAA does not consider this addition necessary since overhaul rework standards are included in the general term "applicable maintenance requirements."

This amendment adds a new paragraph (b) to section 17 (and reorganizes the current text of that section as paragraph (a)) providing that compliance with the applicable exhaust emissions requirements of 40 CFR Part 87 must be shown for the issuance of supplemental or amended type certificates for engines. This change was not specifically proposed in the Notice. However, current SFAR 27 prohibits the operation in the U.S. of any airplane unless each engine complies with the EPA exhaust emissions standards that apply beginning February 1, 1974 (section 25). The regulation also prohibits the issuance of airworthiness approval tags to individual engines that do not meet those February 1, 1974 standards (section 19). The notice proposed to expand those sections to cover new and in-use engines with respect to the EPA exhaust emissions standards that apply beginning January 1, 1976. After reviewing these current and proposed requirements affecting individual engines, the FAA believes that it may be misleading to issue supplemental or amended type certificates for engines that cannot legally operate and for which no airworthiness approval tag can be issued. Therefore, to ensure consistency with these other provisions and avoid inducing applicants into supplemental or amended type certification programs for engines whose operation cannot be permitted because of the scope of EPA Part 87, this amendment provides that the FAA will not issue supplemental or amended type certificates for engines that do not meet the applicable EPA standards. This is consistent with section 15(b) which requires compliance with the same applicable EPA standards as a condition to the issuance of original type certificates for engines.

(Section 232 of the Clean Air Act, as amended December 31, 1970, P.L. 91-604 (42

U.S.C. § 1857f–10), as delegated (36 FR 8733); 40 CFR Part 87 (38 FR 19088); sections 307 (c), 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(c), 1354 (a), 1421, and 1423); section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)))

PART 11—GENERAL RULEMAKING PROCEDURES

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

In consideration of the foregoing, Special Federal Aviation Regulation (SFAR) 27 is amended, effective January 1, 1976, as follows:

1. Section 14 is amended as follows:

a. The section heading is amended to read "*Compliance.*"

b. Paragraph (c) is amended by adding the following sentence at the end thereof:

Continued compliance with the exhaust emissions requirements of this SFAR that apply beginning on January 1, 1976 is shown, for engines for which the type design has been shown to meet those requirements, if the engine is maintained in accordance with applicable maintenance requirements.

c. A new paragraph (d) is added to read as follows:

Section 14 *Compliance.*

* * * * *

d. Each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with the applicable provisions of this SFAR.

2. Section 15 is amended to read as follows:

Sec. 15 *Type certificates.* (a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the dates specified in subparagraphs (a) (1) through (a) (4) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the date specified in subparagraph (a)(4) of this section, for an engine specified therein, unless the engine complies with that subparagraph.

3. Section 17 is amended to read as follows:

Sec. 17 *Supplemental or amended type certificates.* (a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of date of application, no supplemental or amended type certificate is issued on and after the dates specified in subparagraphs (a) (1) through (a) (4) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no supplemental or amended type certificate is issued, on or after the dates specified in subparagraphs (a) (2) and (a) (4) of this section, for an engine specified therein, unless the engine complies with that subparagraph.

4. Section 19 is amended to read as follows:

Sec. 19 *Airworthiness approval tags.* Notwithstanding Part 21 of the Federal Aviation Regulations, no airworthiness approval tag (FAA Form 8130–3) is issued on and after—

(a) February 1, 1974, for an engine of Class T4, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974; and

(b) January 1, 1976, for an engine of Class T2 that has a rated power of 29,000 pounds thrust or greater, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

5. Section 21 is amended to read as follows:

Sec. 21 *Standard airworthiness certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no standard airworthiness certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5 the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

6. Section 25 is amended to read as follows:

Sec. 25 *Operation.* On and after the dates specified in paragraphs (a) through (d) of this section, no person may, within the United States, operate an airplane specified in those paragraphs unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or the engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

Issued in Washington, D.C., on November 23, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-32186 Filed 11-26-75;8:45 am]

[Docket No. 15177; Amdt. No. 996]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accord-

ance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective January 15, 1976.*

Texarkana, AR — Texarkana Muni.-Webb Field, VOR Rwy 13, Amdt. 10

* * * *effective January 8, 1976.*

Ann Arbor, MI—Ann Arbor Muni. Arpt., VOR Rwy 6, Amdt. 4
Aguadilla, PR—Borinquen Arpt., VOR Rwy 8, Amdt. 2
Franklin, VA—Franklin Muni.-John Beverly Rose Arpt., VOR Rwy 9, Amdt. 9
Franklin, VA—Franklin Muni.-John Beverly Rose Arpt., VOR/DME Rwy 27, Amdt. 5
Griffith, IN—Griffith Arpt., VOR Rwy 8, Amdt. 2
Jackson, MS—Allen C. Thompson Field, VORTAC Rwy 33L, Amdt. 8
Ocala, FL—Ocala Muni. (Jim Taylor Field), VOR Rwy 36, Amdt. 8
Taunton, MA—Taunton Muni. Arpt., VOR-A, Amdt. 4
West Palm Beach, FL—Palm Beach Int'l Arpt., VOR Rwy 9L, Amdt. 8

* * * *effective December 4, 1975.*

Augusta, ME—Augusta State Arpt., VOR/DME-A, Amdt. 5
Augusta, ME—Augusta State Arpt., VOR/DME Rwy 8, Amdt. 5
Augusta, ME—Augusta State Arpt., VOR Rwy 17, Amdt. 10

* * * *effective November 12, 1975.*

Knoxville, TN—McGhee Tyson Arpt., VOR/DME Rwy 4R, Amdt. 1

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 15, 1976.*

Texarkana, AR — Texarkana Muni.-Webb Field, LOC/DME(BC) Rwy 4, Amdt. 4

* * * *effective January 8, 1976.*

Jackson, MS—Allen C. Thompson Field, LOC (BC) Rwy 15R, Original
Saginaw, MI—Tri-City Arpt., LOC(BC) Rwy 23, Amdt. 3

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 15, 1976.*

Texarkana, AR — Texarkana Muni.-Webb Field, NDB Rwy 22, Amdt. 4
Tulsa, OK—Tulsa Int'l Arpt., NDB Rwy 17L, Amdt. 5
West Yellowstone, MT—Yellowstone Arpt., NDB Rwy 1, Amdt. 2, cancelled

* * * *effective January 8, 1976.*

Akron, OH—Akron-Canton Regional Arpt., NDB Rwy 1, Amdt. 21, cancelled
Cape Girardeau, MO—Cape Girardeau Muni. Arpt., NDB Rwy 10, Amdt. 3
Linden, NJ—Linden Arpt., NDB-A, Original
Linden, NJ—Linden Arpt., NDB-B, Original
Taunton, MA—Taunton Muni. Arpt., NDB Rwy 30, Amdt. 1
West Palm Beach, FL—Palm Beach Int'l Arpt., NDB Rwy 9L, Amdt. 13

* * * *effective January 1, 1976.*

LaGrande, OR—LaGrande Muni. Arpt., NDB-A, Original

* * * *effective December 4, 1975.*

Augusta, ME—Augusta State Arpt., NDB-B, Amdt. 4

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 15, 1976.*

Texarkana, AR—Texarkana Muni.-Webb Field, ILS Rwy 22, Amdt. 6
Tulsa, OK—Tulsa Int'l Arpt., ILS Rwy 17L, Amdt. 6

* * * *effective January 8, 1976.*

Akron, OH—Akron-Canton Regional Arpt., ILS Rwy 1, Amdt. 26
Cape Girardeau, MO—Cape Girardeau Muni. Arpt., ILS Rwy 10, Amdt. 3
West Palm Beach, FL—Palm Beach Int'l Arpt., ILS Rwy 9L, Amdt. 15

* * * *effective November 14, 1975.*

Decatur, IL—Decatur Arpt., ILS Rwy 6, Amdt. 5

* * * *effective November 13, 1975.*

Champaign-Urbana, IL—University of Illinois-Willard Arpt., ILS Rwy 31, Amdt. 5

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 15, 1976.*

Tulsa, OK—Tulsa Int'l Arpt., RADAR-1, Amdt. 13

* * * *effective January 8, 1976.*

West Palm Beach, FL—Palm Beach Int'l Arpt., RADAR-1, Amdt. 5

* * * *effective November 12, 1975.*

Rochester, NY—Rochester-Monroe County Arpt., RADAR-1, Amdt. 8

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 15, 1976.*

Tulsa, OK—Tulsa Int'l Arpt., RNAV Rwy 17L, Amdt. 2

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on November 20, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-31974 Filed 11-26-75;8:45 am]

[Docket No. 12762; Amdt. No. 121-126]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Ground Proximity Warning Systems

The purpose of this amendent to Part 121 of the Federal Aviation Regulations is to allow the takeoff of large turbine-powered airplanes equipped with either the ground proximity warning system or the ground proximity warning-glide slope deviation alerting system required by § 121.360 without the systems being in operable condition. This action is necessary because of recently-discovered reliability problems with the ground proximity warning system.

Section 121.303(d) provides, in pertinent part, that no person may take off any airplane unless the instruments and equipment required by § 121.360 are in operable condition. Section 121.360(a) prohibits, with certain specified exceptions, the operation of a large turbine-powered airplane after December 1, 1975, unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment. Section 121.360(f) prohibits, with an exception, the operation of a large turbine-powered airplane after June 1, 1976, unless it is equipped with a ground proximity warning-glide slope deviation alerting system that meets the performance and environmental standards contained in TSO-C92a or incorporates TSO-approved ground proximity warning-glide slope deviation alerting equipment.

By letter of November 19, 1975, the Air Transport Association of America (ATA), on behalf of its member airlines, petitioned the FAA to amend §§ 121.303 and 121.360 to provide relief until September 1, 1976, from the requirement that the ground proximity warning system required by § 121.360 be in operable condition before takeoff. The ATA indicates that this is necessary to allow time to identify and remedy problems with this newly-installed equipment.

The ATA states that several member airlines have activated their ground proximity warning systems to familiarize flight crews with the system and to gain experience with the system in line operations. In this connection the ATA states:

At least two major carriers are experiencing an unacceptably high number of false and nuisance alarms. More specifically, a false warning occurs when the system alarms although system parameters do not call for one. For example, warnings have occurred on takeoff when the alarm sounds while the aircraft is in a positive rate of climb well outside the TSO envelopes which would re-

quire the warning. Warnings have occurred in cruise at high altitude for unexplained reasons as well as during approach when the aircraft is on the localizer and glide slope over flat terrain.

The ATA further states that its members are making every effort to complete the installation of the ground proximity warning system as rapidly as possible. It requests no further relief from the requirement to install the ground proximity warning system, but is "deeply concerned . . . with the effect of false and nuisance warning at anything near the level being experienced now in some line operations." The ATA asserts that:

Pilots will quickly lose confidence in this system if this continues for even a short period of time. Once they lose confidence, it will be practically impossible to regain. Then, the efforts of both FAA and industry to realize the safety benefits which this system promises will have gone for nothing. We will have spent thousands of manhours and millions of dollars on a black box that nobody trusts.

The FAA is aware that some certificate holders have been experiencing problems with false and nuisance warnings. Based on the information presented by the petitioner, it can be anticipated that air carriers would experience hundreds of false and nuisance warnings each week after the December 1, 1975, compliance date. The FAA agrees with the petitioner that this would result in an erosion of pilot confidence which could seriously impair the future effectiveness of this warning system. In view of the foregoing, the FAA has determined that it is in the public interest to grant the petitioner's request to amend §§ 121.303 and 121.360 to provide a reasonable time to establish system reliability.

The FAA intends to carefully monitor the operation of this equipment during this period and will work with the certificate holders to establish guidelines for gathering information on these problems. As part of this monitoring, § 121.303(d) is being amended to provide for the issuance by the Administrator to certificate holders of a plan requiring the operation of the system for the purpose of obtaining data on system reliability. The Principal Operations Inspector assigned to the certificate holder will be responsible for issuing the plan and monitoring the system's reliability operations.

After the current problems affecting a specific airplane type being operated by a certificate holder have been resolved, the authorization for that airplane type to take off with the ground proximity warning system not in operable condition should be withdrawn. The certificate holder's operations specifications would be amended to specify the date after which the equipment must be in operable condition before takeoff. Section 121.303(d) is being amended accordingly.

Relief is also being provided from § 121.360(d) which prohibits deactivation of a ground proximity warning system required by § 121.360 except in accordance with the procedures contained in the Airplane Flight Manual.

In view of the imminence of the December 1, 1975, effective date of the requirement being extended by this amendment and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

This amendment is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective November 24, 1975, as follows:

1. By amending § 121.303(d) by deleting the phrase "121.359, and 121.360" and substituting therefor the phrase "and 121.359" in subparagraph (2) and by adding a new subparagraph (3) to read as follows:

§ 121.303 Airplane instruments and equipment.

* * * * * * *

(d) * * *

(3) After September 1, 1976, the instruments and equipment required by § 121.360, unless required earlier—

(i) In a plan issued to the certificate holder by the Administrator to obtain information on system reliability; or

(ii) In the certificate holder's operations specifications.

2. By revising § 121.360(d) to read as follows:

§ 121.360 Ground proximity warning-glide slope deviation alerting system.

* * * * * * *

(d) After September 1, 1976 (unless required earlier in the certificate holder's operations specifications), no person may deactivate a ground proximity warning system required by this section except in accordance with the procedures contained in the Airplane Flight Manual.

* * * * * * *

Issued in Washington, D.C., on November 24, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-32118 Filed 11-26-75;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Modification of Restrictions on Export Controls to Cuba

On August 21, 1975, the United States Government announced modifications of certain aspects of the U.S. denial policy as it affects the trade of other countries with Cuba. This was in accord with the adoption by the Organ of Consultation of the Organization of American States on July 29, 1975, of a resolution which now permits each member state to determine for itself the nature of its economic and diplomatic relations with the Government of Cuba. As part of these modifications, the Department of Commerce generally will consider favorably, on a case-by-case basis, requests for authorization for the use of an insubstantial proportion of U.S.-origin materials, parts, or components in nonstrategic foreign-made products to be exported to Cuba, where local law requires, or policy in the third country favors, trade with Cuba.

U.S.-origin content will, in general, be considered insubstantial when it amounts to 20 percent or less of the value of the product to be exported from the third country. Cases involving exports from the third country to Cuba, where the product includes more than 20 percent U.S.-origin content by value, will also be considered on their individual merits but approvals will be less likely.

Requests for authorization to utilize U.S.-origin materials, parts, or components in products manufactured in foreign countries and destined for Cuba should be addressed to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Attn: Parts and Components), and should set forth all pertinent details of the transaction including, as a minimum, descriptions of the foreign-made product and the U.S. materials, parts, or components; the appropriate Commodity Control List entry for each; the respective values of each; and the identity of the end-user in Cuba, if known. Foreign firms or persons need not be U.S. subsidiaries to apply for, or to receive, authorizations.

Effective date of action: November 24, 1975.

Accordingly, Part 385 of the *Export Administration Regulations* (15 CFR Part 385) is amended by revising § 385.1 (b) to read as follows:

§ 385.1 Country Group Z.

* * * * * * *

(b) *Cuba.* As part of the U.S. Government's foreign policy, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Cuba. The general policy of the Department of Commerce is to deny all applications or requests to export or reexport U.S.-origin commodities and technical data to this destination, except for certain humanitarian exports and other transactions as described below. On August 21, 1975, the U.S. Government announced modifications in those aspects of U.S. restrictions on trade with Cuba which affect third countries, in order to bring them into accord with the policy of the Organization of American States to allow each member state to determine for itself the nature of its economic and diplomatic relations with the Govern-

ment of Cuba. In this context, the Department of Commerce generally will consider favorably on a case-by-case basis requests for authorization for the use of an insubstantial proportion of U.S.-origin materials, parts, or components in nonstrategic foreign-made products to be exported to Cuba, where local law requires, or policy in the third country favors, trade with Cuba. U.S.-origin content will generally be considered insubstantial when it amounts to 20 percent or less of the value of the product to be exported from the third country. Approval of requests for authorization for the use of U.S.-origin materials, parts, or components amounting to more than 20 percent by value of the foreign-made product to be exported from the third country to Cuba will be less likely.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App 2023; E.O. 10945 & E.O. 11038)

LAWRENCE J. BRADY,
Acting Director,
Office of Export Administration.

[FR Doc.75-32114 Filed 11-24-75;12:41 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2742]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Consolidated International Tool & Oil, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.15–60 Exclusive distributor or producer; § 13.50 Dealer or seller assistance; § 13.60 Earnings and profits; § 13.70 Fictitious or misleading guarantees; § 13.100 Individual attention; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–65 Offered by buyers; § 13.185 Refunds, repairs, and replacements; § 13.195 Safety; 13.195–30 Investment; § 13.200 Sample, offer or order conformance; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.260 Terms and conditions; § 13.272 Type or variety. 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; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1520 Personnel or staff.—Goods: § 13.1608 Dealer or seller assistance; § 13.1615 Earnings and profits; § 13.1660 Individual attention; § 13.1685 Nature; § 13.-1725 Refunds; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts.—Prices: § 13.1823 Terms and conditions.—Services: § 13.1843 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2010 Money back guarantee; § 13.2040 Returns and reimbursements; § 13.2045 Sales assistance; § 13.2060 Sample, offer, or order conformance; § 13.2063 Scientific or other relevant fact. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 Earnings; § 13.2132 Exclusive territory; § 13.2147 Sample, offer or order conformance; § 13.2148 Scientific or other relevant facts; § 13.2165 Terms and conditions:

(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)

In the Matter of Consolidated International Tool & Oil, Inc., a corporation, and Globe Marketing & Services, Inc., a corporation, and Joseph La Franka, individually and as an officer of said corporations and d/b/a Consolidated Distributing Co.

Consent order requiring a Rockford, Ill., seller of distributorships for automotive products, tools, electrical products, recording tapes, and other products, among other things to cease making unsubstantiated earnings claims, false claims concerning the quality and quantity of locations and products they will provide distributors, and connections or arrangements with nationally advertised corporations. Further, respondents must notify prospective customers that their contracts are not final and binding until a distributor is satisfied with his account locations and has been supplied with sufficient products for his displays.

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

ORDER

It is ordered, That respondents Consolidated International Tool & Oil, Inc., a corporation, Globe Marketing & Services, Inc., a corporation, their successors and assigns, and officers and Joseph La Franka, individually and as an officer of said corporations and doing business as Consolidated Distributing Co., and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of distributorships for automotive products, tools, electrical products, recording tapes and any other products to distributors for resale to the public, or in connection with any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that:

a. Distributors of respondents' products can or will derive any stated amount of sales, income, gross or net profits, unless:

1. Such sales, income or profits are reasonably likely to be achieved by the person to whom the representation is made;

2. The basis and assumptions for such representation are set forth in detail;

3. Such representation and the underlying data have been prepared in accordance with generally accepted accounting principles;

4. In immediate conjunction therewith, the following statement is clearly and conspicuously disclosed: "THERE IS NO ASSURANCE THAT INCOME AND PROFIT PROJECTIONS WILL BE ATTAINED BY ANY SPECIFIC DISTRIBUTOR. THEY ARE MERELY ESTIMATES."; and,

5. The amounts represented are not in excess of sales, income or profits actually achieved by existing distributors; and where distributors have not been in operation long enough to indicate what sales, income or profits may result, making any representation of such to a prospective distributor.

6. Respondents maintain adequate records (a) which disclose the facts upon which any claims of the type discussed in paragraph a. of this Order are based; and (b) from which the validity of any claim of the type discussed in paragraph a. of this Order can be determined.

b. Persons investing in respondents' distributorships are assured of profitable income from the distributorships.

c. Persons investing in respondents' distributorships can expect an average sale of a certain specified amount of merchandise per day, or any other period of time, unless in fact the average number of sales represented is that of a substantial number of distributors.

d. Selling is not required of distributors in order to profitably operate a distributorship.

e. A distributor's entire investment, or any portion thereof, will be returned if he is not satisfied with the distributorship.

f. Account locations assigned to a distributor have been established prior to signing of a contract by distributor.

g. Persons investing in respondents' distributorships will receive complete training enabling them to become self-sufficient distributors, unless complete details of the training are explained to a prospective distributor prior to his signing of a contract.

h. Respondents will provide a distributor full and continuing support and assistance in making his distributorship a success.

i. Persons investing in respondents' distributorships will be granted an exclusive territory in which to sell products purchased from respondents, and in which no other distributor for respondents may operate.

j. All accounts established for a distributor will be within a certain radius of distributor's home.

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

k. A distributor's investment in respondents' distributorship is guaranteed in any way against loss.

l. Any criteria other than the ability to provide the price of initial investment are used in the selection of respondents' distributors.

m. Respondents will provide distributors with products for their displays on a timely basis.

n. Respondents are in any way affiliated with any firm whose products they merely resell; or misrepresenting in any way their status with or relation to any other business organization or product.

o. Persons investing in respondents' distributorships will receive the return of their investment within any specified period of time.

p. Respondents will obtain profitable sales producing account locations for their distributors; or misrepresenting in any way the type of business establishment or premises in which account locations will be established.

q. Any certain number of accounts will be established by respondents, unless in fact this number corresponds with the actual number of physical account locations finally established by respondents.

r. Respondents will set up accounts for distributor shortly after distributor signs his contract.

s. A distributor will be able to sell any product sold to him by respondents for less than the price charged by others selling the same product at the same distributive level in the distributor's trade area.

t. Respondents are, or will become, sole dealers, franchises or distributors of any product in any area.

u. A distributor will be the exclusive dealer or distributor in his area for any product sold by respondents.

v. A distributor will receive from respondents any products other than those which respondents in fact will make available to distributor.

w. Terms of payment for products supplied to distributors by respondents are anything other than cash.

x. Respondents will pay freight costs for shipment of products to distributors.

y. Any person is a distributor, employee, representative or agent of respondents unless in fact that person actually holds the position he is represented to hold.

It is further ordered, That respondents make the following disclosures to all prospective purchasers of their distributorships: 1. State in writing in all contracts and purchase agreements:

a. That the contract or purchase agreement is not final and binding until respondents have completely performed their obligations thereunder by establishing account locations satisfactory to the purchaser, and by providing the purchaser with sufficient inventory to fill his initial displays.

b. That full refund of a prospective purchaser's investment will be made at any time during the period described in paragraph 1(a) above, upon written request from the prospective purchaser.

It is further ordered, That respondents furnish each prospective purchaser of respondents' distributorships with a copy of the completed contract or purchase agreement proposed to be used at least fifteen (15) business days prior to the date the agreement is to be consummated.

It is further ordered, That respondents: a. Distribute a copy of this order to each of their operating divisions.

b. Deliver a copy of this order to all prospective purchasers of respondents' products, services or distributorships at least fifteen (15) days prior to the signing of a contract or purchase agreement, and secure from each such prospective purchaser a signed statement acknowledging receipt of said order.

c. Deliver a copy of this order to all present and future salesmen or other persons engaged in the sale of respondents' products, services or distributorships, and require that each of these said persons sign a statement clearly stating his intention to be bound by and to conform to the requirements of this order; retain said statement during the period said person is employed or engaged; and make said statements available to the Commission's staff for inspection and copying upon request.

d. Institute a program of continuing surveillance adequate to reveal whether each person described in subparagraph (c) of this Paragraph is conforming to the requirements of this order.

e. Discontinue dealing with or terminate the use or engagement of any person who refuses to sign a statement as described in subparagraph (c) of this paragraph, or who continues on his own any act or practice prohibited by this order.

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

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

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

The Decision and Order was issued by the Commission October 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32054 Filed 11-26-75;8:45 am]

[Docket No. C-2743]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Savoy Drug & Chemical Co.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170-16 Cleansing, purifying; 13.170-24 Cosmetic or beautifying; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-76 Rejuvenating; § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.265 Tests and investigations. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 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)

In the Matter of Savoy Drug & Chemical Company, a corporation.

Consent order requiring a Chicago, Ill., seller and distributor of Let's Lift It, a skin preparation, among other things to cease making false or unsubstantiated performance and effectiveness claims for any product; and misrepresenting tests or test results.

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

ORDER

It is ordered, That respondent Savoy Drug & Chemical Company, a corporation, and its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of skin preparations or any other product in, or affecting, commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

A. Representing directly or by implication that any such product: 1. Treats or alleviates the conditions that produce blemishes or wrinkles, or produces skin that is free of acne, pimples, or blackheads, or will cause skin blemishes or wrinkles to be lifted away, removed, or eliminated;

2. Removes or eliminates dark circles, shadows, or muddy spots;

3. Refines or reduces large pores, or tightens sagging skin;

4. Has any therapeutic quality, characteristic, or capacity, or will have any result, or will perform in any given man-

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

ner, or is effective for any purpose, unless each such quality, characteristic, capacity, result, manner of performance, or effectiveness has been fully substantiated.

B. Disseminating or causing the dissemination of any advertising by United States mails or by any means in, or having an effect upon commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents, directly or by implication: 1. The performance, efficacy, capacity, or usefulness, or any characteristic, property, quality, or the result of use of any such product;

2. The extent to which any such product has been tested, or the results of its use demonstrated.

C. Disseminating or causing the dissemination of any advertising by any means, for the purpose of inducing or which is likely to induce, directly or by implication, the purchase of any such product in, or having an effect upon, commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations, acts, or practices prohibited in Paragraph A or B above.

It is further ordered, That respondent 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 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 this order.

It is further ordered, That respondent shall within sixty (60) days after the effective date of the order served upon it, file with the Commission a report, in writing, setting forth in detail the manner and form of their compliance with the order to cease and desist.

The Decision and Order was issued by the Commission October 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32055 Filed 11-26-75;8:45 am]

[Docket No. C-2741]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Wards Company, Inc. t/a Dixie Hi-Fidelity Wholesalers, Etc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–195 Nature; 13.15–260 Retailer as wholesaler, jobber, factory distributor; § 13.155 Prices; 13.155–80 Retail as cost, wholesale, discounted, etc.; § 13.205 Scientific or other relevant facts. 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(c) Complaints. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 Nature; § 13.1550 Retailer as wholesaler, jobber, or factory distributor. Goods: § 13.1740 Scientific or other relevant facts. —Prices: § 13.1820 Retail as cost, etc., or discounted. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 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)

In the Matter of Wards Company, Inc., a corporation, doing business as Dixie Hi-Fidelity Wholesalers and Dixie Hi-Fi.

Consent order requiring a Richmond, Va., mail-order seller of stereo equipment and components, and related merchandise, among other things to cease soliciting prepaid orders if respondent cannot ship ordered merchandise within a specified time period; failing to make refunds; failing to maintain records; failing to disclose handling and insurance costs; and misrepresenting any of its operating divisions as wholesalers.

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

ORDER

A

For purposes of this Order, the following definitions shall apply: (1) "Shipment" shall mean the act by which the merchandise is physically placed in the possession of the carrier.

(2) "Receipt of payment" shall be deemed to be, (1) at the time respondent receives the order with payment enclosed either in cash or by check or (2) at the time respondent charges a purchaser's account for a credit order.

(3) "Prompt refund" shall mean a return of the full amount remitted by the purchaser or the crediting of the purchaser's account for the full indebtedness incurred for the unshipped merchandise within seven (7) working days of the date on which the purchaser's right to refund vests under the provisions of this order. Refunds shall be deemed made when one of the following is mailed to the purchaser by first class mail:

(a) Cash, money order or check; or

(b) If respondent is the creditor, a copy of the credit memorandum which removes the charge from the purchaser's account; or

(c) The actual charge or sales document which would create an obligation by the purchaser to a third party creditor; or

(d) Copy of the appropriate credit memorandum to the third party creditor which will remove the charge from the purchaser's account.

B

It is ordered, That respondent Wards Company, Inc., a corporation, doing business as Dixie Hi-Fidelity Wholesalers and Dixie Hi-Fi, or under any name or names, and its officers, and respondent's representatives, agents, employees, successors and assigns directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of stereo equipment and components and other merchandise, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Soliciting orders for the sale of merchandise to be ordered by the purchaser through the mail on a prepaid basis, unless such merchandise is shipped within that time clearly and conspicuously stated in such solicitation or, if no time is stated, within thirty (30) days after receipt of payment and a properly completed order from the purchaser.

2. Failing to make, without prior demand, a prompt refund to the purchaser of all moneys received for merchandise solicited on a prepaid basis and ordered through the mails when the merchandise is not shipped:

(a) Within that time clearly and conspicuously stated in the solicitation to which the purchaser responded as the time in which shipment will be made, or

(b) If no time is stated, within thirty (30) days of receipt of the purchaser's payment by respondent.

Provided, however, That the inhibitions of Paragraph B(1) shall not apply if the provisions of Paragraph B(2) are complied with; *and provided further,* That Paragraph B(1) and Paragraph B(2) shall not apply under the following circumstances: where respondent, due to circumstances beyond its control, is unable to make shipment as required in Paragraph B(1) and respondent sends to the purchaser a notice of delayed shipment providing the purchaser with the opportunity to express his choice whether to cancel his order and receive a refund or be shipped the merchandise by a specified later date. The notice shall be sent by first class mail and accompanied by a self-addressed, postage paid device upon which the purchaser may indicate his choice, and mailed in advance of the expiration of the thirty (30) day period, or that time stated in the solicitation. The notice shall expressly advise the purchaser of the estimated date of shipment for his order. If, prior to shipment, respondent receives a response from the purchaser requesting a

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

refund, such refund shall be promptly made.

If no response is received from the purchaser and respondent does not ship the merchandise within the estimated date of shipment given in the above notice, and for each subsequent time respondent does not ship merchandise by the estimated date of shipment to which a purchaser has agreed, respondent must send to the purchaser an additional notice of delayed shipment providing the purchaser with the opportunity to express his choice whether to cancel his order and receive a refund or be shipped the merchandise by a specified later date. This additional notice shall be sent by first class mail and accompanied by a self-addressed, postage paid device upon which the purchaser may indicate his choice, and mailed in advance of the estimated date of shipment given in the previous notice. This additional notice shall expressly advise the purchaser of the estimated date of shipment for his order. If, prior to shipment, the respondent receives a response from the purchaser requesting a refund, such refund shall be promptly made.

Provided further, however, That Paragraphs B(1) and B(2) shall not apply to any advertisement which: (1) does not contain an order blank or other similar means to order merchandise from respondent;

(2) Does not make any representation concerning the speed or promptness with which respondent ships merchandise to its customers; and

(3) Does not offer specific items for sale at specified prices.

Provided further, however, That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide concerning Undelivered Mail Order Merchandise and Services, containing provisions comparable to, but less comprehensive or less restrictive than, the provisions of this order, nothing herein shall preclude respondent from exercising its right to petition for appropriate modification of this order under Section 3.72 or any other pertinent provision of the Commission's Rules of Practice or of law.

3. Failing to: (a) Maintain a record of each complaint alleging failure to ship merchandise solicited and ordered on a prepaid basis, or of failure to make refund within the applicable period of time, as specified in Paragraphs B(1) and B(2) of this Order, and the disposition of each such complaint. Such record shall be kept for a period of at least eighteen (18), months following the disposition of such complaint;

(b) Maintain records showing the employment of systems and procedures designed to comply with Paragraphs B(1) and B(2) of this order.

4. Failing to promptly refund any postage or shipping payments made by a purchaser which are in excess of the postage or shipping charges incurred by respondent in mailing or shipping the merchandise to the purchaser; *Provided, however,* That respondent may charge a flat percentage of the order price for postage or shipping and handling if that fact is clearly and conspicuously disclosed, orally or in writing, to prospective purchasers before they order merchandise from respondent.

5. Failing to clearly and conspicuously disclose, orally or in writing, to prospective purchasers before they order merchandise from respondent, the actual handling and insurance costs which will be charged to the purchaser.

6. Representing, directly or by implication, in any advertisements, brochures, flyers, catalogs, letters or any other material soliciting orders, or in any of respondent's places of business open to the public, or otherwise representing, directly or by implication, that respondent or any of its divisions is a wholesaler, or that it or its division sells articles of merchandise at wholesale prices, unless respondent, or the division referred to, in fact:

(a) Makes a substantial number of its sales to retailers in the ordinary course of business, and

(b) Sells items which it offers at wholesale at prices which do not exceed the prices usually and customarily paid by retailers for such merchandise to any source of supply, when purchased in the quantity offered for sale by respondent.

Provided further, however, That respondent shall be permitted to phase out the use of the word "Wholesalers" in its trade name:

(a) In all advertisements, brochures, flyers, catalogs or any other material soliciting orders within six (6) months from the date this order is finally accepted;

(b) In all stationery, invoices and other business forms (and in-store promotional material) as the current supply is exhausted, but no later than six (6) months from the date this order is finally accepted; and

(c) In all store signs within eight (8) months from the date this order is finally accepted.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future employees or other persons engaged in the preparation and placing of respondent's advertisements, brochures, flyers, catalogs, letters or other material soliciting orders, and the offering for sale, or sale, of respondent's products, and secure from each such employee or other person a signed statement acknowledging receipt of said order.

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 they have complied with this order.

The Decision and Order was issued by the Commission October 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32056 Filed 11-26-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5645, 34-11831, 39-417, IC-9032]

SOCIAL SECURITY ACCOUNT NUMBERS ON CERTAIN FORMS

Voluntary Disclosure

The Commission today announced that in light of Section 7 of the Privacy Act of 1974 (Pub. L. 93-579), it will no longer deem as mandatory the disclosure of social security account numbers on certain forms which collect information from or about individuals. Although the disclosure of social security account numbers may be of assistance to the Commission in identifying persons and in promptly processing such forms, the Commission believes that disclosure of such numbers should be voluntary, notwithstanding that, under Section 7(a)(2)(B) of the Privacy Act, disclosure of social security account numbers in many of the forms utilized by the Commission could still be required.

In order to avoid the high costs that would be involved in revising its current forms to provide that the disclosure of social security account numbers is voluntary, the Commission has prepared a special notice that will be furnished to all persons who request copies of the forms from the Commission indicating that disclosure of social security account numbers is voluntary. In addition to this information the notices will set forth the authority pursuant to which the information is being solicited and what principal uses will be made of the information.

As existing supplies of the forms are exhausted, the Commission may revise forms or the instructions thereto as appropriate. Meanwhile applicants and registrants who have on hand a supply of the affected forms or who make their own copies of Commission forms should keep in mind that they are no longer required to report individuals' social security account numbers.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 14, 1975.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Part 239 is amended by adding a new paragraph (c) to § 239.144 to read as follows:

§ 239.144 Form 144, for notice of proposed sale of restricted securities pursuant to § 239.144 of this chapter.

* * * * *

(c) Under Sections 2(11), 4(1), 4(2), 4(4) and 19(a) of the Securities Act of 1933 (17 CFR 230) and Rule 144 thereunder, the Commission is authorized to solicit the information required to be supplied by this form by persons desiring to sell unregistered securities. Disclosure of the information specified in this form is mandatory prior to processing notices of proposed sale of securities under Rule 144, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of disclosing the proposed sale of unregistered securities by persons deemed not to be engaged in the distribution of securities. This notice will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying persons desiring to sell unregistered securities and, therefore, in promptly processing notices of proposed sale of securities. Failure to disclose the information requested by Form 144, except for social security account numbers, would make an exception under Rule 144 unavailable and may result in civil or criminal action for violations of the Federal securities laws.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Part 249 is amended by revising §§ 249.103, 249.104, 249.330 and 249.501a to read as follows:

§ 249.103 Form 3, initial statement of beneficial ownership of securities.

This form shall be filed pursuant to Rule 16a–1(a) (§ 240.15a–1(a) of this chapter) for initial statements of beneficial ownership of securities required to be filed pursuant to section 16(a) of the Securities Exchange Act of 1934. Under sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (17 CFR 240); section 17(a) of the Public Utility Holding Company Act of 1935 (17 CFR 250); and section 30(f) of the Investment Company Act of 1940 (17 CFR 270), and the rules and regulations thereunder, the Commission is authorized to solicit the information required to be supplied by this form by officers, directors and certain security holders of a registered issuer. Disclosure of the information specified in this form is mandatory, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining and disclosing the holdings of officers, directors and beneficial owners of registered companies. This statement will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying officers, directors and security holders and, therefore, in promptly processing initial statements of beneficial ownership of securities. Failure to disclose the information requested by this form, except for social security account numbers, may result in civil or criminal action against the persons involved for violation of provisions of the Federal securities laws and rules promulgated thereunder.

§ 249.104 Form 4, statement of changes in beneficial ownership of securities.

This form shall be filed pursuant to Rule 16a–1(a) (§ 240.16a–1(a) of this chapter) for statements of changes in beneficial ownership of securities required to be filed pursuant to section 16(a) of the Securities Exchange Act of 1934. Under sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (17 CFR 240); sections 17(a) and 20(a) of the Public Utility Holding Company Act of 1935 (17 CFR 250); and sections 30(f) and 38 of the Investment Company Act of 1940 (17 CFR 270), and the rules and regulations thereunder, the Commission is authorized to solicit the information required to be supplied by this form by officers, directors and certain security holders of registered issuers. Disclosure of the information specified in this form is mandatory, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining and disclosing the holdings of officers, directors and beneficial owners of registered companies. This statement will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying officers, directors and security holders and, therefore, in promptly processing statements of changes in beneficial ownership of securities. Failure to disclose the information requested by this form, except for social security account numbers, may result in civil or criminal action against the persons involved.

§ 249.330 Form N–1R, annual report of registered management investment company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

This form shall be used for annual reports to be filed, pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 and pursuant to section 30 of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issue periodic payment plan certificates and small business investment companies licensed under the Small Business Investment Act of 1958 which file annual reports with the Commission on Form N–5R (described in § 274.105 of this chapter). (Same as § 274.101 of this chapter.) Under sections 8, 30, and 38 of the Investment Company Act of 1940 (17 CFR 270) and rules thereunder, the Commission is authorized to solicit the information required to be supplied by this form for annual reports of management investment companies. Disclosure of the information specified in this form is mandatory prior to processing annual reports of management investment companies, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of reviewing and inspecting the financial and operating conditions of registered management investment companies. This report will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying registrants and, therefore, in promptly processing annual reports. Failure to disclose the information requested by Form N–1R, except for the social security account number, could result in enforcement action by the Commission to require the filing of the required report.

§ 249.501a Form BDW, notice of withdrawal from registration as broker-dealer pursuant to § 240.15b6–1 of this chapter.

This form shall be used for filing a notice of withdrawal as broker-dealer pur-

suant to Rule 15b6–1 (§ 240.15b6–1 of this chapter). Under sections 15(b), 17 (a) and 23(a) of the Securities Exchange Act of 1934 (17 CFR 240), and the rules and regulations thereunder, the Commission is authorized to solicit the information required to be supplied by this form from registrants desiring to withdraw their registration as a broker-dealer. Disclosure of the information specified in this form is mandatory prior to processing of applications for withdrawal, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining whether it is in the public interest to permit a broker-dealer to withdraw his registration. This notice will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying registrants and, therefore, in promptly processing applications for withdrawal. Failure to disclose the information requested by Form BDW, except for social security account numbers, may result in the registrant not being permitted to withdraw his registration.

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Part 269 is amended by revising § 269.2 to read as follows:

§ 269.2 Form T–2, for statement of eligibility and qualification for individual trustees.

This form shall be filed pursuant to Rule 5a–1(b) (§ 260.5a–1(b) of this chapter) for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939. Under sections 307, 308, 309, 310 and 319 of the Trust Indenture Act of 1939 (17 CFR 260), the Commission is authorized to solicit the information required to be supplied by this form for statements of eligibility and qualification of individuals designated to act as trustees. Disclosure of the information specified in this form is mandatory prior to processing statements of eligibility and qualification, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining relationships of trustees and whether there are any conflicting interests. This statement will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying persons desiring to qualify as trustees and, therefore, in promptly processing filings. Failure to disclose the information requested by this form, except for social security account numbers, may result in enforcement action by the Commission to compel compliance with the Federal securities laws.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Part 274 is amended by revising §§ 274.101 and 274.101a–1 to read as follows:

§ 274.101 Form N–1R, annual report of registered management investment company under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

This form shall be used pursuant to Rule 30a–2 (§ 270.30a–2 of this chapter) for annual reports to be filed, pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 and pursuant to section 30 of the Investment Company Act of 1940, by all management investment companies registered under the latter act, except those which issued periodic payment plan certificates, and except small business investment companies licensed as such under the Small Business Investment Act of 1958 which file annual reports with the Commission on Form N–5R (described in § 274.105). Under sections 8, 30, and 38 of the Investment Company Act of 1940 (17 CFR 270) and rules thereunder, the Commission is authorized to solicit the information required to be supplied by this form for annual reports of management investment companies. Disclosure of the information specified in this form is mandatory prior to processing annual reports of management investment companies, except for social security account numbers, disclosure of which is voluntary. The information will be used for the primary purpose of reviewing and inspecting the financial and operating conditions of registered management investment companies. This report will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public. Because of the public nature of the information, the Commission can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social security account numbers, if furnished, will assist the Commission in identifying registrants and, therefore, in promptly processing annual reports. Failure to disclose the information requested by Form N–1R, except for the social security account number, could result in enforcement action by the Commission to require the filing of the required report.

§ 274.101a EDP attachment for Form N–1R of registered open-end management investment company.

This form shall be used as an exhibit to annual reports filed pursuant to section 30 of the Investment Company Act of 1940 on Form N–1R by registered open-end management investment companies. (Requirements as to the use of social security account numbers is described in § 274.101.)

[FR Doc.75–32117 Filed 11–26–75;8:45 am]

Title 21—Food and Drugs

[FRL 462–1]

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FAP 5H5090/R18]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

4-Amino-6-(1,1-Dimethylethyl)-3-(Methylthio)-1,2,4-Triazin-5(4H)-One

On June 18, 1975, notice was given (40 FR 25713) that Chemagro Agricultural Div., Mobay Chemcial Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120, had filed a petition (FAP 5H5090) requesting that a regulation be established to permit the use of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one on growing sugarcane with a tolerance of 0.3 part per million (ppm) for the herbicide and its triazinone metabolites in sugarcane molasses. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. Since sugarcane molasses is used in food and animal feed, an evaluation was made concerning the establishment of a food additive regulation [21 CFR Part 123] and a feed additive regulation [21 CFR Part 561]. It is concluded that the tolerance as proposed by the petitioner will protect the public health when residues result in food or feed from application of the herbicide to growing sugarcane. Consequently, two actions are being taken: 21 CFR 123.25 is being amended and 21 CFR 561 is being amended by establishing Section 561.41 as set forth below. [A related document on this compound and the establishment of a pesticide tolerance (40 CFR 180.332)

in or on the raw agricultural commodity sugarcane also appears in today's FEDERAL REGISTER.]

Any person adversely affected by these regulations may on or before December 29, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 28, 1975, Part 123, § 123.25, and Part 561 are amended as follows.

(Sec. 409 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348])

Dated: November 20, 1975.

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

Part 123, § 123.25 is amended to include a tolerance limitation in sugarcane molasses as follows.

§ 123.25 4-Amino-6-(1,1-dimethylethyl)-3 - (methylthio)-1,2,4-triazin-5(4H)-one.

Tolerance are established for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl) - 3 - (methylthio)-1,2,4-triazin-5(4H)-one and its triazinone metabolites resulting from application of the herbicide to growing crops as follows:

3 parts per million in processed potatoes (including potato chips).

0.3 part per million in sugarcane molasses.

* * * * *

Part 561 is amended by adding the § 561.41 as follows:

§ 561.41 4-Amino-6-(1,1-dimethylethyl)-3 - (methylthio)-1,2,4-triazin-5(4H)-one.

A tolerance of 0.3 part per million is established for combined residues of the herbicide 4-amino - 6 - (1,1 - dimethylethyl)-3 - (methylthio) - 1,2,4 - triazin-5(4H)-one and its triazinone metabolites in sugarcane molasses resulting from application of the herbicide to growing sugarcane.

[FR Doc.75-32047 Filed 11-26-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $108 to $114 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $114 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

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

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division.

[FR Doc.75-32154 Filed 11-26-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 461-6]

PART 35—STATE AND LOCAL ASSISTANCE

Grants to State and Designated Areawide Planning Agencies—Conditions, Policies and Procedures

On September 8, 1975, notice was published in the FEDERAL REGISTER, 40 FR 41644, that the Environmental Protection Agency was proposing to amend the interim 208 grant regulations (40 CFR Part 35, Subpart F) and to publish final regulations setting forth procedures for providing grants to State as well as areawide planning agencies approved pursuant to 40 CFR 130.12 and 130.13 respectively, for the development of a planning process and a section 208 plan for water quality management.

Section 208 of the Federal Water Pollution Control Act Amendments of 1972 is designed to encourage and facilitate the development and implementation of areawide water quality management plans. The law requires the Governor of each State to designate eligible areawide planning agencies to perform intensive areawide planning for those geographic areas of the State which meet the criteria set forth in Part 130.13 of this Chapter. The State is required to undertake the planning for remaining geographic areas. In accordance with a Court Order issued by Judge John Lewis Smith, Jr. in Natural Resources Defense Council, et al. v. Train, et al., D.C. D.C. Civ. Act. No. 74–1485, grants are authorized for State as well as areawide planning agencies.

Since section 208 planning must be done on a nationwide basis for all surface areas of the United States by either areawide or State planning agencies pursuant to 40 CFR Part 130, it is important to have compatible planning requirements for section 208 planning conducted by both areawide and State planning agencies. Hence, the substantive planning requirements have been deleted from the 208 grant regulations (40 CFR Part 35, Subpart A) and placed in the following regulations to be published in the FEDERAL REGISTER concurrently with the 208 grant regulations: *Policies and Procedures for the Continuing Planning Process* (40 CFR Part 130) and *Preparation of Water Quality Management Plans* (40 CFR Part 131). As a result, the 208 grant regulations are solely procedural, referencing the appropriate portions of 40 CFR Parts 130 and 131 for the substantive planning requirements.

Written comments on the proposed rulemaking were invited and received from numerous interested parties. In addition, verbal comments were also obtained from representatives of State and local government. EPA has carefully considered all submitted comments. All written comments are on file with the Agency. Many of these comments have been adopted or substantially satisfied by editorial change, deletions from, or additions to the regulations. The majority of the substantive comments centered around the three issues discussed below.

1. Allocation of Funds. Numerous methods for allocating funds to State and designated areawide planning agencies were considered including: (a) A nationally derived formula based on point and nonpoint source pollution problems; (b) a formula based on the population of each State within a Region; (c) a formula based on the population of each State within a Region minus the population of previously funded designated planning areas; and (d) a formula based on a combination of the population and land area of each State within a Region minus the population and land area of previously funded designated areas.

Many of the commentors indicated that they did not think that an accurate nationally derived formula based on point and nonpoint source pollution problems could be derived and that they

would prefer a formula based on population. The regulations, therefore, contain a formula based on a combination of population and land area. This combination was selected because State and areawide water quality management planning must consider both point and nonpoint source problems and many nonpoint source problems are associated with large land masses and not necessarily with large concentrations of population.

2. Requirement for a Financially Self-Sustaining Planning Process. Many of the comments that were received opposed this requirement, stating that it was impractical to expect the planning agencies to obtain funds from other sources to pay for the required continuing planning, including the annual plan update. The self-sustaining provision, however, has been retained since Federal funding is presently envisioned for only development of the initial plan. The substantial Federal investment is intended to spur continuing planning over the long-term.

3. Establishment of a State Management Role in Areawide Planning Areas. The above mentioned Court Orderstipulates that the State is responsible for assuring that the provisions of section 208 of the Federal Water Pollution Control Act Amendments of 1972 are implemented in areawide as well as State planning areas. Many of the comments that were received stated that in order for the States to carry out their responsibilities, it was imperative to provide for a strong State management role in areawide planning areas. These regulations have therefore been revised to clarify previous policy regarding the State management role. The areawide planning agencies are required to obtain State review and comment on their grant applications, work plans and any substantial revisions thereto and interim progress reports. The areawide planning agencies are also required to provide the State with a copy of their plan for pre-adoption review to minimize any conflicts that might arise at the time of formal plan submittal.

As discussed above, these regulations are issued in response to an Order of the District Court for the District of Columbia, and contain a provision for plan submission no later that November 1, 1978, as required by the Order of the Court. Given the limited amount of time for the plans to be completed, and the consequent need for both State and areawide agencies to move forward quickly to adjust their planning processes to these regulations, good cause is hereby found for making these regulations effective November 28, 1975.

In consideration of the foregoing, 40 CFR Part 35 is hereby amended by deleting Subpart F and substituting the following for Subpart A, §§ 35.200 through 35.240.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Planning Grants

GRANTS TO STATE AND DESIGNATED AREAWIDE PLANNING AGENCIES—CONDITIONS, POLICIES AND PROCEDURES

Subpart A—Planning Grants

GRANTS TO STATE AND DESIGNATED AREAWIDE PLANNING AGENCIES—CONDITIONS, POLICIES AND PROCEDURES

§ 35.200 Purpose.

These provisions establish conditions, policies and procedures for grants to State and areawide planning agencies, and reference requirements for the substance of the planning process and the content of required plans. These provisions supplement the EPA general grant regulations and procedures set forth in Part 30 of this Chapter.

§ 35.202 Definitions.

The definitions of the terms contained in § 130.2 of this Chapter shall be used herein except as the context otherwise requires.

§ 35.204 Allocations of funds.

(a) The Administrator will establish a Regional allotment ratio for each EPA Region in accordance with the following formula:

$$= \frac{3}{4}\left[\frac{\text{(Population of Region)} - \text{(Population of Region's Previously Funded Designated Planning Areas)}}{\text{(Population of United States and Territories)} - \text{(Population of Previously Funded Designated Planning Areas Nationally)}}\right]$$

$$+ \frac{1}{4}\left[\frac{\text{(Land Area of Region)} - \text{(Land Area of Region's Previously Funded Designated Planning Areas)}}{\text{(Land Area of United States and Territories)} - \text{(Land Area of Previously Funded Designated Planning Areas Nationally)}}\right]$$

(b) The Regional allotment ratio for each Region established pursuant to § 35.204(a) will be applied to sums available for each fiscal year after June 30, 1975 to produce an allotment for each Region.

(c) As soon as practicable after the President's budget has been submitted to the Congress, the Administrator will issue to each Regional Administrator a tentative Regional allowance (planning target) based on the amount of the appropriation requested by the President. The Regional Administrator shall notify each State and appropriate areawide planning agency of the funds available for State and areawide water quality management planning as soon as practicable after receipt.

(d) As soon as practicable after funds are appropriated, the Administrator will issue to each Regional Administrator a final Regional allowance for allotment to State and appropriate areawide planning agencies in each Region. Within the limits of each final Regional allowance, the Regional Administrator shall negotiate grant amounts for each eligible applicant (State and areawide planning agencies) within the Region.

(e) On June 1, 1976, all unobligated funds remaining within a Region will revert back to the Administrator for reallocation to other Regions (for subsequent reallocation to State and areawide planning agencies) which can demonstrate a need for funds in excess of their final Regional allowance. In Fiscal Year 1977 and in subsequent fiscal years, unobligated Regional funds will revert back to the Administrator ninety days after the date the final Regional allowance is issued to the Regional Administrator pursuant to § 35.204(d), or not later than thirty days prior to the end of the fiscal year, whichever date is earlier.

§ 35.206 Eligibility for grant award.

(a) Areawide planning agency. Areawide planning agencies shall be eligible for grant award pursuant to these provi-

sions only if designated pursuant to § 130.13 of this Chapter and approved by the Administrator as the official areawide planning agency for the area. The agency shall further agree to develop a plan and a continuing planning process for the entire area that meets the requirements of these provisions and Parts 130 and 131 of this Chapter.

(b) State planning agency. State agencies designated by the Governors pursuant to § 130.12 of this Chapter and approved by the appropriate Regional Administrator shall be eligible for grant award pursuant to these provisions, provided that the State continuing planning process has been approved by the appropriate Regional Administrator pursuant to § 130.41 of this Chapter.

§ 35.208 Application for grant.

§ 35.208–1 Preapplication requirements.

(a) All agencies applying for section 208 planning grants shall comply with all applicable requirements of Office of Management and Budget (OMB) Circular No. A–95, pursuant to § 30.305 of this Chapter.

(b) Areawide planning agencies designated by the Governor(s) pursuant to § 130.13 of this Chapter shall submit their applications and supporting data to the State planning agency designated pursuant to § 130.12 of this Chapter. Interstate areawide planning agencies shall submit the application to the designated State agency in the State which includes the greatest portion of the area's population, and provide copies to the Governors of other affected states.

§ 35.208–2 Application requirements.

(a) Each agency applying for section 208 planning grants shall meet the following application requirements:

(1) Applications shall be made to EPA on such forms as the Administrator may prescribe pursuant to § 30.315 of this Chapter.

(2) Evidence shall be provided that all requirements of OMB Circular No. A–95 have been met.

(3) A statement shall be provided indicating that provisions have been made or will be made for the establishment of the following appropriate advisory groups:

(i) For State planning areas, a policy advisory committee for each approved planning area; the membership and role of this committee shall be consistent with § 130.16(c) of this Chapter;

(ii) For areawide planning areas, a policy advisory committee whose membership shall be consistent with § 130.16 (d) of this Chapter.

(4) A statement shall be provided that the proposed activity takes into account the relationship with affected State, local and Federal programs, and with other applicable resource and developmental planning programs as set forth in § 130.-34(a) of this Chapter.

(5) A statement shall be included indicating that the planning process will become financially self-sustaining and provide for annual update of the plan once the initial plan is developed and approved.

(6) An outline of the work plan which the applicant will submit pursuant to § 35.220 herein shall be provided by State and designated areawide planning agencies.

(7) A statement indicating how matching funds, if required, will be provided.

(b) Areawide planning agencies designated by the Governor(s) shall provide, in addition to the requirements set forth in § 35.208–2(a), a certification document submitted by the State planning agency designated pursuant to § 130.12 of this Chapter, which document shall include a statement that the State has reviewed the application and finds that:

(1) The proposed work complies or does not comply with all State requirements, including any applicable plan(s) prepared pursuant to Part 131 of this Chapter;

(2) The proposed planning work program is or is not adequate and necessary to accomplish the development of a plan pursuant to Part 131 of this Chapter;

(3) Insofar as is known, the planning will or will not duplicate any work which has been done or is being done to meet the facilities planning requirements of § 35.917–35.917–9 of this Part and other water quality management planning requirements of Part 131 of this Chapter; and

(4) That the State either recommends or does not recommend that the grant application should be approved by EPA.

(c) State planning agencies shall submit, in addition to the requirements of § 35.208–2(a), evidence of compliance with the procedures of § 130.13 of this Chapter, including evidence that adequate communication was made with chief elected officials of local units of government in the designation of local areas.

§ 35.210 Review, certification and approval of grant application.

§ 35.210–1 State review and certification of grant applications from areawide planning agencies designated by the Governor(s).

(a) The State planning agency designated pursuant to § 130.12 of this Chapter shall, within 45 days after receipt of a grant application review the application and either certify or refuse to certify the application and proposed work plan outline.

(b) Upon completion of the review required by § 35.210–1(a), the State planning agency shall either:

(1) Return the grant application, including the certification document, to the applicant for forwarding of two copies to the appropriate Regional Administrator, or

(2) Forward two copies of the application, including certification documents, to the appropriate Regional Administrator.

Selection of alternatives (b) (1) or (2) of this section shall be based on the applicant's preference.

(c) If the application is not certified, the State planning agency shall, in addition to its actions pursuant to § 35.210–1 (b), notify both the appropriate Regional Administrator and the applicant as to the specific reasons for non-certification and specify the changes which are needed for State certification of the application.

(d) The procedures set forth in § 35.210(1) (a) through (c) shall be followed by intrastate and interstate areawide planning agencies, except that where the applicant is an interstate agency, the State planning agency in the State which includes the largest portion of the area's population shall coordinate the review and certification process and shall have an additional 15 days to complete the process.

§ 35.210–2 EPA review and approval.

(a) No grant application will be accepted for EPA review that is incomplete or not accompanied by the State certification documents required pursuant to § 35.208–2 herein.

(b) The Regional Administrator shall review the application and supporting documentation to determine its compliance with the applicable requirements of the Act and these provisions, the capability of the proposed program to meet the required outputs of section 208 of the Act, and reasonableness of the estimated costs of the proposed program.

(c) Generally within 45 days after receiving the application, and in accordance with the provisions of § 35.212 herein, the Regional Administrator shall:

(1) Award a grant to the applicant in the amount determined to meet the requirements of § 35.214; or

(2) Notify the applicant that the grant application is deficient in one or more respects and specify in which ways the application must be modified to receive EPA approval; copies of such notifications will be forwarded to all concerned States at the time the applicant is notified of EPA action.

§ 35.212 Grant award and adjustment.

(a) *Grant award.* Grants will be awarded in an amount which the Regional Administrator determines is appropriate for the program outlined in the grant application submitted pursuant to § 35.208–2.

(b) *Grant adjustments.* Such grants shall be subject to adjustment by the Regional Administrator, after his review and approval of the work plan submitted pursuant to § 35.220, and after consultation with the appropriate State and the applicants, to reflect his determination of actual approved financial needs.

(c) *Limitation on grant amount.* The grant amount, after adjustment pursuant to § 35.212(b), if any, shall constitute the grantee's final maximum grant amount for a Section 208 grant. In the event of grantee noncompliance, the Regional Administrator may reduce the grant amount or terminate the grant pursuant to § 30.915 and § 30.920 of this Chapter.

§ 35.212–1 Rate of Federal assistance.

The rate of Federal assistance furnished to a grantee shall be in accordance with the provisions of the Act.

§ 35.212–2 Matching.

Pursuant to § 30.720 of this Chapter, contributions required to match Federal funds may be reflected in contributions to either direct or indirect costs; in-kind contributions are permitted. Contributions to matching are allowable only if they are verifiable from the grantee's records; not included is cost sharing or matching contributions for any other Federally-assisted program; otherwise properly allocable to the project; and are expended for allowable project costs.

§ 35.212–3 Period of grant.

Federal assistance shall be for one or more consecutive budget periods, the total grant period beginning on the date of execution of the grant agreement and ending on the date on which the plan is approved by the appropriate Regional Administrator pursuant to § 35.228.

§ 35.214 Grant conditions and limitations.

Each grant awarded an areawide planning agency pursuant to these provisions is conditioned upon the subsequent submission of an approvable work plan pursuant to § 35.220–3.

§ 35.216 Allowable and unallowable costs.

Grant funds shall be expended by the grantee solely for the reasonable and allowable costs of the approved project in accordance with the terms of the grant agreement pursuant to the requirements of this Subpart and § 30.700 of this Chapter.

Allowable and unallowable costs shall be determined in accordance with § 30.705 of this Chapter and by demonstration that the costs are reasonable for carrying out an approved grant project. While costs incurred as a result of following an approved work program would generally be allowable, provided that they are not prohibited elsewhere by Federal, State or local law or regulations, the costs incurred by activity related to the following shall be unallowable:

(a) Costs incurred in development of a grant application for an areawide planning grant;

(b) Costs incurred in sewer evaluation surveys as required under § 35.927–2 of this Part;

(c) Costs incurred in detailed sewer system mapping and surveys therefor;

(d) Costs related to sewage collection systems at less than the trunk line level;

(e) Costs related to obtaining or providing information for sewer systems, other than the costs of determining the following items in sufficient detail to make informed judgments on the cost effectiveness of available alternatives: tributary or service areas, routes, sizes, capacities and flows, critical control elevations required to show ability to serve tributary areas, lengths, staging, major impediments to construction, and costs of construction operation; data concerning lift stations shall be limited to location, size, energy requirements and capital and operating costs; costs of gathering and analyzing information required for economic, environmental and social evaluations shall be eligible;

(f) Costs related to obtaining or providing treatment works, other than the costs of determining the following items in sufficient detail to make informed judgments on the environmental impacts and cost effectiveness of available alternatives: size, location, which shows adequacy of the site including provision for expansion, major systems for treatment of influent and disposal of effluent and sludge, flow and waste reduction, anticipated effect of treatment, staging and capital and operating costs and energy requirement;

(g) Costs of special studies for the specific benefit of individual, industrial or commercial establishments; and

(h) Costs of activities which are primarily of a research nature.

§ 35.218 Payments.

§ 35.218–1 Payment method.

The Regional Administrator will determine the payment method authorized for each grant award pursuant to § 30.615 of this Chapter. Ordinarily, the advance payment method will be authorized. However, when the Regional Administrator determines it is in the Agency's interest, the reimbursement method may be required.

§ 35.218–2 Advance payments—letter of credit.

(a) When the Regional Administrator determines that a grant award will be financed through advance payments, the Regional financial management officer will apply Treasury Department regulations to determine whether payment will be by letter of credit or Treasury check. Generally letter of credit will be used when annual payments under awards providing for advance financing aggregate to $250,000 or more. When the letter of credit method is selected, it will be stipulated in the grant agreement. The grant agreement will require:

(1) That cash drawdowns be made only when actually needed for payment of the Federal share of liabilities relating to project costs,

(2) Timely reporting as required by § 35.232,

(3) Imposition of the same Treasury Department standards on secondary recipients, and

(4) Obligation of funds in accordance with the grant agreement.

(b) The letter of credit may be issued for the entire award or any part thereof, with subsequent amendments for the balance as the Regional Administrator determines. An initial fund letter of credit, will be issued to State and areawide planning agencies to the extent that the grantees demonstrate the need for For areawide agencies, this initial fund will generally not exceed five percent (5%) of the total grant award and will be earmarked for work plan development such funds. Subsequent amendments for the balance of the grant amount will be approved only after approval of the work plan by the Regional Administrator. Withdrawal of cash through the letter of credit will be monitored by EPA through the payment vouchers and quarterly financial reports submitted pursuant to § 35.232–2.

§ 35.218–3 Advance payments—Treasury check.

If a grant award for which advance financing is authorized does not meet the criteria for letter of credit, payment may be made by Treasury check. In this instance, the Regional Administrator will negotiate an initial cash advance. For areawide agencies, this initial advance will generally not exceed five percent (5%) of the total grant award and will be earmarked for work plan development. If the grantee does not expect to use the advance immediately, payment must be scheduled for a later date when need becomes immediate. Once the initial advance is made, the grantee may request replenishment of funds expended by submitting the Request for Advance or Reimbursement form. This form may be submitted quarterly but no less frequently than annually. It is the policy of EPA that large amounts of cash advances not remain unused in the hands of grantees. Therefore, EPA will monitor use of cash advances through the required financial reports and will request reduction of the outstanding advance where lack of use is indicated.

§ 35.218–4 Reimbursable payments.

Where advance financing is not authorized, payment will be made upon the grantee's submission of a Request for Advance or Reimbursement form. Through this form, the grantee will request reimbursement of the Federal share of expenditures related to the grant agreement for the period since the previous request for reimbursement. Submission of reimbursement requests may be made as often as necessary.

§ 35.218–5 Compliance.

Where the Regional Administrator determines that the grantee has failed to comply with the requirements for letter of credit, as stated in § 35.218–2, or with reasonable cash management practices with cash advances by Treasury check, or is not in compliance with provisions of the grant agreement, he may convert either payment procedure to the reimbursement method.

§ 35.218–6 Withholding of funds.

In accordance with the provisions of § 30.615–3 of this Chapter, an amount not to exceed ten percent (10%) of the grant award amount may be withheld for noncompliance with a program objective, grant condition, or reporting requirement.

§ 35.220 Work plan development.

§ 35.220–1 Applicability.

The specific requirements of this section are applicable only to work plans related to grants awarded after June 30, 1975.

§ 35.220–2 Content.

(a) Planning in State planning areas. State planning agencies must submit a work plan based on the approved continuing planning process, including the State/EPA agreement, prepared pursuant to § 130.10 of this Chapter, and which is consistent with the requirements herein and the requirements of § 130.11 of this Chapter. The work plan shall be included as an element of the State program plan submitted pursuant to section 106 of the Act which will set forth a work schedule, cost and resource budget and disbursement schedule.

(b) Planning in areawide planning areas. Designated areawide planning agencies must submit a work plan which contains:

(1) A description of all work performed to date which will be used in the plan development;

(2) A description of the proposed planning process developed pursuant to § 130.10 of this Chapter which will be utilized to (i) identify and evaluate feasible measures to control point and nonpoint pollution sources, which measures may take into account all source location and review measures necessary to meet State implementation plan requirements in the area, (ii) develop an integrated areawide plan to control these sources, and (iii) establish an areawide management program (including financing) for plan implementation;

(3) A description of any necessary action in the planning to be taken by agencies other than the applicant and procedures to be used in coordination of such activities; documentation of the acceptance by the affected responsible agency of such required work or action shall be included and presented with the work plan;

(4) A schedule showing required interrelationships of work to be accomplished and anticipated dates of completion;

(5) A cost and resource budget, including work to be done under contract or by interagency agreement, and

(6) A proposed disbursement schedule with specific progress milestones related to disbursements.

§ 35.220–3 Submission.

As expeditiously as possible, grantees conducting State and areawide planning must submit to the Regional Administrator a written work plan meeting the requirements of § 35.220–2. For areawide planning agencies, the work plan shall be submitted not later than twelve months from the date of the Administrator's approval of the designation. A copy of the areawide planning agency's work plan and future significant modifications thereto shall be provided to the State planning agency designated pursuant to § 130.12 of this Chapter for review and comment. Pursuant to § 35.220–3, submission and approval of the work plan is a precondition to release of grant funds for further areawide planning pursuant to Part 131 of this Chapter.

§ 35.220–4 Funding for work plan development.

Where the grant agreement, subject to provisions of § 35.212, provides for work plan development, the grantee will obligate generally not to exceed five percent (5%) of the total award for that purpose. Further additional obligation is not authorized until approval of the work plan is granted by the Regional Administrator. Where work plan development is set as a milestone in the grant agreement, the decision on size of the initial advance will take into account this five percent (5%) limitation.

§ 35.222 Plan development.

§ 35.222–1 Plan development period—areawide planning agencies.

(a) For each areawide grantee, the Regional Administrator shall establish a date (not more than one year from the date of the Administrator's approval of the designation of the grantee agency) on which he determines that the grantee's planning process becomes operational. The grant agreement shall be amended to include this date. The grantee's areawide plan must be submitted through the Governor to the Regional Administrator for approval no later than two years from the date so established pursuant to § 131.20(i). For grants awarded after June 30, 1975, the date so established will generally be the date of approval of the grantee's work plan submitted pursuant to § 35.220 herein. For grants awarded prior to July 1, 1975, the Regional Administrator shall select the date upon which the planning process becomes operational based on the following four elements:

(1) The hiring of sufficient personnel by the grantee to perform the work as outlined in the work plan required under § 35.220;

(2) The establishment of a policy advisory or other appropriate committee by the grantee;

(3) The initiation of major work elements (or date of award of contracts for one or more such elements) by the grantee; and

(4) Such other work plan requirement(s) the Regional Administrator shall determine as a requirement for the planning process to become operational.

(b) Pursuant to § 130.13(f) of this Chapter, the Governor of each State may make subsequent designations of appropriate areawide planning agencies. Where such a designation occurs after the State has already received a grant for section 208 planning, the plan development period for the areawide planning agency so designated shall end on the earlier of two dates: (1) Two years from the date the planning process of the newly designated areawide planning agency is determined by the Regional Administrator to be operational pursuant to § 35.22–1(a); or (2) November 1, 1978.

§ 35.222–2 Plan development period—State planning agencies.

Pursuant to § 131.20(l) of this Chapter, State planning agencies must submit section 208 plans to the Regional Administrator for approval no later than November 1, 1978.

§ 35.224 Content of plan.

Each State and areawide planning agency shall develop and submit to the Regional Administrator for approval a plan consistent with these provisions and which meets the requirements of Part 131 of this Chapter.

§ 35.226 Submission of the plan.

Submission of plans prepared pursuant to these provisions shall be in accordance with § 131.20 of this Chapter.

§ 35.228 Plan approval.

EPA approval of plans prepared pursuant to these provisions shall be in accordance with § 131.21 of this Chapter.

§ 35.230 Authority of States for nonpoint source planning in areawide planning areas.

Whenever the Governor of any State determines (and notifies the Regional Administrator) that consistency with a Statewide regulatory program under section 303 of the Act so requires, the requirements of § 131.11(j) through (l) of this Chapter shall be developed by the State and submitted by the Governor to the Regional Administrator for application to all regions within such State. All requirements of such State programs shall be incorporated into each affected areawide plan. The plan shall set forth such additional local actions and programs as may be necessary for implementation of the plan developed by the State.

§ 35.232 Reports.

During the grant period, grantees will be required to submit interim progress reports and financial status reports at intervals set forth below. Failure to comply with established reporting requirements in a timely manner will result in appropriate action pursuant to § 30.430 of this Chapter.

§ 35.232–1 Interim progress reports.

Grantees shall monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals and milestones are being achieved. Within 30 days following the end of each quarterly period after the effective date of the grant, the grantee shall prepare and submit to EPA for review a brief interim progress report addressing the milestones in the approved work plan. A copy of this report shall also be submitted to the State planning agency, designated pursuant to § 130.12 of this Chapter, which shall expeditiously review the report and sub-

mit its comments to EPA. The Regional Administrator may, at his discretion, determine that semi-annual reporting is adequate. The report of progress shall include, but should not be limited to, narrative presenting:

(a) A comparison of actual accomplishments to the goals established for the period;

(b) Any problems, delays, or adverse conditions which have (or will) affect the ability of the grantee to attain work plan objectives;

(c) Favorable developments or events which enable the grantee to meet time schedules or milestones sooner than anticipated;

(d) Any major changes in the overall program, work plan, budget, organization or staffing for the period; and

(e) Other pertinent information including, where appropriate, analysis and explanation of cost overruns or high unit costs.

§ 35.232–2 Financial status reports.

(a) Grantees shall be required to submit the financial status report at the end of each quarter. The report shall be on an accrual basis. However, if a grantee cannot report on this basis, a request for waiver may be submitted to the Regional Administrator. The Regional Administrator may approve reporting on a cash basis. The original and one copy shall be submitted 30 days after the end of each reporting period. In addition, final reports shall be submitted 90 days after the end of the project period.

(b) Grantees financed under a letter of credit or advances by Treasury check will also submit the Federal cash transactions report within 15 days following the end of each quarter. The grantee shall forecast Federal cash requirements for the next quarter in the Remarks section of this report.

§ 35.234 Suspension and termination.

In accordance with the provisions of §§ 30.915 and 30.920 of this Chapter, the Regional Administrator may suspend or terminate any grant awarded pursuant to these provisions. Areawide planning areas whose grants are terminated pursuant to this section shall became part of the State water quality management planning area for which the State planning agency shall conduct planning pursuant to section 208(a)(6) of the Act; grant funds for which costs have not been incurred by areawide planning agencies prior to termination may be transferred to the State planning agency in accordance with the provisions of § 30.900–3 of this Chapter.

§ 35.236 Disputes.

Final determinations by the Regional Administrator concerning applicant ineligibility and final determinations by the Regional Administrator concerning disputes arising under a grant pursuant to these provisions shall be final and conclusive unless appealed by the applicant or grantee within 30 days from the date of receipt of such final determination in accordance with the "Disputes" article of the General Grant Conditions (Article 7 of Appendix A to this Subchapter).

[FR Doc.75-32014 Filed 11-26-75;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 459-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Public Availability of Emission Data

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, EPA approved with specific exceptions, State implementation plans (SIPs) for attainment of the national ambient air quality standards. Included in these approvals were provisions required by § 110(a)(2)(F) of the Act which provided that emission data reported must be available to the public in a reasonable manner. Many of the plans did provide the public with access to emission data, but some plans also contained confidentiality clauses which by treating information (including emission data) capable of divulging production, manufacturing or processing secrets as being proprietary and, therefore, confidential, could have caused emission data to be withheld from public scrutiny.

Three circuit courts[1] have held that the presence of a confidentiality clause of the variety described above so beclouds the public's right to emission data that any emission disclosure provision which is compromised by such a confidentiality provision must be disapproved. Therefore, on September 26, 1974, the Administrator disapproved all appropriate sections of SIPs which contained such confidentiality clauses and proposed for public comment a replacement regulation for those States.

The only comments received dealt with the applicability of the action for specific States. No general comments were received on the replacement regulation.

The States of Georgia, Indiana, New Hampshire, Oregon, South Carolina and Virginia have, in response to the September 26, 1974, disapproval action, submitted statutory and/or regulatory revisions which were designed to cure all deficiencies in their SIP emission disclosure provisions. Receipt of the Indiana changes was announced in the February 26, 1975, FEDERAL REGISTER at 40 FR 8225. No adverse comments having been received in response to this notice, the Indiana plan revision announced on February 26, 1975, is being approved and the disapproval of the State's legal authority for public access to emission data is being revoked in the regulatory section of this rulemaking.

Receipt of the New Hampshire changes was announced in the October 20, 1975, FEDERAL REGISTER. Should EPA's analysis of the comments submitted in response to the notice confirm EPA's preliminary assessment that the New Hampshire revision is approvable, final approval will be published. Furthermore, as to New Hampshire, the suspended disapproval published on September 26, 1974, may be regarded as revoked since the defective plan provision which necessitated such disapproval no longer exists as State law. Since the revised statutory language is already in effect at the State level, it is assumed that, until final EPA approval of the new State provisions, the dissemination of emission data within the State will be conducted pursuant to such new provisions. Accordingly, the Administrator has determined that an interim Federal regulation for New Hampshire, along the lines of today's rulemaking is unnecessary.

Although the new Georgia, Oregon, South Carolina, and Virginia changes have not yet been proposed for comment, EPA intends to propose such changes as SIP revisions in the near future. Accordingly, EPA believes that the treatment accorded the New Hampshire revision should also apply to Georgia, Virginia, South Carolina, and Oregon. Thus, as to these four States, EPA's disapproval action of September 26, 1974, may be regarded as revoked. Similarly, rather than publish an interim regulation for these four States along the lines of today's rulemaking, EPA will take no action. It will be assumed that the State's new emission disclosure provisions will be operative while the approval process is taking place at the Federal level.

One State, Kentucky, has advised the Agency that it has enacted similar changes which will cure the emission disclosure defects in its implementation plan. EPA has reviewed the statutory change and is in agreement with the State. However, the statutory change has not yet been formally submitted to the Agency as a plan revision, and the Agency is, therefore, not now in a position to propose it for approval. Nevertheless, on the assumption that the State will, in the very near future, submit the new statutory provision to the Agency as a plan revision, EPA deems it appropriate to treat the Kentucky statutory change as the practical equivalent of the submitted Georgia, Virginia, South Carolina, and Oregon plan revisions. Accordingly, as was the case with Georgia, Virginia, South Carolina, and Oregon, no interim regulations will be promulgated for Kentucky and the applicable September 26, 1974, disapproval action may be regarded as withdrawn.

In addition to the seven States noted above, four other States have committed to take all necessary action to cure (by June 30, 1976) legal authority defects in their plans regarding public access to emission data. These States are Arkansas, Louisiana, New Mexico, and Oklahoma. Although the Administrator is pleased with the initiative indicated by these commitments, he also recognizes that, unlike Kentucky where statutory changes have already taken place, it would be premature to assume that the

[1] NRDC et al. v. EPA, 478 F.2d 875 (CA 1, 1973); NRDC et al. v. EPA, EPA, 494 F.2d 519 (CA 2, 1974); and NRDC et al. v. EPA, 489 F.2d 390 (CA 5, 1974).

actions needed to effectuate such commitments will take place. Accordingly, the changes proposed by the Administrator on September 26, 1974, for Arkansas, Louisiana, New Mexico and Oklahoma are promulgated. Final rulemaking for these four States is in the regulatory section of this rulemaking. Should these States, in accordance with their commitments, effectuate the curative measures committed to, this rulemaking will be withdrawn.

Apart from the States which advised the Agency of consummated plan revisions or planned-for revisions, two States, Texas and Mississippi, asserted that extant plan provisions satisfied the decisions of the three circuit courts referred to in the September 26, 1974, rulemaking. EPA's analysis of the information submitted by Mississippi indicates that the type of confidentiality provisions objected to by the three circuit courts still exists in the implementation plan of that State. Thus, the Agency concludes that it is still necessary to carve out by Federal rulemaking an exception to the Mississippi confidentiality provision so as to remove emission data from the reach of such otherwise applicable confidentiality provisions. Final rules for Mississippi therefore appear in the regulatory section of this rulemaking.

In the case of Texas, however, the Agency agrees that existing plan provisions are sufficient to provide for the free and unencumbered flow of emission data to the public and that a replacement regulation for Texas is unnecessary. The Agency's revised assessment of the Texas plan provision is based on an opinion of the Texas attorney general's office (H–539, Feb. 26, 1975), stating that the Texas confidentiality provisions could not be interpreted to prevent the disclosure of emission data and that emission data supplied to the Texas Air Control Board is public information.

Admittedly, in two of the cases cited above, (involving New York [3] and Georgia) [4] attorney general opinions arriving at conclusions similar to that of the Texas attorney general's office were rejected as being insufficient. In both of these cases the courts felt that, due to the possibility of further litigation resulting from inherent ambiguities in the confidentiality statutes (and, in the case of the Georgia statute, the possibility of State officials being subjected to criminal penalties for violating applicable confidentiality provisions), only an explicit exception for emission data, either legislated by the State or promulgated by EPA, would cure the problem posed by the confidentiality statutes. EPA still subscribes to the decisions of those courts. However, at the same time, the Agency believes that the Texas attorney general's opinion is clearly distinguished from the problems envisioned by the Second and Fifth Circuits in that, pursuant to the Texas Open Records Act, article 6252–17a, V.T.C.S., an attorney general's opinion with regard to public records operates as more than just an interpretative reading of the statute. Rather, such an opinion is binding upon the agency to which it is issued, and the statute specifically provides that the opinion may be enforced by writ of mandamus. Article 6252–17a, Sec. 7,B, V.A.T.S. The result is that, unlike the courts' views of the New York and Georgia situations, the Texas attorney general's opinion, in conjunction with the Texas Open Records Act, is as binding upon the State agency and as explicit an exception for emissions data as would be a statutory amendment. Moreover, as compared to the Georgia case where failure to adhere to the terms of applicable confidentiality provisions could have subjected a State official to criminal sanctions, the effect of the Texas attorney general's letter is to expose an official to civil process if he or she attempts to invoke existing confidentiality provisions as a basis for withholding emission data.

In view of this binding interpretation of the Texas Clean Air Act, disapproval of that portion of the Texas SIP dealing with disclosures of information is no longer warranted. Accordingly, at this time EPA is revoking its disapproval of the State's legal authority for public access to emission data.

Several other changes have been made in this final rulemaking as compared to the initial action taken on September 26, 1974. The legal authority for the State of Connecticut was mistakenly disapproved on September 26, 1974, and that action is corrected herein. Also, the specific sections of the disapproved legal authority for the State of Pennsylvania have been modified to reflect its present status. Where the Administrator has previously proposed and/or promulgated a somewhat different regulation to correct a State confidentiality provision (i.e., Minnesota, Missouri, Nebraska, Nevada, Vermont, Wisconsin and Wyoming), the promulgated regulation is also applicable to such States and will replace the emission disclosure regulations previously promulgated for these States. This will provide national uniformity in the corrective regulations involving this issue.

The regulations promulgated herein provide that any person who cannot obtain emission data from the State or local agency responsible for making emission data available to the public, as specified in the applicable plan, may request the appropriate EPA Regional Administrator to obtain and make public such data. This provision is applicable to any source subject to emission limitations which are part of the approved plan. Not later than 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit the required data within 30 days. Commencing after initial notification, the owner or operator of the source will be required to maintain records of emission data and report these to the Administrator periodically. Emission data obtained from owners or operators of stationary sources under this procedure will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate Regional Office and at locations in the State designated by the Regional Administrator.

The Administrator urges the affected States to correct their confidentiality provisions to be consistent with the requirements of the Act, thus allowing the Administrator to revoke the disapprovals.

This regulation will become effective December 29, 1975.

(42 U.S.C. 1857c–5(c))

Dated: November 19, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Alaska

1. In § 52.73, paragraph (b) is added as follows:

§ 52.73 General requirements.

* * * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period.

[3] NRDC et al., v. EPA, 494 F.2d 519 (CA 2, 1974).

[4] NRDC et al. v. EPA, 489 F.2d (CA 5, 1974).

Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart E—Arkansas

2. In § 52.178, paragraph (b) is added as follows:

§ 52.178 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart F—California

3. In § 52.224, paragraphs (a) and (b) are revised as follows:

§ 52.224 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart H—Connecticut

§ 52.376 [Revoked]

4. Section 52.376 is revoked.

§ 52.377 [Revoked]

5. Section 52.377 is revoked.

Subpart K—Florida

6. In § 52.525, paragraph (b) is revised as follows:

§ 52.525 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart M—Hawaii

7. In § 52.624, paragraph (b) is revised as follows:

§ 52.624 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of the section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart P—Indiana

8. In § 52.770, paragraph (c) is revised to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(5) October 10, 1974, by the Indiana Air Pollution Control Board.

§ 52.774 [Revoked]

9. Section 52.774 is revoked.

§ 52.775 [Amended]

10. In § 52.775, paragraph (b) is revoked.

Subpart T—Louisiana

11. Section 52.982, paragraph (b) is revised to read as follows:

§ 52.982 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart V—Maryland

12. In § 52.1113, paragraph (b) is revised to read as follows:

§ 52.1113 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart W—Massachusetts

§ 52.1130 [Amended]

13. In § 52.1130, paragraph (b) is revoked.

14. In § 52.1156, paragraph (b) is revised to read as follows:

§ 52.1156 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain

and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator. on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart Y—Minnesota

15. In § 52.1224, paragraph (b) is revised to read as follows:

§ 52.1224 General requirements.

* * * * *

(b) *Regulation for public availability of emision data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–July 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart Z—Mississippi

16. In § 52.1277, paragraph (b) is added as follows:

§ 52.1277 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart AA—Missouri

17. In § 52.1324, paragraph (b) is revised to read as follows:

§ 52.1324 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart BB—Montana

18. In § 52.1378, paragraph (b) is added as follows:

§ 52.1378 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification necessary by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart CC—Nebraska

19. In § 52.1423, paragraph (b) is revised to read as follows:

§ 52.1423 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

§ 52.1429 [Amended]

20. In § 52.1429, paragraph (f) is revoked.

Subpart DD—Nevada

21. In § 52.1473, paragraph (b) is revised to read as follows:

§ 52.1473 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

§ 52.1479 [Amended]

22. In § 52.1479, paragraph (c) is revoked.

Subpart FF—New Jersey

23. In § 52.1574, paragraph (b) is added as follows:

§ 52.1574 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emis-

sions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart GG—New Mexico

24. In section 52.1623, paragraph (b) is added as follows:

§ 52.1623 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart HH—New York

25. In § 52.1685, paragraph (b) is added as follows:

§ 52.1685 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart JJ—North Dakota

26. In § 52.1825, paragraph (b) is added as follows:

§ 52.1825 General requirements

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be

submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart LL—Oklahoma

27. In § 52.1926, paragraph (b) is added as follows:

§ 52.1926 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart NN—Pennsylvania

28. In § 52.2024, paragraph (b) is added as follows:

§ 52.2024 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

29. Section 52.2025 is revised to read as follows:

§ 52.2025 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 5–1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 5–1104 is disapproved.

Subpart UU—Vermont

30. In § 52.2374, paragraph (b) is revised to read as follows:

§ 52.2374 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart WW—Washington

31. Subpart WW is amended by adding § 52.2474 as follows:

§ 52.2474 General requirements.

(a) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (a)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator

Subpart YY—Wisconsin

32. In § 52.2573, paragraph (b) is revised to read as follows:

§ 52.2573 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart BBB—Puerto Rico

33. In § 52.2725, paragraph (b) is added as follows:

§ 52.2725 General requirements.

* * * * *

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[FR Doc.75-31685 Filed 11-26-75;8:45 am]

SUBCHAPTER D—POLICIES AND PROCEDURES FOR STATE CONTINUING PLANNING PROCESS

[FRL 461-4]

PART 130—POLICIES AND PROCEDURES FOR CONTINUING PLANNING PROCESS

Policies and Procedures for the State Continuing Planning Process

On July 16, 1975, notice was published in the FEDERAL REGISTER, 40 FR 29882, that the Environmental Protection Agency was proposing to amend the policies and procedures for the State continuing planning process (40 CFR Part 130) pursuant to sections 208 and 303(e) of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.) (hereinafter referred to as the Act).

On September 8, 1975, notice was published in the FEDERAL REGISTER, 40 FR 41649, that the Environmental Protection Agency was proposing to amend the regulations (40 CFR Part 126) which describes the policies and procedures for designating areas and agencies in accordance with section 208(a)(2), (3), or (4) of the Act. The designation regulations have now been incorporated into 40 CFR Part 130. Part 131 of this Chapter has also been amended. The amend-

ments are in accordance with a Court Order issued by Judge John Lewis Smith, Jr., in Natural Resources Defense Council et al. v. Train, et al., D.C. D.C. Civ. Act. No. 74–1485, which stipulates that Section 208 planning must be conducted by the States in all areas that are not designated in accordance with section 208(a) (2) through (4) of the Act.

Sections 303(e) and 208 of the Act require State and designated areawide planning agencies to submit a continuing planning process which is consistent with the Act. The continuing planning process directs the development of water quality management plans and implementing programs prepared pursuant to sections 208 and 303(e) of the Act and Part 131 of this Chapter (Preparation of Water Quality Management Plans). All States have a continuing planning process which has been approved previously by EPA; these amended regulations, however, will necessitate revision of the States continuing planning process.

The amendments to 40 CFR Parts 130 and 131 are specifically designed to incorporate section 208 requirements for both State and designated areawide planning agencies into a single set of regulations that describes the policies and procedures for such planning. Regulations under 40 CFR Part 35, Subpart A describe the procedures for providing grants to both State and areawide planning agencies for the conduct of section 208 planning. This consolidation of the requirements of section 208 for areawide planning agencies and sections 303(e) and 208 for State planning agencies will establish a single Statewide process that fulfills all applicable requirements for water quality management planning and implementation under the Act.

These amended regulations describe the necessary elements of, and provide procedures for review, revision, and approval of a State's continuing planning process. In addition, these regulations now provide the mechanism for States to satisfy the Statewide requirements of section 208. They also provide the States with a mechanism for satisfying portions of sections 303(c) (Review and revision of water quality standards); 303(d) (Critical waters and total maximum daily loads); 305(b) (Assessment and projection of water quality and related information, including nonpoint sources); 314(a) (Clean lakes); and 516 (b) (Federal/State estimate of publicly owned treatment works construction needs); they also provide data for 104 (a) (5) (Federal report on water quality).

The broad goals of the continuing planning process are to assure that the necessary institutional arrangements and management programs are established to make and implement coordinated decisions designed to achieve water quality goals and standards; to develop a Statewide (State and areawide) water quality assessment; and to establish water quality goals and State water quality standards which take into account overall State and local policies and programs, including those for management of land and other natural resources; and to develop the strategic guidance for preparing the annual State program plan required under Section 106 of the Act. Assistance to State and local agencies under Section 106 is dealt with in Subpart B of 40 CFR Part 35.

The level of detail of water quality management plans will be tailored to the water quality problems of the area, varying from intensive planning in designated, complex problem areas to minimal planning where the State certifies that no water quality problems exist.

The timing for development and the content of plans will be established by agreement between the State and the Regional Administrator, consistent with the following:

(a) Phase I plans consist of those plans submitted prior to July 1, 1975, or those plans submitted prior to July 1, 1976, where an extension of up to one year has been granted by the Regional Administractor for specific basins or other approved planning areas. For Phase I, the requirements for planning are those requirements set forth in 40 CFR Parts 130 and 131, "Water Quality Management Basin Plans," promulgated on June 3, 1974.

(b) Phase II plans consist of those plans, or portions thereof, submitted after Phase I plans are approved. Initial Phase II State water quality management plans and areawide water quality management plans must be completed, adopted, certified, and submitted to the Regional Administrator for approval no later than November 1, 1978. The plans are to conform with the requirements of Parts 130 and 131 as amended.

Regulations under Part 131 of this Chapter describe requirements for the preparation of State and areawide water quality management plans pursuant to the State's continuing planning process. Such plans form a basis for implementing applicable point and nonpoint source controls in order to achieve the requirements of the Act. These plans are to consist of such elements as are necessary for sound planning and program management in the area covered by the plan. Regulations under Part 35, Subpart A of this Chapter set forth the procedures for obtaining grants for State and areawide water quality management planning.

Regulations under Part 35, Subpart B of this Chapter describe requirements for the preparation of the annual State program plan. Part 131 and Part 35, Subpart B regulations should be consulted during the review and revision of the continuing planning process under this Part 130. Additional guidelines concerning the continuing planning process, the development of State and areawide water quality management plans, and the development of the annual State program plans will be prepared to assist the State and areawide planning agencies in carrying out the provisions of these regulations.

Federal properties, facilities, and activities are subject to Federal, State, interstate, and local standards and effluent limitations for control and abatement of pollution. The State's planning process should include provision for Federal sources. It is contemplated that Federal agencies will provide information to the States in accordance with procedures established by the Administrator.

Written comments on the proposed rulemaking were invited and received from nearly 100 interested groups, including EPA Regional Offices, State and local governments, other Federal agencies, industrial organizations and special interest groups. In addition, verbal comments were obtained from representatives of State and local government. All written comments are on file with the Agency. Most of these comments have been adopted or substantially satisfied by editorial change, deletions from, or additions to the regulations. The majority of substantive comments centered around the issues discussed below.

1. State and Local Governmental Interrelationships.

From the outset of the development of these regulations, State and local government representatives have suggested that EPA describe in the regulations the specific responsibilities and relationships between State, local and Federal governments relating to 208 planning and implementation requirements.

The final regulations reflect the primary role of the States in coordinating planning on a Statewide basis, consistent with Judge Smith's Court Order, and describe the general requirements for coordinating integration and communication between State and local governments. The regulations provide the flexibility to allow and, indeed, encourage State and local government to work out their own appropriate institutional arrangements relating to water quality management planning and implementation. In this regard, the regulations reflect the specific mandates of the Act and, additionally contain a requirement for establishment of State and local policy advisory committees in order to assure that adequate and appropriate results from local, State and Federal governments will be included in the development and implementation of water quality management plans.

2. Relationship of Planning Process and Other Programs.

Because State and designated areawide water quality management planning will ultimately serve as the basis for implementation of essentially all programs under the Act, the relationship of and impact on other programs was carefully formulated in the proposed regulations.

The major concern relating to provision of legal sanctions (i.e., withholding of construction grants and/or permits in the absence of complete planning) was resolved prior to the proposed regulations as a result of an EPA legal opinion. Thus, the final regulations do not incorporate sanctions for noncompliance, but provide that once a plan has been approved by the Regional Administrator no permits shall be issued or construction grants approved which are in con-

flict with the plan. Recognizing that other determinations outside the planning process by EPA and/or the States could lead to inconsistencies with approved plans, the final regulations clarify how such determinations are to be dealt with in revising the plans.

3. Designation Procedures for Areawide Planning Areas and Agencies.

Many comments indicated that the proposed procedures were unclear as to whether the Governor made the final decisions on designations or whether the chief elected officials could override the Governor's decision. In addition, many comments also indicated that the proposed regulations put an undue burden on States that have already designated the eligible areas and agencies within their States by requiring them to reopen the designation process.

The designation procedures have now been clarified to indicate that the Governor makes the final designation decisions. However, the chief elected officials are given the opportunity to fully participate in the Governor's decision. In addition, the designation procedures have been revised to provide for a waiver for those States where the Regional Administrator determines that the initial designation process resulted in the designation of all eligible areas and agencies within the State.

4. Lack of Adequate Manpower and Funding.

Concern was raised regarding the lack of adequate manpower and funding needed for the State and areawide planning agencies to conduct 208 planning. The final regulations recognize that the ability to conduct this planning in the nonpoint source area will be dependent upon the availability of additional resources. Thus, these regulations have been amended to allow flexibility for the States in reorienting their water quality management programs. The State/EPA agreement on timing and level of detail and the areawide planning agency work plan are to be used as the mechanisms to identify the specific planning to be conducted by agreement with the EPA Regional Administrator. The timing of plan preparation, however, is constrained by the November 1, 1978 deadline. Thus, the States and areawide planning agencies, are required to tailor their individual planning processes to fit the specific planning constraints facing the agency as well as the specific water quality problems to be solved.

5. Water Quality Standards Revisions/Antidegradation.

State and areawide planning agencies have been concerned throughout the development of these regulations that EPA has not adequately addressed the issue of revisions to water quality standards and development of a Statewide policy on antidegradation. These regulations set forth clearly EPA's policy regarding the role of water quality standards in achieving the goals of the Act and the Agency's antidegradation position.

EPA strongly supports the establishment of water quality standards which will support the protection and propagation of fish, shellfish and wildlife and recreation in and on the water. In furtherance of this objective, EPA believes that water quality standards should be established at levels consistent with the national water quality goal of section 101(a)(2) of the Act for every stream segment wherever those levels are attainable. The guidance to the States in these regulations regarding revisions of their water quality standards is based on this general principle. While standards at these levels may not be attainable now for some stream segments, EPA expects the State to continue to review their standards and upgrade them to the national water quality goal whenever such standards become attainable.

EPA Regional Administrators will review the actions of the States regarding these revisions and will, when appropriate, request additional information from the States to evaluate the basis for establishing standards at levels less stringent than the national water quality goal.

These regulations further provide that existing water uses shall be maintained, and where existing water quality standards do not specify and protect the existing uses, that the State shall upgrade its standards to achieve such specification and protection of these uses. These regulations also provide that designated uses in existing water quality standards shall be maintained and that the existing standards shall not be downgraded to designate and protect less restrictive uses unless one or more of the criteria listed in § 130.17(c)(3) are met.

It should also be emphasized that in addition to the water quality standards established by the States, EPA's commitment to achieving the national water quality goal will also be implemented through the application of section 302 of the Act. That provision allows the Administrator to establish effluent limitations for point sources more stringent than the technology-based limitations mandated for 1983 when a greater reduction in discharges is necessary to achieve the national water quality goal for a particular stream segment. The statute allows a discharger to request adjustments of such limitations if the discharger demonstrates that there is no reasonable relationship between the economic and social costs and the benefits to be obtained. EPA is convinced, however, that the adoption of stringent water quality standards, supplemented with appropriate use of Section 302 limitations will make the achievement of the national water quality goal a reasonable prospect.

The Agency's antidegradation policy is the same in many respects as the policy that EPA and its predecessor Agency have encouraged the States to adopt in the past. The policy provides for protection of existing instream water uses and, for water whose quality exceeds the national water quality goals, prohibits degradation except to allow necessary and justifiable economic and social development. In no event may degradation of water quality interfere with or become injurious to existing instream water uses. The effect of including antidegradation requirements in these regulations is to require the States to review their current antidegradation policies and to establish a mechanism, including a public process, for implementing the State antidegradation policies.

As discussed above, these regulations are issued in response to an Order of the District Court for the District of Columbia, and contain a provision for plan submission no later than November 1, 1978, as required by the Order of the Court. Given the limited amount of time for the plans to be completed, and the consequent need for both State and areawide agencies to move forward quickly to adjust their planning processes to these regulations, good cause is hereby found for making these regulations effective upon publication.

In consideration of the foregoing, 40 CFR is hereby amended by deleting the existing parts 126 and 130 by adding a new Part 130 to read as follows.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.
130.1 Scope and purpose.
130.2 Definitions.

Subpart B—General Requirements

130.10 Planning process requirements.
130.11 Agreement on level of detail and timing of State water quality management plan preparation.
130.12 Designation of State planning agency.
130.13 Designation of areawide planning areas and agencies.
130.14 Delegation of planning responsibilities.
130.15 Designation of management agencies.
130.16 Intergovernmental cooperation and coordination.
130.17 Water quality standards.

Subpart C—Requirements for State Strategy

130.20 State strategy; contents and submission.

Subpart D—Relationship of Planning Process and Other Programs

130.30 Relationship to monitoring and surveillance program.
130.31 Relationship to municipal facilities program.
130.32 Relationship to National Pollutant Discharge Elimination System.
130.33 Relationship of State and designated areawide planning programs.
130.34 Relationship to other local, State, and Federal planning programs.
130.35 Planning requirements for Federal properties, facilities or activities.

Subpart E—State Planning Process Adoption, Approval and Revisions Procedures; Separability

130.40 Adoption and submission of State process description.
130.41 Review and approval or disapproval of State process.
130.42 Withdrawal of approval of State process.
130.43 Review and revision of State process.
130.44 Separability.

AUTHORITY: Secs. 106, 208, 303(d), 303(e), 305(b), 314, 501, 516(b) of the Federal Water Pollution Control Act, as amended; Pub. L.

92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et. seq.).

Subpart A—Scope and Purpose; Definitions

§ 130.1 Scope and purpose.

(a) This part establishes regulations specifying policies, procedures, and other requirements for the continuing planning process for the State pursuant to sections 208 and 303(e) of the Act and for designated areawide agencies pursuant to section 208(b) of the Act. The regulations established in this part and in Part 131 of this Chapter define and implement the requirements for State and areawide planning and implementation pursuant to section 208 of the Act and for carrying out other provisions of the Act. These regulations apply to State and designated areawide planning agencies that are responsible for planning pursuant to section 208 and 303(e) of the Act.

(b) The intent of this part is to unify and integrate the State and areawide water quality management planning and implementation requirements of section 208 and other provisions of the Act.

(c) The broad goals of the continuing planning process are to assure that necessary institutional arrangements and management programs are established to make and implement coordinated decisions designed to achieve water quality goals and standards; to develop a Statewide (State and areawide) water quality assessment, and to establish water quality goals and State water quality standards which take into account overall State and local policies and programs, including those for management of land and other natural resources; and to develop the strategic guidance for preparing the annual State program plan required under section 106 of the Act.

(d) The "continuing planning process" is a time-phased process by which the State, working cooperatively with designated areawide planning agencies:

(1) Develops a water quality management decision-making process involving elected officials of State and local units of government and representatives of State and local executive departments that conduct activities related to water quality management.

(2) Establishes an intergovernmental process which provides for water quality management decisions to be made on an areawide or local basis and for the incorporation of such decisions into a comprehensive and cohesive Statewide program. Through this process, State regulatory programs and activities will be incorporated into the areawide water quality management decision process.

(3) Develops a broad based public participation aimed at both informing and involving the public in the water quality management program.

(4) Prepares and implements water quality management plans, which identify water quality goals and established State water quality standards, define specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establish policies which guide decision-making over at least a twenty-year span of time (in increments of five years).

(5) Based on the results of the Statewide (State and areawide) planning process, develops the State strategy, to be updated annually, which sets the State's major objectives, approach, and priorities for preventing and controlling pollution over a five-year period.

(6) Translates the State strategy into the annual State program plan (required under section 106 of the Act), which establishes the program objectives, identifies the resources committed for the State program each year, and provides a mechanism for reporting progress toward achievement of program objectives.

(7) Periodically reviews and revises water quality standards as required under section 303(c) of the Act.

§ 130.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below.

(a) The term "Act" means the Federal Water Pollution Control Act, as amended; Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

(b) The term "EPA" means the United States Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(d) The term "Regional Administrator" means the appropriate EPA Regional Administrator.

(e) The term "continuing planning process" means the continuing planning process, including any revision thereto, required by sections 208 and 303(e) of the Act for State agencies and section 208(b) of the Act for designated areawide agencies.

(f) The term "water quality management plan" means the plan for managing the water quality, including consideration of the relationship of water quality to land and water resources and uses, on an areawide basis, for each EPA/State approved planning area and for those areas designated pursuant to section 208a (2), (3), or (4) of the Act within a State. Preparation, adoption, and implementation of water quality management plans in accordance with regulations under this part and Part 131 of this Chapter shall constitute compliance with State responsibilities under sections 208 and 303(e) of the Act and areawide responsibilities under section 208 of the Act.

(g) The term "State planning area" means that area of the State that is not designated pursuant to section 208(a) (2), (3), or (4) of the Act. State planning areas are to be identified in the planning process description that is submitted by the State for approval by the Regional Administrator. Depending upon the requirement being considered, the State planning area may be subdivided into "approved planning areas" that may include the entire State or portions of the State defined by hydrologic, political, or other boundaries.

(h) The term "designated areawide planning area" means all areas designated pursuant to section 208(a) (2), (3), or (4) of the Act and § 130.13.

(i) The term "State planning agency" means that State agency designated pursuant to section 208(a)(6) of the Act and § 130.12(a).

(j) The term "designated areawide planning agency" means that agency designated in accordance with section 208(a) (2), (3), or (4) of the Act.

(k) The term "effluent limitation" means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable water, waters of the contiguous zone, or the oceans.

(l) The term "schedule of compliance" means in reference to point and nonpoint sources of pollutants, a sequence of actions or operations leading to compliance with applicable effluent limitations, other limitations, prohibitions, practices, or standards which are contained in a National Pollutant Discharge Elimination System permit or in a State permit or other regulatory program which is legally binding on the owner or operator of the source.

(m) The term "target abatement dates" means:

(1) For point sources, a sequence of actions or control measures which have not yet been formally adopted through the permit process.

(2) For nonpoint sources, a sequence of remedial measures, actions, or operations which have not been formally adopted through implementation of management or regulatory programs established pursuant to approved State water quality management plans, or portions thereof.

(n) The term "National Pollutant Discharge Elimination System" means the national permitting system authorized under section 402 of the Act, including any State permit program which has been approved by the Administrator pursuant to section 402 of the Act.

(o) The term "segment" means a portion of an approved planning area, the surface waters of which have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical and biological characteristics and processes; and common reactions to external stresses, such as the discharge of pollutants. Segments will be classified as either a water quality segment or an effluent limitation segment as follows:

(1) *Water-quality segment.* Any segment where it is known that water quality does not meet applicable water quality standards and/or is not expected to meet applicable water quality standards even after the application of the effluent limitations required by sections

301(b)(1)(B) and 301(b)(2)(A) of the Act.

(2) *Effluent limitation segment.* Any segment where it is known that water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(B) and 301(b)(2)(A) of the Act.

(p) The term "significant discharge" means any point source discharge for which timely management action must be taken in order to meet the water quality objectives within the period of the operative water quality management plan. The significant nature of the discharge is to be determined by the State, but must include any discharge which is causing or will cause water quality problems.

(q) The term "Best Management Practices" (BMP) means a practice, or combination of practices, that is determined by a State (or designated areawide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

(r) The term "residual wastes" means those solid, liquid, or sludge substances from man's activities in the urban, agricultural, mining and industrial environment remaining after collection and necessary treatment.

(s) The definitions of the terms contained in Section 502 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

Subpart B—General Requirements

§ 130.10 Planning process requirements.

(a) The State and designated areawide planning agencies shall establish a planning process which provides for the establishment of necessary institutional arrangements and management programs to make and implement coordinated decisions designed to achieve water quality goals and standards. The planning process shall include:

(1) Public participation during plan development, review, and adoption in accordance with section 101(e) of the Act and in accordance with Part 105 of this Chapter;

(2) Adequate intergovernmental input in the development and implementation of water quality management plans as described in § 130.17;

(3) The coordination and integration of the water quality management planning in State planning areas and in designated areawide planning areas as described in § 130.33, and coordination of water quality management planning with related Federal, State, interstate, and local comprehensive, functional, and other developmental planning activities, including land use and other natural resources planning activities, as described in § 130.34;

(4) The preparation, adoption, and revision, of water quality management plans for the appropriate areas and waters within the State that fulfill the requirements contained in Part 131 of this Chapter;

(5) The establishment and implementation of regulatory programs identified in approved water quality management plans prepared pursuant to Part 131 of this Chapter;

(b) In addition to the requirements of § 130.10(a), the State agency planning process shall provide for the following:

(1) The development, review and adoption of water quality standards in accordance with § 130.17(a) and with section 303(c)(1) and (2) of the Act;

(2) The development, adoption and implementation of a Statewide policy on antidegradation, consistent with the criteria identified in § 130.17(d);

(3) The review, and certification of plans for designated areawide planning areas as required pursuant to § 130.33; and

(4) The annual preparation of the State strategy as described in Subpart C of this part.

(c) The description of the State planning process that is to be submitted by the Governor pursuant to § 130.40(b) shall contain, as a minimum, the following:

(1) A description of how each of the requirements specified in § 130.10 (a) and (b) will be achieved.

(2) A listing(s) and a map(s) of the State showing proposed State planning areas in which planning is to be conducted by the State pursuant to this part and Part 131 of this Chapter and a listing(s) and a map(s) showing those areawide planning areas that have been designated or are expected to be designated (including a timetable for designation) under section 208(a)(2), (3), or (4) of the Act in which planning is to be conducted by areawide planning agencies pursuant to § 130.13.

(3) A listing(s) and map(s) of the State showing each segment and its classification.

(4) A State/EPA agreement on the level of detail and the schedule for preparation of State water quality management plans as described in § 130.11.

(5) A schedule for review and revision, where necessary, of water quality standards and for development and adoption of a Statewide policy on antidegradation, together with a schedule of milestones which includes proposed dates for public hearings on the revisions and antidegradation policy. The schedule shall provide that the water quality standards and the antidegradation policy will be reviewed and revised in ample time to be used as a basis for 1977–1983 management and regulatory decisions.

(6) The identification of the State planning agency designated pursuant to § 130.12(a).

(7) A listing of the areawide planning agencies that have been designated by the Governor or the identification of areawide planning agencies that will be designated by the Governor (including a timetable for designation) to perform planning in areawide planning areas designated pursuant to section 208(a)(2) or (3) of the Act and § 130.13(b).

(8) A description of the State's management program to oversee water quality management planning conducted by designated areawide planning agencies, including the monitoring of progress and accomplishment of key milestones specified in the areawide planning agency's work plans, and to otherwise assure timely and meaningful State involvement in the areawide planning process.

(9) A listing of the delegations made pursuant to § 130.14(a) to the agency or agencies that will perform the planning under this part and Part 131 of this Chapter.

(10) A listing of proposed representatives on the policy advisory committee(s) established in accordance with § 130.16(c) for each approved planning area.

(11) A statement that legal authorities required at the local and/or State levels to prepare, adopt, and implement State water quality management plans as required by the planning process exist or will be sought.

§ 130.11 Agreement on level of detail and timing of State water quality management plan preparation.

(a) The appropriate level of detail and timing of State water quality management plan preparation for each proposed State planning area will depend on the water quality problems of the area and the water quality decisions to be made, and shall be established by agreement between the State and the Regional Administrator, after appropriate public participation pursuant to § 130.40.

(b) The agreement shall include an indication of those proposed State planning areas, or portions thereof, wherein the State, with supporting data, certifies that particular water quality and/or source control problems do not exist or are not likely to develop within the timeframe of the plan and, therefore that certain types of planning and implementation will not be undertaken.

(c) The agreement shall provide a sequence for phasing of planning at the appropriate level of detail and in sufficient time to meet the 1983 national water quality goal specified in section 101(a)(2) of the Act, consistent with the provisions of § 130.17. The agreement should assure the orderly integration of applicable past and present planning efforts (including designated areawide planning) with the planning efforts and needs established in this part and Part 131 of this Chapter. The agreement shall define the State's priorities for the development of State water quality management plans, or portions thereof, pursuant to the process and shall be consistent with projected planning resources; provided that initial State and

areawide water quality management plans shall be completed, adopted, certified, and submitted to the Regional Administrator in accordance with § 130.20 no later than November 1, 1978.

§ 130.12 Designation of State planning agency.

(a) The Governor shall designate, in accordance with § 130.10(c)(6), a State planning agency to be responsible for the conduct and coordination of the required planning under this part and Part 131 of this Chapter.

(b) Although the State planning agency designated pursuant to § 130.12 (a) may delegate portions of its responsibilities to other State, Federal, local, or interstate agencies in accordance with § 130.14, the State planning agency shall assure that each element of the State's approved planning process is achieved.

§ 130.13 Designation of areawide planning areas and agencies.

(a) The Governor(s) shall identify areawide planning areas pursuant to section 208(a)(2) or (3) of the Act which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems. A substantial water quality control problem will be deemed to exist when water quality has been or may be degraded to the extent that existing or desired designated water uses are impaired or precluded and when the water quality control problem is complex.

(NOTE: In approving such designations of areawide planning areas, the Administrator will give preference to areas of urban-industrial concentration.)

(b) The Governor(s) shall, after consultation with appropriate elected and other officials of local governments having jurisdiction in those areas identified in accordance with § 130.13(a), designate areawide planning areas provided that:

(1) The affected general purpose or other appropriate units of local government within the boundaries of the areawide planning area have in operation a coordinated waste treatment management system, or show their intent, through a demonstrated effort to obtain and submit resolutions of intent from those governmental units believed to be critical in the planning and implementation of the areawide 208 plan.

(NOTE: In those cases where it is not possible to obtain the necessary resolutions of intent, the Governor, in the designation process, must stipulate that the authorities of the State will be used to assure adequate compliance with the planning and management process requirements of section 208 of the Act.)

(2) The affected units of local govment have legal authority to enter into agreements for coordinated wastewater management in compliance with section 208 of the Act.

(3) The water quality problem for the area is not associated with a water pollution control problem for which the State has pre-empted areawide planning pursuant to section 208(b)(4) of the Act.

(c) The Governor(s) shall designate a single representative organization capable of developing effective areawide plans in accordance with section 208 of the Act for each area designated pursuant to § 130.13(b). Each areawide planning agency shall:

(1) Be a representative organization whose membership shall include, but need not be limited to, elected officials of local governments or their designees having jurisdiction in the designated areawide planning area;

(2) Have waste treatment planning jurisdiction in the entire designated areawide planning area;

(3) Have the capability to have the water quality management planning process fully underway no later than one year after approval of the designation;

(4) Have the capability to complete the initial water quality management plan no later than two years after the planning process is in operation; and

(5) Have established procedures for adoption, review, and revision of plans and resolution of major issues, including procedures for public participation in the planning process.

(d) The procedures for designating areawide planning areas and agencies shall be as follows:

(1) Within 60 days after these regulations become effective, the Governor shall:

(i) After communication with chief elected officials of local or regional general purpose units of government in areas not yet designated, identify areas and agencies which he determines to be eligible for designation pursuant to § 130.13 (b) and (c).

(ii) Notify the chief elected officials of local or regional general purpose units of governments of those areawide planning areas and agencies he intends to designate pursuant to § 130.13(d)(1)(i) and request their comments and recommendations.

(2) In areas where the chief elected officials feel that the Governor acted inappropriately in his determination of eligible areas and agencies pursuant to § 130.13(d)(1)(i), such officials may petition the Governor for reconsideration of his determination.

(3) Within 150 days after these regulations become effective and after consideration of recommendations of chief elected officials of local or regional general purpose units of government, the Governor shall:

(i) Hold public meetings or hearings in those areas where he intends to designate an areawide planning area and agency.

(ii) Hold public meetings or hearings in those areas where chief elected officials request designation, but the Governor does not intend to designate.

(iii) Submit his final determination on designations to be made to the Regional Administrator. A record of the public meetings or hearings pursuant to § 130.13 (d)(3)(i) and (ii) shall be made available to the Regional Administrator and the public on request.

(NOTE: The Governor may allow self-designation by chief elected officials of local or regional general purpose units of government pursuant to section 208(a)(4) of the Act. In those cases where the Governor allows a self-designation, the chief elected officials shall submit the request for designation to the Regional Administrator pursuant to § 130.13 (e) or (f).)

(4) The designation procedures set forth in § 130.13(d)(1), (2), and (3) may be waived by the Regional Administrator where he determines that the initial designation process required pursuant to section 208(a) of the Act resulted in the designation of all areas and agencies in the State that meet the criteria set forth in § 130.13 (b) and (c).

(5) The identification and designation of interstate areas shall be in accordance with the provisions of § 130.13 (a) through (d) provided, however, that appropriate interstate agencies shall be consulted, and the designation shall be the joint action of the Governors of all the affected States.

(e) Within 150 days after these regulations become effective, for each areawide planning area and agency to be designated during FY 1976, the Governor shall provide the following information to the Regional Administrator:

(1) An exact description of the boundaries of each area including a statement relating the boundaries of any area to the boundaries of the SMSA(s) contained within or contiguous to the area or, for those areas not within a SMSA, a statement relating the boundaries of the area to the nearest SMSA, and a statement indicating:

(i) Population of the area;

(ii) Nature of the concentration and distribution of industrial activity in the area;

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as an areawide planning area; and

(iv) Factors responsible for designation of the areawide planning area as described in § 130.13(a).

(2) Identification and supporting analysis of each water quality segment included in each area, as identified pursuant to § 130.10(c)(3).

(3) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions, if available, which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area. The resolutions shall also state that all applications for grants for construction of a publicly owned treatment works will be consistent with the approved plan and will be made only by the designated management agency.

(4) For each area, the name, address, and official contact for the agency designated to carry out the planning.

(5) A statement on the factors considered in agency designation as described in § 130.13(c).

(6) A summary of public participation in accordance with the requirements set forth in Part 105 of this Chapter.

(f) For areawide planning areas and agencies to be designated after FY 1976, the information received by § 130.13(e) shall be submitted at a later date to be established by the Administrator.

(g) The Regional Administrator and the Administrator shall review each submission pursuant to § 130.13 (e) and (f) to determine compliance with the Act and the criteria set forth in § 130.13 (a) through (d).

(h) Upon completion of his review, the Administrator shall publish notice in the FEDERAL REGISTER and shall notify in writing the appropriate Governor(s) of his approval. The effective date of designation is the date of the Administrator's approval of each designation. In the event that the Administrator disapproves any of the designations, he shall specify his reasons with his notice of disapproval.

(i) The appropriate Governor(s) may from time to time designate additional areawide planning areas and agencies. In such cases, approval of the designation shall be at the discretion of the Administrator, taking into account its consistency with the State continuing planning process. The Administrator will also take into account the ability of any such designated areawide planning agency to develop and submit the areawide plan no later than November 1, 1978.

§ 130.14 Delegation of planning responsibilities.

(a) The State planning agency designated pursuant to § 130.12(a) may delegate responsibility, with the approval of the Regional Administrator, to other State, Federal, local, or interstate agencies for the conduct, where appropriate, of any portion of the State's required water quality management planning under this part and Part 131 of this Chapter.

(NOTE: The States are encouraged particularly to delegate water quality management planning responsibilities to Federal agencies where those agencies express a willingness to accept delegation of State planning responsibilities and possess adequate capability and resources to undertake such planning.)

(b) Locally elected officials of major general purpose units of government, and other pertinent local and areawide organizations within the jurisdiction of a proposed local or interstate planning agency, shall be consulted prior to any delegation of planning responsibility to an agency made pursuant to § 130.14 (a).

(c) Each delegation of planning responsibility to an agency made pursuant to § 130.14(a) of this section shall include:

(1) The agency's name, address, and name of the director; and

(2) The agency's jurisdiction (geographical coverage and extent of planning responsibilities).

(d) In the event that responsibility for preparation of a portion of a State water quality management plan is delegated pursuant to § 130.14(a) to an agency other than the State water pollution control agency, evidence from such other agency shall be supplied which shows acceptance of such delegation of planning responsibility and the agency's capability and intent to comply with the time schedules set forth in the planning process and to develop a plan, or portion thereof, consistent with the laws of the respective State, the requirements of this part, Part 131 of this Chapter, and the Act.

(e) The State planning agency may make additional delegations, as set forth in this section, from time to time. Such delegations shall be accomplished by revising the planning process as provided in § 130.43.

§ 130.15 Designation of management agencies.

(a) Upon completion and submission of a water quality management plan, the Governor shall designate Federal, State, interstate, regional, or local agency(ies) appropriate to carry out each of the provision(s) of the water quality management plan(s).

(b) In the event the State or designated areawide planning agency determines that cooperation from a Federal agency(ies) is required to carry out certain provisions of the plan, the State or designated areawide planning agency shall identify such Federal agency and seek cooperation in accordance with § 130.35.

(c) The Governor may designate a specific agency(ies) to begin implementing an approved portion(s) of the water quality management plan(s) prior to completion of the plan(s).

(d) The Regional Administrator shall accept and approve all designated management agency(ies) unless, within 120 days of a designation, he finds that, the agency(ies) does not have adequate authority, including the requirement that statutory and regulatory provisions required to implement the plan be adopted by the date of plan approval by the Regional Administrator, and capability, as required in § 131.11(0)(2) of this Chapter, to accomplish its assigned responsibilities under the plan. The Regional Administrator shall approve, conditionally approve or disapprove such management agency designations in accordance with the same procedures to be used in approving water quality management plans (see § 131.21 of this Chapter).

(e) The Regional Administrator may withdraw his approval made pursuant to § 130.15(d) in the event that a designated management agency(ies) fails to implement the provision(s) of an approved water quality management plan for which the agency(ies) is assigned responsibility.

§ 130.16 Intergovernmental cooperation and coordination.

(a) The process shall assure that adequate and appropriate areawide and local planning results will be included in the development and implementation of water quality management plans for the State.

(b) Local governments within the State are to be encouraged to utilize existing, or develop, appropriate institutional or other arrangements with local governments in the same State in the development and implementation of water quality management plans, or portions thereof.

(c) The State shall provide a mechanism for meaningful and significant results from local, State, interstate, and Federal units of government. As an element of this mechanism, a policy advisory committee(s) shall be established to advise the responsible planning or implementing agency during the development and implementation of the plan on broad policy matters, including the fiscal, economic, and social impacts of the plan. Use of existing policy advisory committees is encouraged; however as a minimum, this policy advisory committee shall include a majority membership of representatives of chief elected officials of local units of government.

(NOTE: The Regional Administrator may, at the request of a State, agree to a lesser percentage of representation on the policy advisory committee from chief elected officials of local units of government provided there is no substantial disagreement with such a request from the affected local jurisdictions. Any proposal for lesser representation should consider the elements of planning that are being conducted and the traditional local role or interest in the activities covered by the planning.)

(d) The policy advisory committee for designated areawide planning areas shall include representatives of the State and public and may include representatives of the U.S. Departments of Agriculture, Army, and the Interior, and such other Federal and local agencies as may be appropriate in the opinion of EPA, the State(s), and the designated areawide planning agency.

(e) The State shall provide for interstate cooperation (and where necessary, in conjunction with and under the direction of appropriate Federal agencies should provide for international cooperation) whenever a plan involves the interests of more than one State. When a water quality management plan or portion of a plan is under development or is being implemented in the State for an area affecting or affected by waters of one or more other States, the State shall cooperate and coordinate with each such other State in the development and implementation of the water quality management plan pertinent to such area. EPA will provide assistance, upon request, to assure the appropriate cooperation and coordination between other States and Federal agencies.

§ 130.17 Water quality standards.

(a) The State shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions to water quality standards, as appropriate, at least once every three years and submit such revisions to the appro-

priate Regional Administrator pursuant to section 303(c) of the Act.

(b) The water quality standards of the State shall:

(1) Protect the public health or welfare, enhance the quality of water and serve the purposes of the Act;

(2) Specify appropriate water uses to be achieved and protected, taking into consideration the use and value of water for public water supplies, propagation of fish, shellfish, and wildlife, recreation purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation; and

(3) Specify appropriate water quality criteria necessary to support those water uses designated pursuant to § 130.17(b)(2).

(c) In reviewing and revising its water quality standards pursuant to § 130.17(a), the State shall adhere the following principles:

(1) The State shall establish water quality standards which will result in the achievement of the national water quality goal specified in section 101(a)(2) of the Act, wherever attainable. In determining whether such standards are attainable for any particular segment, the State should take into consideration environmental, technological, social, economic, and institutional factors.

(2) The State shall maintain those water uses which are currently being attained. Where existing water quality standards specify designated water uses less than those which are presently being achieved, the State shall upgrade its standards to reflect the uses actually being attained.

(3) At a minimum, the State shall maintain those water uses which are currently designated in water quality standards, effective as of the date of these regulations or as subsequently modified in accordance with § 130.17(c) (1) and (2). The State may establish less restrictive uses than those contained in existing water quality standards, however, only where the State can demonstrate that:

(i) The existing designated use is not attainable because of natural background;

(ii) The existing designated use is not attainable because of irretrievable man-induced conditions; or

(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2)(A) and (B) of the Act in order to attain the existing designated use would result in substantial and widespread adverse economic and social impact.

(4) The State shall take into consideration the water quality standards of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters.

(d) The Regional Administrator shall approve or disapprove any proposed revisions of water quality standards in accordance with the provisions of section 303(c)(2) of the Act.

(e) The State shall develop and adopt a Statewide antidegradation policy and identify the methods for implementing such policy pursuant to § 130.10(b)(2). The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

(2) Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water shall be maintained and protected unless the State chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or soical delevolpment. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance. Further the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Act for nonpoint sources, both existing and proposed.

(3) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

Subpart C—Requirements for State Strategy

§ 130.20 State strategy; contents and submission.

(a) Based on current water quality conditions, evaluation of program achievement to date, water quality management plans developed under this part and Part 131 of this Chapter (including basin water quality management plans), and the annual EPA guidance (described in Subpart B of Part 35 of this Chapter), each State shall prepare and update annually a State strategy for preventing and controlling water pollution over a five-year period. The strategy shall contain:

(1) A Statewide assessment of water quality problems and the causes of these problems.

(NOTE: This assessment may be based on the water quality analysis used to prepare the State's report required under Section 305(b) of the Act. Once the water quality assessment pursuant to § 131.11(b) of this Chapter and the nonpoint source assessment pursuant to § 131.11(d) of this Chapter are developed, the Statewide assessment of water quality problems and causes of these problems should be based on the plan assessments. Such assessments should then be reflected in the State's annual report under section 305(b) of the Act.)

(2) A ranking of each segment based on the Statewide assessment of water quality problems.

(3) An overview of the State's approach to solving its water quality problems identified in paragraph (b)(1) of this section, including a discussion of the extent to which nonpoint sources of pollution will be addressed by the State program.

(4) A year-by-year estimate of the financial resources needed to conduct the program in the State, by major program element (as defined in Subpart B of Part 35 of this Chapter).

(5) A listing of the priorities and scheduling of the State's water quality management plan preparation and implementation, areawide plans, and other appropriate program actions to carry out § 130.20(a)(4).

(6) A brief summary of the State monitoring strategy (described in Appendix A to Subpart B of Part 35 of this Chapter).

(b) The State strategy shall be submitted annually as part of the annual State program submission pursuant to § 35.555 of this Chapter.

Subpart D—Relationship of Planning Process and Other Programs

§ 130.30 Relationship to monitoring and surveillance program.

(a) The State shall assure that an appropriate monitoring program will be established in accordance with provisions of Appendix A to Subpart B of Part 35 of this Chapter.

(b) The process shall provide that each water quality management plan shall be based upon the best available monitoring and surveillance data to determine the relationship between instream water quality and sources of pollutants and, where practicable, to determine the relationship between disposal of pollutants on land and groundwater quality.

(c) In areas where a State or designated areawide planning agency determines that a groundwater pollution or contamination problem exists or may exist from the disposal of pollutants on land, or in subsurface excavations, the State or designated areawide planning agency, to support the establishment of controls or procedures to abate such pollution or contamination as identified in § 131.11 (j)-(l) of this Chapter, shall conduct (or the State shall require to be conducted by the disposing person), a monitoring survey or continuing program of monitoring to determine present or potential effects of such disposal, where such disposal is not prohibited. Groundwater monitoring conducted under this paragraph shall be coordinated with groundwater monitoring programs established pursuant to the Safe Drinking Water Act (Pub. L. 93-523).

§ 130.31 Relationship to municipal facilities program.

(a) Before awarding initial grant assistance for any project for any treatment works under section 201(g) of the

Act, where an applicable State water quality management plan, or relevant portion thereof, has been approved in accordance with this part and Part 131 of this Chapter, the Regional Administrator shall determine, pursuant to section 208(d) of the Act, that the applicant for such grant is the appropriate designated management agency approved by the Regional Administrator pursuant to § 130.15.

(b) Before approving a Step II or Step III grant for any project for any treatment works under section 201(g) of the Act, the Regional Administrator shall determine, pursuant to § 35.925-2 of this Chapter, that such works are in conformance with any applicable State water quality management plan or relevant portion thereof, approved by the Regional Administrator in accordance with this part and Part 131 of this Chapter.

(c) The Regional Administrator may elect not to approve a grant for any municipal treatment works under section 201(g) of the Act where an incomplete or a disapproved water quality management plan does not provide an adequate assessment of the needs and priorities for the area in which the project is located, consistent with the Act's planning requirements.

(d) The Regional Administrator and the State, through the agreement described in § 130.11, shall assure that planning under this part and Part 131 of this Chapter related to any municipal treatment works is accomplished in a timely manner, consistent with State priorities for construction of such municipal treatment works.

§ 130.32 Relationship to National Pollutant Discharge Elimination System.

(a) State participation in the National Pollutant Discharge Elimination System pursuant to section 402(b) of the Act shall not be approved for any State which does not have a continuing planning process approved by the Regional Administrator pursuant to § 130.41.

(b) Approval of State participation in the National Pollutant Discharge Elimination System pursuant to section 402 (b) of the Act may be withdrawn in accordance with the provisions of section 402(c)(3) of the Act and § 124.93 of this Chapter from any State if approval of the continuing planning process is withdrawn pursuant to § 130.42.

(c) No permit under section 402 of the Act shall be issued for any point source which is in conflict with a plan approved by the Regional Administrator in accordance with this part and Part 131 of this Chapter, provided however, that no such permit shall be deemed to be in conflict with any provision of such plan or portion thereof, hereafter approved, which relates specifically to the discharge for which the permit is proposed, unless the State has provided the owner or operator of the discharge and the interested public with notice and the opportunity to appeal such provision.

§ 130.33 Relationship of State and designated areawide planning programs.

(a) The State planning agency designated by the Governor pursuant to § 130.12(a) is responsible for assuring that the requirements of section 208 of the Act, this part, and Part 131 of this Chapter are achieved Statewide.

(NOTE: Where a designated areawide planning agency fails to achieve the requirements of section 208 of the Act, this part or Part 131 of this Chapter, the State planning agency is responsible for assuring that such requirements are achieved in the designated areawide planning area.)

(b) In order to assure that designated areawide planning agencies achieve the requirements specified in § 130.33(a) in a timely manner and that such agencies conduct planning that is consistent with planning developed by the State, the State planning agency designated pursuant to § 130.12(a) is expected to provide leadership and support to designated areawide planning agencies and to monitor progress of such agencies.

(c) Designated areawide planning under section 208 of the Act shall be incorporated in the water quality management plan for the State. The State planning agency shall provide the review and certification of such designated areawide planning pursuant to § 131.20(f) of this Chapter prior to formal incorporation into the State's water quality management plan.

§ 130.34 Relationship to other local, State, and Federal planning programs.

(a) The process shall assure that State water quality management plans are coordinated, and shall describe the relationship with plans for designated areawide planning areas within the State, with planning required in adjacent States under section 208 of the Act, with affected State, local, and Federal programs, and with other applicable resource and developmental planning including:

(1) State and local land use and development programs.

(2) Activities stemming from applicable Federal resource and developmental programs including:

(i) The Solid Waste Disposal Act, as amended (Pub. L. 91-512).

(ii) The Safe Drinking Water Act (Pub. L. 93-523).

(iii) The Clean Air Act, as amended (Pub. L. 91-604).

(iv) The Coastal Zone Management Act (Pub. L. 92-583).

(v) The Watershed Protection and Flood Protection Act (Pub. L. 83-566).

(vi) The Rural Development Act of 1972 (Pub. L. 92-419).

(vii) The Land and Water Conservation Fund Act, as amended (Pub. L. 88-578).

(viii) The National Historic Preservation Act (Pub. L. 89-665).

(ix) The Fish Restoration Act (Pub. L. 81-681) and the Federal Aid in Wildlife Restoration Act (Pub. L. 75-415).

(x) The Endangered Species Act (Pub. L. 93-205).

(xi) Wastewater Management Urban Studies Programs administered by the U.S. Army Corps of Engineers (Pub. L. 685, 1938, Pub. L. 429, 1913).

(xii) Transportation Planning administered by the Department of Transportation (Pub. L. 87-866, Pub. L. 93-366, Pub. L. 93-503).

(xiii) The Housing and Community Development Act of 1974 (Pub. L. 93-383).

(xiv) Other Federally assisted planning and management programs.

(b) Approved section 201 facilities plans are to be considered detailed portions of the water quality management plan(s) providing in-depth analysis of specific municipal and storm drainage related water quality problems. The State or areawide planning agency is responsible for assuring compatibility of 201 facilities planning with the State or areawide water quality management plan.

(c) In the event that a "Level B" study (as required under section 209 of the Act) is underway or has been completed, the State or designated areawide planning agency shall consider the following outputs of the study, and where appropriate, provide for integration of the outputs with the water quality management plan(s):

(1) Existing and projected future water withdrawals and consumptive demand over a 20-year period.

(2) Facilities and management measures to be undertaken to meet demands on the water supply program.

(3) The effects of the water supply program on water quality.

(4) Impact of authorized water development measures.

(5) Identification of proposed or designated wild and scenic stream reaches.

(6) Watershed management and land treatment measures.

(7) Energy development and production related factors.

(d) In the event that a "Level B" plan has not been initiated, the State or designated areawide planning agency shall identify the appropriate constraints on water quality management which would be brought about by:

(1) Current and projected future (20-year period) water demands.

(2) Designated and desired wild and scenic river segments.

(3) Energy development and production factors.

§ 130.35 Planning requirements for Federal properties, facilities or activities.

(a) Pursuant to section 313 of the Act and Presidential Executive Order Number 11752, Federal properties, facilities or activities are required to be in compliance with State, interstate, and local substantive requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements.

(b) Federal agencies shall cooperate and give support to State or designated areawide planning agencies in the for-

mulation and implementation of water quality management plans relating to Federal properties, facilities or activities and land areas contiguous with Federally-owned lands.

(c) The Regional Administrator shall assist in coordination of substantive planning requirements for Federal properties, facilities or activities between the appropriate State and Federal agency (ies).

(d) Disputes or conflicts between Federal agencies and State, interstate, or local agencies in matters affecting the application of or compliance with an applicable requirement for control and abatement of pollution shall be mediated by EPA. In such cases, if attempted mediation is unsuccessful the matter will be referred to the Office of Management and Budget under provisions of Executive Order 11752.

Subpart E—State Planning Process Adoption, Approval and Revisions Procedures; Separability

§ 130.40 Adoption and submission of State process description.

(a) The description of the State continuing planning process developed pursuant to § 130.10(c) or revisions to the description of the State continuing planning process made pursuant to § 130.43 shall be adopted as the official continuing planning process of the State after appropriate public participation in accordance with section 101(e) of the Act and with Part 105 of this Chapter.

(b) The Governor shall submit the adopted State continuing planning process description to the Regional Administrator for approval. Subsequent revisions to the continuing planning process description, however, shall be submitted as a part of the State program submittal pursuant to § 35.555 of this Chapter.

(c) Submission shall be accomplished by delivering to the Regional Administrator the adopted planning process description, as specified in § 130.10(c) of this part, and a letter from the Governor notifying the Regional Administrator of such action.

§ 130.41 Review and approval or disapproval of State process.

(a) The Regional Administrator shall approve, conditionally approve, or disapprove, the State planning process description submitted pursuant to § 130.40 of this part within 30 days after the date of receipt, as follows:

(1) If the Regional Administrator determines that the State planning process conforms with the requirements of the Act and this part, he shall approve the process and so notify the Governor by letter.

(2) If the Regional Administrator determines that the State planning process fails to conform with the requirements of the Act and this part, he shall either conditionally approve or disapprove the process and so notify the Governor by letter and shall state:

(i) The specific revisions necessary to obtain approval of the process; and

(ii) The time period for resubmission of the revised process or portions thereof.

(b) The Regional Administrator shall not approve any State continuing planning process description which will not result in timely State water quality management plans that conform with the applicable requirements of the Act and Part 131 of this Chapter for all areas within the State.

§ 130.42 Withdrawal of approval of State process.

Substantial failure of any plan or plans prepared pursuant to the approved State planning process to conform with applicable requirements of this part and Part 131 of this Chapter, including gross failure to comply with the schedule for State water quality management plan preparation, may indicate that the planning process by which such plan or plans were developed was deficient and shall be revised. Failure to accomplish necessary revisions of the State planning process may result in withdrawal of approval of part or all of the process.

§ 130.43 Review and revisions of State process.

(a) The State shall review annually its continuing planning process and shall revise the process as may be necessary to assure the development and maintenance of a State strategy and State program for preventing and controlling water pollution, based on current State and areawide water quality management plans which will accomplish national water quality objectives in conformity with the requirements of the Act.

(b) In addition to any other necessary revisions identified by the State or the Regional Administrator, the Governor shall submit, within 150 days after these regulations become effective, whatever revisions to the planning process description are necessary to insure conformity with this part.

(c) Subsequent revisions to the planning process description shall be submitted by the State as a part of the State program submittal pursuant to § 35.555 of this Chapter.

§ 130.44 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other person or circumstance, and the remainder of this part, shall not be affected thereby.

[FR Doc.75-32012 Filed 11-26-75;8:45 am]

[FRL 461-5]

PART 131—PREPARATION OF WATER QUALITY MANAGEMENT PLANS

On July 16, 1975, notice was published in the FEDERAL REGISTER, 40 FR 29887, proposing amendments to the policies and procedures for the preparation of water quality management basin plans (40 CFR Part 131) pursuant to Section 303(e) of the Federal Water Pollution Control Act Amendments of 1972; Pub. L. 92-500, 86 Stat. 816 (1972); 33 U.S.C. 1251 et. seq. (hereinafter referred to as the Act). Part 130 of this Chapter has also been amended. The amendments are in accordance with a Court Order issued by Judge John Lewis Smith, Jr., in Natural Resources Defense Council, et. al. v. Train, et. al., D.C. D.C. Civ. Act. No. 74-1485, which stipulates that Section 208 planning must be conducted by the States in all areas that are not designated in accordance with Section 208 (a) (2) through (4) of the Act.

Sections 303(e) and 208 of the Act require State and designated areawide planning agencies to have a continuing planning process which is consistent with the Act. State water quality management plans are to be prepared in accordance with the State's continuing planning process submitted and approved pursuant to Part 130 of this Chapter.

These amended regulations describe the requirements for preparation of water quality management plans and the procedures governing plan adoption, submission, revision, and EPA approval. These regulations now specifically include the provisions for the State as well as areawide water quality management planning responsibilities under Section 208 of the Act and are designed to assure that the plans prepared pursuant to this Part 131 will be appropriate for water quality management both in areas having complex water quality problems and in less complicated situations.

The primary objective of the water quality management plans will be to achieve the 1983 national water quality goal of the Act, where attainable. In those areas where the 1983 water quality goal may not be attainable, the plans shall identify the water quality goals to be achieved and, where necessary, provide appropriate information (such as wasteload allocation information) which may be relevant in making water quality related effluent limitation determinations pursuant to Section 302 of the Act.

The water quality management plan will serve as a management document which identifies the water quality problems of a particular basin or other approved planning areas and sets forth an effective management program to alleviate those problems and preserve water quality for all intended uses. Thus, development of the plans will involve an iterative process of establishing attainable water quality goals, identifying necessary controls and regulatory programs, and determining the resulting environmental, social, and economic impact.

EPA will prepare guidelines concerning the development of water quality management plans to assist the State and areawide planning agencies in carrying out the provisions of these regulations.

Written comments on the proposed rulemaking were invited and received from nearly 100 interested groups, including EPA Regional Offices, State and local governments, other Federal agencies, industrial organizations and special interest groups. In addition, verbal com-

ments were also obtained from representatives of State and local government. All written comments are on file with the Agency. Most of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to these regulations. The majority of substantive comments centered around the issues discussed below.

1. Timing of Plan Preparation.

Many of the comments received indicated that the November 1, 1978 deadline for plan submission was unrealistic. This deadline has not been changed due to the above mentioned Court Order which imposed a time schedule requiring "final submission to EPA of complete Section 208 plans for nondesignated areas no later than November 1, 1978."

The final regulations require the States to submit initial plans for the entire State (including areawide plans developed by designated areawide planning agencies) to EPA for final approval no later than November 1, 1978. Although the final regulations no longer require the States to submit plans for pre-adoption review, the regulations make it clear that areawide plans must be submitted to the States for certification and the State, in turn, must submit the certified areawide plans to EPA for approval within two years from the date the areawide planning process is in operation (and no later than November 1, 1978). Pre-adoption review of areawide plans by the State is required; pre-adoption review of plans for the entire State by EPA is encouraged although not required in order to assure a minimal amount of conflict once the plans are formally adopted.

2. Nonpoint Source Controls.

Many of the comments received indicated that planning for the management of nonpoint sources of pollution will be the most difficult and complex water quality control problem confronting the State and areawide planning agencies due to insufficient funding, manpower and technology.

Taking these insufficiencies into account, EPA, in conjunction with a number of State representatives, has developed a strategy for management of nonpoint sources of pollution as part of the third edition of the "Water Quality Strategy Paper". This strategy for nonpoint source management has been incorporated into the final regulations.

As discussed above, these regulations are issued in response to an Order of the District Court for the District of Columbia, and contain a provision for plan submission no later than November 1, 1978, as required by the Order of the Court. Given the limited amount of time for the plans to be completed, and the consequent need for both State and areawide agencies to move forward quickly to adjust their planning processes to these regulations, good cause is hereby found for making these regulations effective upon publication.

In consideration of the foregoing, 40 CFR Part 131 is hereby amended by deleting the existing part and substituting a new Part 131 to read as follows.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.

Subpart B—Plan Content Requirements

Subpart C—Plan Adoption, Approval, and Revision Procedures; Separability

AUTHORITY: Secs. 106, 208, 303(d), 303(e), 305(b), 314, 501, 516(b) of the Federal Water Pollution Control Act, as amended; Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

Subpart A—Scope and Purpose; Definitions

§ 131.1 Scope and purpose.

(a) This part establishes regulations specifying procedural and other requirements for the preparation of water quality management plans and the establishment of regulatory programs designed to achieve the goal specified in Section 101(a)(2) of the Act. The water quality management plans and implementing programs are to be prepared and established by State planning agencies pursuant to Sections 208 and 303(e) of the Act and by designated areawide planning agencies pursuant to Section 208 of the Act.

(b) These regulations describe the requirements for State and designated areawide planning agency planning and implementation under Section 208 of the Act; water quality management plans developed by State and designated areawide planning agencies pursuant to this part and the implementation of these plans must comply fully with the requirements of Section 208 of the Act.

(c) A water quality management plan is a management document which identifies the water quality problems of a particular approved State planning area or designated areawide planning area and sets forth an effective management program to alleviate those problems and to achieve and preserve water quality for all intended uses. The value of the water quality management plan lies in its utility in providing a basis for making sound water quality management decisions and in establishing and implementing effective control programs. To achieve this objective, the detail of the water quality management plan(s) should provide the necessary analysis and information for management decisions. Moreover, there must be a flexible revision mechanism to reflect changing conditions in the area of consideration. A water quality management plan should be a dynamic management tool, rather than a rigid, static compilation of data and material. In addition, the plan should be as concise as possible, thereby minimizing unnecessary paperwork.

(d) A water quality management plan will provide for orderly water quality management by:

(1) Identifying Problems: assessing existing water quality, applicable water quality standards, point and nonpoint sources of pollution, and identifying constraints on the plan.

(2) Assessing Needs/Establishing Priorities: assessing water quality and abatement needs, including coordination with ongoing construction grant award and NPDES programs, and establishing priorities, including consideration of existing construction grant and NPDES requirements.

(3) Scheduling Actions: setting forth compliance schedules considering all existing schedules issued pursuant to construction grant awards and NPDES permits, and target abatement dates indicating necessary Federal, State, and local actions.

(4) Defining Regulatory Programs: describing existing State/local regulatory programs and defining necessary additional regulatory programs designed to achieve water quality standards and goals.

(5) Defining Management Agency Responsibilities: identifying management agency(ies), including implementing, regulatory and operational agencies, and setting forth specific responsibilities to carry out required actions within the approved planning area and to assure that water quality objectives are made a part of the land management process.

(6) Coordinating Planning and Management: coordinating developmental planning and management related to water quality in order to attain the objectives of the Act.

§ 131.2 Definitions.

The definitions set forth in § 130.2 of this Chapter shall apply to this Part 131.

Subpart B—Plan Content Requirements

§ 131.10 General requirements.

(a) This subpart describes the required content of water quality management plans to be prepared for each approved State planning area included in the State planning process submitted and approved pursuant to § 130.41 of this Chapter and for each area designated pursuant to Section 208(a)(2), (3), or (4) of the Act. The primary objective of the water quality management plans shall be to define the programs necessary to achieve the 1983 national water quality goal established in Section 101(a)(2) of the Act. The plans shall identify the controls, regulatory programs, and management agencies necessary to attain the water quality goals and the established State water quality standards.

(b) Water quality management plans shall be prepared for all areas and waters

of the State. Generally, water quality management planning elements will be the same throughout each State and designated areawide planning area. However, the level of detail required will vary according to the water quality problems (ranging from intensive planning in areas designated pursuant to Section 208(a)(2), (3), or (4) of the Act and in other areas with similar water quality problems, to essentially no planning in those areas where the State certifies that certain types of planning and implementation will not be undertaken pursuant to § 130.11(b) of this Chapter) and shall be established in the agreement between the State and the Regional Administrator (see § 130.11 of this Chapter) or in the work plan developed by the designated areawide agencies (see § 35.220 of this Chapter).

(c) The water quality management plans shall contain the information and analyses necessary for making sound water quality management decisions and for establishing and implementing effective control programs. Supportive data and calculations need not be included in the plans, but shall be made available to the Regional Administrator and the public upon request.

(d) Initial water quality management plans, or portions thereof, and subsequent refinements shall be prepared pursuant to the approved continuing planning process and submitted to the Regional Administrator in accordance with the State/EPA agreement described in § 130.11 of this Chapter or the work plan for designated areawide planning areas described in § 35.220 of this Chapter.

(e) Each water quality management plan shall incorporate appropriate information concerning other local, State and Federal planning as required under § 130.34 of this Chapter.

(f) Each water quality management plan shall include, where appropriate, a delineation of the relative priority of actions to be taken toward prevention and control of water pollution problems. Such priorities shall reflect the coordination of water quality management plans with other related planning programs including those identified in § 130.33 and § 130.34 of this Chapter.

(g) Water quality management planning elements shall include, but are not limited to:

(1) Planning boundaries (§ 131.11(a)).

(2) Water quality assessment and segment classification (§ 131.11(b)).

(3) Inventories and projections (§ 131.11(c)).

(4) Nonpoint source assessment (§ 131.11(d)).

(5) Water quality standards (§ 131.11(e)).

(6) Total maximum daily loads (§ 131.11(f)) [1].

(7) Point source load allocations (§ 131.11(g)) [1].

(8) Municipal waste treatment systems needs (§ 131.11(h)).

(9) Industrial waste treatment systems needs (§ 131.11(i)).

(10) Nonpoint source control needs (§ 131.11(j)).

(11) Residual waste control needs; land disposal needs (§ 131.11(k)).

(12) Urban and industrial stormwater needs (§ 131.11(l)).

(13) Target abatement dates (§ 131.11(m)).

(14) Regulatory programs (§ 131.11(n)).

(15) Management agencies (§ 131.11(o)).

(16) Environmental, social, economic impact (§ 131.11(p)).

Except as otherwise provided in Part 131.11.

§ 131.11 Plan content.

Recognizing that the level of detail may vary according to the water quality problems, the following elements shall be included in each water quality management plan unless a certification pursuant to § 130.11(b) of this Chapter provides otherwise:

(a) *Planning boundaries.* A delineation, on a map of appropriate scale, of the following: (1) The approved State planning areas included in the State planning process submitted and approved pursuant to § 130.41 of this Chapter and areawide planning areas designated pursuant to § 130.13 of this Chapter.

(2) Those areas in which facilities planning has been deemed necessary by the State pursuant to § 35.917-2 of this Chapter.

(3) The location of each water quality and effluent limitation segment identified in § 131.11(b)(2).

(4) The location of each significant discharger identified in § 131.11(c).

(5) The location of fixed monitoring stations.

(NOTE: Such monitoring station locations may be omitted if such locations are available in the EPA water quality information system).

(b) *Water quality assessment and segment classifications.* (1) An assessment of existing and potential water quality problems within the approved planning area or designated areawide planning area, including an identification of the types and degree of problems and the sources of pollutants (both point and nonpoint sources) contributing to the problems. The results of this assessment should be reflected in the State's report required under Section 305(b) of the Act.

(2) The classification of each segment as either water quality or effluent limitation as defined in § 130.2(o) of this Chapter.

(i) Segments shall include the surrounding land areas that contribute or may contribute to alterations in the physical, chemical, or biological characteristics of the surface waters.

(ii) Water quality problems generally shall be described in terms of existing or potential violations of water quality standards.

(iii) Each water quality segment classification shall include the specific water quality parameters requiring consideration in the total maximum daily load allocation process.

(iv) In the segment classification process, upstream sources that contribute or may contribute to such alterations should be considered when identifying boundaries of each segment.

(v) The classification of segments shall be based on measurements of instream water quality, where available.

(c) *Inventories and projections.* (1) An inventory of municipal and industrial sources of pollutants and a ranking of municipal sources which shall be used by the State in the development of the annual State strategy described in § 130.20 of this Chapter and the "project priority list" described in § 35.915(c) of this Chapter. The inventory shall include a description, by parameter, of the major waste discharge characteristics of each significant discharger of pollutants based on data from the National Pollutant Discharge Elimination System and the associated compliance monitoring systems, whenever available.

(2) A summary of existing land use patterns.

(3) Demographic and economic growth projections for at least a 20-year planning period disaggregated to the level of detail necessary to identify potential water quality problems.

(4) Projected municipal and industrial wasteloads based on § 131.11(c)(1) and (3).

(5) Projected land use patterns based on § 131.11(c)(2) and (3).

(d) *Nonpoint source assessment.* An assessment of water quality problems caused by nonpoint sources of pollutants.

(1) The assessment shall include a description of the type of problem, an identification of the waters affected (by segment or other appropriate planning area), an evaluation of the seriousness of the effects on those waters, and an identification of nonpoint sources (by category as defined in § 131.11(j)) contributing to the problem.

(2) Any nonpoint sources of pollutants originating outside a segment which materially affect water quality within the segment shall be considered.

(3) The results of this assessment should be reflected in the States' report required under Section 305(b) of the Act.

(e) *Water quality standards.* The applicable water quality standards, including the Statewide antidegradation policy, established pursuant to Section 303(a), (b), and (c) of the Act and any plans for the revision of such water quality standards.

(f) *Total maximum daily loads.* (1) For each water quality segment, or appropriate portion thereof, the total allowable maximum daily load of relevant pollutants during critical flow conditions for each specific water quality criterion being violated or expected to be violated.

[1] Not necessary in effluent limitation segments.

(i) Such total maximum daily loads shall be established at levels necessary to achieve compliance with applicable water quality standards.

(ii) Such loads shall take into account:

(A) Provision for seasonal variation; and

(B) Provision of a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

(2) For each water quality segment where thermal water quality criteria are being violated or expected to be violated, the total daily thermal load during critical flow conditions allowable in each segment.

(i) Such loads shall be established at a level necessary to assure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife.

(ii) Such loans shall take into account:

(A) Normal water temperature;

(B) Flow rates;

(C) Seasonal variations;

(D) Existing sources of heat input; and

(E) The dissipative capacity of the waters within the identified segment.

(iii) Each estimate shall include an estimate of the maximum heat input that can be made into the waters of each segment where temperature is one of the criteria being violated or expected to be violated and shall include a margin of safety which takes into account lack of knowledge concerning the development of thermal water quality criteria for protection and propagation of fish, shellfish and wildlife in the waters of the identified segments.

(3) For each water quality segment, a total allocation for point sources of pollutants and a gross allotment for nonpoint sources of pollutants.

(i) A specific allowance for growth shall be included in the allocation for point sources and the gross allotment for nonpoint sources.

(ii) The total of the allocation for point sources and the gross allotment for nonpoint sources shall not exceed the total maximum daily load.

(4) Where predictive mathematical models are used in the determination of total maximum daily loads, an identification and brief description of the model, and the specific use of the model.

(NOTE: Total maximum daily loads shall not be determined by designated areawide planning agencies except where the State has delegated such responsibility to the designated agency. In those cases where the responsibility has not been delegated, the State shall determine total maximum daily loads for the designated areawide planning area).

(5) No point source load allocation developed pursuant to this section shall be less stringent than effluent limitations standards, or prohibitions required to be established pursuant to Sections 301, 302, 304, 306, 307, 311, and 316 of the Act.

(g) *Point source load allocations.* (1) For each water quality segment, the individual load allocation for point sources of pollutants, including thermal load allocations, for the next five-year period of the plan.

(NOTE: In those segments where water quality standards are established at levels less stringent than necessary to achieve the 1983 water quality goals specified in Section 101(a)(2) of the Act, the Regional Administrator may request the State to provide appropriate information, such as wasteload allocation information which may be relevant in making water quality related effluent limitation determinations pursuant to Section 302 of the Act).

(2) The total of such pollutant load allocations or effluent limitations for all individual point sources in the water quality segment shall not exceed the total allocation for the five-year period for all point sources of pollutants for each segment determined pursuant to § 131.11 (f)(3).

(3) Each pollutant load allocation established pursuant to this paragraph shall incorporate an allowance for anticipated economic and population growth over at least a five-year period and an additional allowance reflecting the precision and validity of the method used in determining such allowance.

(4) Establishment of pollutant load allocations shall be coordinated with the development of terms and conditions of permits under the National Pollutant Discharge Elimination System and with any hearings pursuant to Section 302 and 316(a) of the Act relating to a source discharging to or otherwise affecting the segment.

(NOTE: Point source load allocations shall not be determined by designated areawide planning agencies except where the State has delegated such responsibility to the designated agency. In those cases where the responsibility has not been delegated, the State shall determine point source load allocations for the designated areawide planning area).

(h) *Municipal waste treatment systems needs.* (1) The municipal wastewater collection and treatment system needs by 5-year increments, over at least a 20-year period including an analysis of alternative waste treatment systems, requirements for and general availability of land for waste treatment facilities and land treatment and disposal systems, total capital funding required for construction, and a program to provide the necessary financial arrangements for the development of such systems.

(2) The identification of municipal waste treatment systems needs shall take into consideration:

(i) Load reductions needed to be achieved by each waste treatment system in order to attain and maintain applicable water quality standards and effluent limitations.

(ii) Population or population equivalents to be served, including forecasted growth or decline of such population over at least a 20-year period following the scheduled date for installation of the needed facility.

(iii) The results of preliminary and completed planning conducted under Step I and Step II grants pursuant to Title II of the Act.

(NOTE: In the absence of the Title II planning described above, the State is expected to develop the necessary estimates and analyses required under § 131.11(h)(1)).

(i) *Industrial waste treatment systems needs.* (1) The anticipated industrial point source wasteload reductions required to attain and maintain applicable water quality standards and effluent limitations for at least a 20-year planning period (in 5-year increments).

(2) Any alternative considerations for industrial sources connected to municipal systems should be reflected in the alternative considerations for such municipal watse treatment system.

(j) *Nonpoint source control needs.* (1) For each category of nonpoint sources of pollutants to be considered in any specified area as established in the State/EPA agreement (see § 130.11 of this Chapter), an identification and evaluation of all measures necessary to produce the desired level of control through application of best management practices (recognizing that the application of best management practices may vary from area to area depending upon the extent of water quality problems).

(2) The evaluation shall include an assessment of nonpoint source control measures applied thus far, the period of time required to achieve the desired control (see § 131.11(m)), the proposed regulatory programs to achieve the controls (see § 131.11(n)), the management agencies needed to achieve the controls (see § 131.11(o)), and the costs by agency and activity, presented by 5-year increments, to achieve the desired controls, and a description of the proposed actions necessary to achieve such controls.

(3) The nonpoint source categories shall include: (i) Agriculturally related nonpoint sources of pollution including runoff from manure disposal areas, and from land used for livestock and crop production;

(ii) Silviculturally related nonpoint sources of pollution;

(iii) Mine-related sources of pollution including new, current and abandoned surface and underground mine runoff;

(iv) Construction activity related sources of pollution;

(v) Sources of pollution from disposal on land in wells or in subsurface excavations that affect ground and surface water quality;

(vi) Salt water intrustion into rivers, lakes, estuaries and groundwater resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, groundwater extraction, and diversion; and

(vii) Sources of pollution related to hydrologic modifications, including those caused by changes in the movement, flow, or circulation of any navigable waters or groundwaters due to construction and operation of dams, levees, channels, or flow diversion facilities.

(NOTE: Nonpoint source control needs need not be determined by designated areawide planning agencies where the Governor has determined pursuant to Section 208(b)(4)

of the Act that the State will develop nonpoint source control requirements on a Statewide basis.)

(k) *Residual waste control needs; land disposal needs.* (1) An identification of the necessary controls to be established over the disposition of residual wastes which could affect water quality and a description of the proposed actions necessary to achieve such controls.

(2) An identification of the necessary controls to be established over the disposal of pollutants on land or in subsurface excavations to protect ground and surface water quality and a description of the proposed actions necessary to achieve such controls.

(NOTE: Residual waste control needs need not be determined by designated areawide planning agencies where the Governor has determined pursuant to Section 208(b)(4) of the Act that the State will develop residual waste control requirements pursuant to Section 208(b)(2) (J) and (K) on a Statewide basis.)

(l) *Urban and industrial stormwater systems needs.* (1) An identification of the required improvements to existing urban and industrial stormwater systems, including combined sewer overflows, that are necessary to attain and maintain applicable water quality standards.

(2) An identification of the needed urban and industrial stormwater systems for areas not presently served over at least a 20-year planning period (in 5-year increments) that are necessary to attain and maintain applicable water quality standards, emphasizing appropriate land management and other nonstructual techniques for control of urban and industrial stormwater runoff.

(3) A cost estimate for the needs identified in (1) and (2) above, the reduction in capital construction costs brought about by nonstructural control measures, and any capital and annual operating costs of such facilities and practices.

(m) *Target abatement dates.* Target abatement dates or schedules of compliance for all significant dischargers, nonpoint source control measures, residual and land disposal controls, and stormwater system needs, including major interim and final completion dates, and requirements that are necessary to assure an adequate tracking of progress toward compliance.

(n) *Regulatory programs.* (1) A description of existing State/local regulatory programs which are being or will be utilized to implement the State water quality management plan. The description shall include the regulatory approach to be employed, the statutory basis for the program, and relevant administrative and financial program aspects.

(2) A description of necessary additional State/local regulatory programs to be established in order to implement the State water quality management plan. The description shall include the proposed regulatory approach, the necessary legislation, and anticipated administrative and financial capabilities.

(3) The regulatory programs described in § 131.11(n) (1) and (2) should generally take full advantage of existing legislative authorities and administrative capabilities. However, such programs shall assure that:

(i) To the extent practicable, waste treatment management including point and nonpoint source management shall be on a Statewide and/or an areawide basis and provide for the control or abatement of all sources of pollution including inplace or accumulated deposits of pollutants;

(ii) The location, modification and construction of any facilities, activities, or substantive changes in use of the lands within the approved planning area, which might result in any new or deleterious discharge directly or indirectly into navigable waters are regulated; and

(iii) Any industrial or commercial wastes discharged into any publicly owned treatment works meet applicable pretreatment requirements.

(o) *Management agencies.* (1) The identification of those agencies recommended for designation by the Governor pursuant to § 130.15 of this Chapter to carry out each of the provisions of the water quality management plan. The identification shall include those agencies necessary to construct, operate and maintain all treatment works identified in the plan and those agencies necessary to implement the regulatory programs described in § 131.11(n).

(2) Depending upon an agency's assigned responsibilities under the plan, the agency must have adequate authority and capability:

(i) To carry out its assigned portions of an approved State water quality management plan(s) (including the plans developed for areawide planning areas designated pursuant to Section 208(a)(2), (3), or (4) of the Act) developed under this part;

(ii) To effectively manage waste treatment works and related point and nonpoint source facilities and practices serving such area in conformance with the approved plan;

(iii) Directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any approved water quality management plan developed under this part;

(iv) To accept and utilize grants or other funds from any source for waste treatment management or nonpoint source control purposes;

(v) To raise revenues, including the assessment of user charges;

(vi) To incur short and long term indebtedness;

(vii) To assure, in implementation of an approved water quality management plan, that each participating community pays its proportionate share of related costs;

(viii) To refuse to receive any wastes from a municipality or subdivision thereof, which does not comply with any provision of an approved water quality management plan applicable to such areas; and

(ix) To accept for treatment industrial wastes.

(p) *Environmental, social, economic impact.* An assessment of the environmental, social, and economic impact of carrying out the plan.

Subpart C—Plan Adoption, Approval, and Revision Procedures; Separability

§ 131.20 Adoption, certification, and submission of plans.

(a) During development and prior to formal adoption, the State and designated areawide water quality management plans or portions thereof, shall be the subject of appropriate public participation in accordance with Section 101(e) of the Act and with Part 105 of this Chapter requiring public participation in all phases of the water quality management plan development.

(1) The goal of the public participation is to involve the public in the formulation of the plan, including the determination of the planning goals, and to develop public support that will ultimately lead to acceptance and implementation of the plan.

(Note: Beyond continuing participation in the development of the plan, a more structured opportunity for public meetings or hearings should be provided at key points in the process.)

(2) State and designated areawide planning agencies may delegate public participation activities to appropriate governmental units within the planning area.

(b) Designated areawide planning agencies shall submit areawide water quality management plans, for review and recommendations to the Governor, or his designee, and to chief elected officials of local units of government that have responsibility for or are directly affected by the plan prior to formal submission of the plan for the Governor's certifications pursuant to § 131.120(f).

(1) The Governor, or his designee, shall provide for timely review and comment in order to minimize potential objections once the plan is formally submitted to the Governor for the certifications. Concurrence with a designated areawide water quality management plan at the time of the review by the Governor, or his designee, will not substitute for formal certifications by the Governor pursuant to § 131.20(f) after the plan has been the subject of further public participation.

(2) In the event that a local unit of government fails to provide a recommendation within 30 days of receipt of the plan for review and comment prior to formal submission to the Governor, or his designee, a favorable recommendation on adoption of the plan shall be assumed.

(c) The State planning agency shall submit State water quality management plans for review and recommendations, to appropriate chief elected officials of local units of government that have responsibility for or are directly affected by the plan prior to formal adoption of the plan by the State pursuant to § 131.20(h).

(d) The State is encouraged (although not required) to submit the water quality management plan(s) for State and designated areawide planning areas to the Regional Administrator for review prior to formally adopting the plan(s). The Regional Administrator shall provide for timely review and comment in order to minimize potential objections once the plan is formally adopted by the State pursuant to § 131.20(h). Concurrence with a water quality management plan at the time of any pre-adoption review will not substitute for approval by the Regional Administrator pursuant to § 131.21 after the plan has been the subject of further public participation and formally adopted by the State.

(e) After comments and recommendations are received from the Governor, or his designee, and from chief elected officials of local units of government pursuant to §131.20(b), designated areawide planning agencies shall submit the areawide water quality management plans, or portions thereof, to the Governor, or his designee for final review and formal adoption and certification.

(f) The Governor, or his designee, shall review areawide water quality management plans, or portions thereof, submitted by designated areawide planning agencies.

(1) The Governor shall certify that the State has reviewed the plan and:

(i) Has found the plan to be in conformance with the provisions of the approved planning process for the State, including State water quality management plans prepared pursuant to the process, and that the plan will be accepted as a detailed portion of the water quality management plans of the State;

(ii) Has found the plan to be consistent with the water quality management needs of the area;

(iii) Has found the plan to be in conformance with all State and local legislation, regulations, or other requirements or plans regarding land use and protection of the environment, except for those cases where the plan specifically recommends changing such legislation, regulations, or other appropriate requirements;

(iv) Has found that the plan provides adequate basis for selection of management agencies to be designated pursuant to § 130.15(a) of this Chapter and Section 208(c) of the Act; and

(v) Has adopted the plan as the State's official water quality management plan for the designated areawide planning area pursuant to § 131.20(h).

(2) The procedures set forth in § 131.20 (f) (1) shall be followed by intrastate and interstate designated areawide planning agencies, except where the plan has been developed by an interstate agency, the plan shall be submitted to the Governor, or his designee, of the State which includes the largest portion of the designated area's population. The Governor, or his designee, shall coordinate the plan review and certification process with all other affected States.

(g) If the Governor determines that the water quality management plan for the designated areawide planning area fails to conform with the requirements of the Act, this part, or the approved work plan of the designated areawide planning agency is not consistent with contiguous water quality management plans including those of neighboring States, he shall either conditionally certify or not certify the plan and so notify the Regional Adminstrator and the designated areawide planning agency by letter and shall state:

(1) The specific revisions necessary to obtain full certification of the water quality management plan; and

(2) The time period for submission of necessary revisions to the water quality management plan or portions thereof.

(h) Each State and areawide water quality management plan, or portion thereof, shall be adopted as the official water quality management plan(s) of the State. Each adopted water quality management plan shall include assurances and a certification by the Governor that the plan is the official water quality management plan for the area covered by such plan, that the plan will be implemented and used for establishing permit conditions, nonpoint source controls, schedules of compliance and priorities for awarding grants for construction of municipal treatment works pursuant to Section 201(g) of the Act, and that the plan meets all applicable requirements of the Act, this part, and Part 130 of this Chapter.

(i) The Governor shall submit adopted water quality management plans to the Regional Administrator, together with a summary of public participation in the development and adoption of the plan (required by Section 101(e) of the Act and Part 105 of this Chapter) and a letter from the Governor notifying the Regional Administrator of such action. Such plans shall be submitted in accordance with the following schedule:

(1) Water quality management plans for the entire State shall be submitted to the Regional Administrator no later than November 1, 1978.

(2) Water quality management plans for designated areawide planning areas shall be submitted no later than two years from the date that the planning process is in operation (pursuant to § 35.222–1 of this Chapter) and no later than November 1, 1978.

(j) Portions of the plan (interim outputs), developed in accordance with the requirements of Parts 130 and 131 may be adopted, certified, and submitted during the development of the plan and approved in the same manner as a plan under § 131.21.

(k) At the time of submission, the Governor shall identify those modifications, if any, that need to be made, as a result of the plan, to the agreement between EPA and a State under Part 124 of this Chapter.

§ 131.21 Review and approval or disapproval of plans.

The Regional Administrator shall approve, conditionally approve or disapprove the water quality management plan, or portion thereof, submitted pursuant to § 131.20(i) or (j) within 120 days after the date of receipt, as follows:

(a) If the Regional Administrator determines that the water quality management plan conforms with the requirements of the Act, this part, and the approved continuing planning process (including compliance with any State/EPA agreement or designated areawide planning agency work plans) and is consistent with contiguous water quality management plans, including those of neighboring States, he shall approve the plan and so notify the Governor or his designee by letter.

(b) If the Regional Administrator determines that the water quality management plan fails to conform with the requirements of the Act, this part, or the approved continuing planning process (including compliance with any State/EPA agreements or designated areawide planning agency work plans) or is not consistent with contiguous water quality management plans including those of neighboring States, he shall either conditionally approve or disapprove the plan and so notify the Governor or his designee by letter and shall state:

(1) The specific revisions necessary to obtain full approval of the water quality management plan; and

(2) The time period for submission of necessary revisions to the water quality management plan or portions thereof.

(c) Where water quality management plans involving interstate waters are found to be inconsistent, the Regional Administrator shall notify the Governor of each concerned State of the specific areas of inconsistency and the specific revision(s) necessary to eliminate such inconsistency.

§ 131.22 Review and revision of plans.

(a) As a minimum, the State or designated areawide planning agency shall review, and if necessary revise, each water quality management plan at least annually. The Regional Administrator may request specific plan revisions. The water quality management plan shall be revised such that it remains a meaningful and current water quality management document.

(b) Minor revisions, particularly those which incorporate updated information but do not involve substantive change, may be submitted directly to the Regional Administrator by the State planning agency designated under § 130.10 (c) (6) of this Chapter.

(NOTE: Minor revisions to plans for designated areawide planning areas shall be submitted to the State planning agency, which in turn shall incorporate such revisions in the Statewide plan and notify the Regional Administrator of the revisions).

(c) Changes to the water quality management plan(s) which result from a determination by the Administrator or the State, as appropriate, pursuant to Sections 301(c), 302, or 316 of the Act, an amendment to the Act, or an adjudicatory or judicial proceeding, shall be incorporated into a revised plan. Such revisions need not be subject to formal public participation, adoption, certification and submission, unless the Regional Administrator determines that the revision is of a substantive nature.

(d) Revisions of a substantive nature shall be subject to formal public participation, certification, adoption, and submission as well as review and approval procedures described in § 131.20 and § 131.21. The Regional Administrator may waive requirements for public participation and other formal revision procedures where he determines that such requirements have been met as a result of other proceedings conducted pursuant to the Act and other EPA regulations.

§ 131.23 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this part, shall not be affected thereby.

[FR Doc.75-32013 Filed 11-26-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 462-2; PP4F1432/R64]

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

4-Amino-6-(1,1-Dimethylethyl)-3-(Methylthio)-1,2,4-Triazin-5(4H)-One

On November 15, 1973, notice was given (38 FR 31559) that Chemagro Agricultural Division, Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120 (formerly Chemagro Division of Baychem Corp.), had filed a petition (PP 4F1432) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.332 be amended to establish tolerances for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one and its triazinone metabolites in or on the raw agricultural commodities sugarcane and tomatoes at 0.1 part per million. Chemagro subsequently amended the petition by deleting the proposed tolerance for residues in or on tomatoes. [Chemagro also submitted a petition requesting the establishment of a regulation to permit the use of this herbicide on sugarcane

with a tolerance limitation for sugarcane molasses (21 CFR 123). Notice of establishment of this regulation as well as a regulation pertaining to a tolerance limitation for sugarcane molasses used in animal feed (21 CFR 561) also appears in today's FEDERAL REGISTER.]

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the requested tolerance should be established. The herbicide is considered useful for the purpose for which the tolerance is sought and the existing tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from both the established and the proposed uses as delineated § 180.6 (a)(2). The tolerance established by amending § 180.332 will protect the public health.

Any person adversely affected by this regulation may on or before December 29, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 28, 1975, Part 180, Subpart C, § 180.332, is amended as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (d)(2)))

Dated: November 20, 1975.

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

Part 180, Subpart C, § 180.332, is amended by revising the paragraph "0.1 part per million . . ." to include a tolerance for sugarcane.

§ 180.332 4 - Amino - 6 - (1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5 (4H)-one; tolerances for residues.

* * * * *

0.1 part per million in or on soybeans and sugarcane.

* * * * *

[FR Doc.75-32048 Filed 11-26-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[Temp. Reg. 35]

PART 1-1—GENERAL

Labor Surplus Area Set-Asides

1. *Purpose.* This regulation suspends the provisions of the Federal Procurement Regulations (FPR) published in the FEDERAL REGISTER on October 14, 1975 (40 FR 48326).

2. *Effective date.* This regulation is effective November 10, 1975.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* The regulation published in the FEDERAL REGISTER (40 FR 48326, October 14, 1975) was issued to clarify the intent of Subparts 1-1.7 and 1-1.8 regarding the relationship of small business and labor surplus area set-asides. Following publication in the Federal Register, complaints were received from members of Congress, Small Business Committee of the House of Representatives, and the Small Business Administration. In addition, it became apparent that the prior provisions of the subpart were being widely implemented in a manner contrary to the intent of the provisions as they pertain to a preference for labor surplus areas. However, the clarification of the intent could result in a significant change in operations which would result in a substantial dislocation in the current awarding of Government contracts. After the matter was reviewed, it was concluded that such a dislocation would be undesirable, pending a study of the related facts to determine what the policy should be regarding the relationship of small business and labor surplus area set-asides. The matter will be studied by the Interagency Procurement Policy Committee, and a final decision will be rendered by the Office of Federal Procurement Policy. Accordingly, a suspension of the regulation is desirable.

5. *Agency action.* Agencies are authorized to operate under the provisions of paragraph (b)(1) of § 1-1.802-2 as they existed before publication of the regulation in 40 FR 48326.

6. *Solicitation of comments.* Notwithstanding the suspension of the regulation, the views of agencies and other interested parties are still invited regarding the policy that should be adopted in the future regarding a preference, if any, for labor surplus area set-asides over small business set-asides.

7. *Effect on other issuances.* GSA had assigned an agency document number of FPR Amendment 157 to the document that has been suspended. Two additional documents have also been published in the Federal Register: FPR Amendments 158 and 159. The document numbers for these two amendments are hereby changed to FPR Amendment 157 and FPR Amendment 158, respectively.

DWIGHT A. INK,
Acting Administrator.

NOVEMBER 14, 1975.

[FR Doc.75-32134 Filed 11-26-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5548]

ALASKA

Withdrawal of Lands for Selection by Goldbelt, Inc.

By virtue of the authority vested in the Secretary of the Interior by section 14(h) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 704, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287 (1970), and are hereby reserved so that Goldbelt, Inc., may select from these lands under section 14(h)(3) of the Alaska Native Claims Settlement Act:

TONGASS NATIONAL FOREST

COPPER RIVER MERIDIAN

T. 37 S., R. 63 E.,
Sec. 12 (fractional);
Sec. 13, E½ (fractional);
Sec. 24, NE¼.
T. 37 S., R. 64 E., U.S.S. 2927;
Sec. 7, SW¼NE¼, W½ (fractional), W½SE¼;
Sec. 17, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 18, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 19, N½;
Sec. 20, NW¼.
T. 41 S., R. 66 E.,
That portion of U.S.S. 1096 not included in U.S.S. 1555;
Sec. 29;
Sees. 30 and 32 (fractional);
Sec. 33, NW¼NE¼, S½NE¼, NW¼, S½.
T. 42 S., R. 66 E.,
U.S.S. 2170;
Sec. 3, W½;
Secs. 4, 5, 9 (fractional);
Sec. 10, W½NE¼, NW¼, S½ (fractional);
Sec. 11, SW¼SW¼;
Sec. 12, SE¼;
Secs. 13, 14, 15 (fractional).
T. 42 S., R. 67 E.,
Sec. 7, S½;
Sec. 8, S½S½;
Sec. 9, S½SE¼;
Sec. 14, SW¼SW¼;
Sec. 15, SW¼NE¼, NW¼, S½ (fractional);
Secs. 16 thru 20, 22, 23 (fractional);
Sec. 24, SW¼NE¼, NW¼, S½ (fractional).
T. 45 S., R. 66 E.,
Sec. 9, S½SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½;
Sec. 16, E½, E½NW¼, SW¼;
Sec. 17, lots 2, 3, 5, 6, E½SW¼, SE¼;
Sec. 20 (fractional);
Sec. 21;
Sec. 22, N½ N½S½, SW¼SW¼, S½SE¼;
Sec. 23, S½SW¼;
Sec. 26, N½NW¼;
Sec. 27, N½NE¼, W½NW¼;
Secs. 28, 29, 32 (fractional);
Sec. 33;
Sec. 34, S½.
T. 45 S., R. 67 E.,
Sec. 27, W½;
Sec. 28, E½, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 31, S½S½;
Sec. 32, S½NE¼, S½;
Sec. 33;
Sec. 34, W½NW¼.
T. 46 S., R. 66 E.,
Secs. 1, 2, 3;
Secs. 4, 5, 9 (fractional);
Sec. 10;
Sec. 11, N½, W½SW¼;
Sec. 12, N½, N½S½;
Sec. 14, NW¼, S½;
Sec. 15;
Secs. 16, 21 (fractional);
Secs. 22 and 23;
Sec. 24, NW¼, S½;
Secs. 25 and 26;
Secs. 27, 28, 33, 34 (fractional);
Secs. 35 and 36.
T. 46 S., R. 67 E.,
Sec. 4, W½E½, W½;

Secs. 5 and 6;
Sec. 7, N½;
Sec. 8, NW¼;
Sec. 14;
Sec. 15, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 19, SW¼NE¼, S½NW¼, S½;
Sec. 20, S½, SE¼NE¼;
Secs. 21, 22, 23;
Sec. 26, N½N½;
Sec. 27, N½N½;
Sec. 28, N½NE¼, SW¼NE¼, W½, NW¼SE¼;
Secs. 29 and 30;
Sec. 31, N½;
Sec. 32, N½N½.

T. 47 S., R. 66 E.,
Sec. 1, NE¼NW¼, W½W½;
Sec. 2;
Secs. 3, 10 (fractional);
Sec. 11;
Sec. 12, N½NW¼, S½N½, S½;
Secs. 13 and 14;
Secs. 15, 22 (fractional);
Sec. 23, E½NE¼, W½E½, W½;
Sec. 24, N½, NE¼SW¼, NW¼SE¼;
Sec. 26, W½NE¼, SE¼NE¼, NW¼;
Sec. 27, lots 1 thru 4, NE¼, SE¼NW¼;
Sec. 28, lot 1.

T. 47 S., R. 67 E.,
Secs. 7, 8, 9, 16, 17, 18.

The areas described aggregate approximately 46,080 acres, of which Goldbelt, Inc., may select no more than 23,040 acres.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands remain subject to administration by the Secretary of Agriculture under applicable laws and regulations, as part of the Tongass National Forest, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

NOVEMBER 21, 1975.

[FR Doc.75-32079 Filed 11-26-75;8:45 am]

[Public Land Order 5549]

ALASKA

Withdrawal of Lands for Selection by Shee Atika, Inc.

By virtue of the authority vested in the Secretary of the Interior by section 14(h) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 704, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287 (1970), and are hereby reserved so that the Shee Atika, Inc., may select from these lands under section 14(h)(3) of the Alaska Native Claims Settlement Act:

TONGASS NATIONAL FOREST

COPPER RIVER MERIDIAN

T. 51 S., R. 69 E.,
Sec. 7, all;
Sec. 8, S½N½, S½;
Sec. 9, SW¼NW¼, SW¼, W½SE¼;
Sec. 15, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 16, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 17 and 18, all;
Sec. 19, NW¼NE¼, NE¼NW¼;
Sec. 25, W½;
Sec. 26, all;
Sec. 27, S½SW¼, SE¼SE¼;
Sec. 31, S½;
Sec. 32, NE¼NE¼, S½N½, S½;
Secs. 33 and 34, all;
Sec. 35, NE¼, W½;
Sec. 36, N½NW¼.

T. 52 S., R. 68 E.,
U.S.S. 2410, lots 1 thru 8;
U.S.S. 2411, lots 9 thru 15;
U.S.S. 2412, less patented lots 16, 21, 23;
U.S.S. 2413, less patented lot 28;
Sec. 1, S½NE¼, S½;
Sec. 2, NW¼NW¼, S½NW¼, S½ (fractional);
Secs. 3 thru 7 (fractional);
Sec. 8, all;
Secs. 9 thru 12 (fractional);
Sec. 13, N½ (fractional), N½S½;
Secs. 14 and 15 (fractional);
Sec. 16, N½N½, SE¼NE¼, SE¼SE¼;
Sec. 18, N½, NE¼SW¼ (fractional), NW¼SE¼;
Sec. 22, N½NE¼;
Sec. 23, NW¼NW¼;
Sec. 24, S½N½, N½S½.

T. 52 S., R. 69 E.,
Sec. 2, W½, S½SE¼;
Secs. 3, 4, 5 (fractional);
Sec. 6, all;
Secs. 7 and 8 (fractional);
Sec. 9, N½NE¼, NW¼ (fractional), W½SW¼;
Sec. 10, N½N½;
Sec. 11, N½N½, SE¼NE¼;
Sec. 12, W½E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 16, NW¼NW¼, S½NW¼, SW¼, S½SE¼;
Secs. 17 and 18 (fractional);
Sec. 19, N½ (fractional), N½SW¼, SE¼SW¼, SE¼;
Secs. 20 and 21 (fractional);
Sec. 22, NW¼NW¼, S½N½, S½ (fractional);
Sec. 23, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Secs. 27, 28, and 29 (fractional);
Sec. 30, NE¼, E½NW¼;
Sec. 32, NE¼, NE¼NW¼;
Sec. 33, all;
Sec. 34, N½NE¼, NE¼NW¼;
Sec. 35, N½N½, SE¼NW¼, SW¼NE¼, W½SE¼, SE¼SE¼.

SITKA WITHDRAWAL

(KATLIAN BAY)

T. 53 S., R. 69 E.,
Sec. 1, lot 1, E½NE¼.

T. 53 S., R. 70 E.,
Sec. 6, lots 1 thru 4, N½, N½SW¼, NW¼SE¼.

T. 54 S., R. 63 E.,
Sec. 25, N½ (fractional).

T. 54 S., R. 64 E.,
Secs. 19 and 20 (fractional);
Sec. 21, all;
Sec. 22, W½;
Sec. 28, N½;
Sec. 29 (fractional);
Sec. 30, N½ (fractional);
Sec. 32, E½.

(KUIU ISLAND)

T. 58 S., R. 71 E.,
Sec. 4, S½NW¼, SW¼, S½SE¼;
Sec. 5, S½NE¼, NW¼, S½;
Sec. 6, E½, E½W½;
Sec. 7, E½E½;
Secs. 8 and 9, 10, all;
Secs. 11 and 12 (fractional);
Sec. 14, all;
Sec. 15, E½, N½NW¼;
Sec. 16, NE¼NE¼, W½E½, W½;
Sec. 17, all;
Sec. 20, SE¼SE¼;
Sec. 21, N½NE¼, NE¼NW¼, S½S½;
Sec. 22, SW¼NE¼, NW¼NW¼, S½NW¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 27 and 28, all;
Sec. 29, E½;
Sec. 33, E½, NW¼;
Sec. 34, all.

T. 58 S., R. 72 E.,
Sec. 17, SW¼;
Sec. 18, S½;
Sec. 19, all;
Sec. 20, S½NE¼, NW¼, S½;
Secs. 29, 30, 31, all;
Sec. 32, N½, SW¼.

T. 59 S., R. 71 E.,
Sec. 4, SW¼;
Sec. 5, S½;
Sec. 8, N½;
Sec. 9, all;
Sec. 16, E½, N½NW¼;
Sec. 21, NE¼;
Sec. 22, all;
Sec. 26, S½N½, S½;
Sec. 27, E½, E½W½, NW¼NW¼;
Sec. 34, E½, E½W½, SW¼SW¼;
Sec. 35, W½, W½E½.

T. 60 S., R. 71 E.,
Sec. 2, W½NE¼, E½NW¼, NW¼NW¼, E½SW¼, SE¼;
Sec. 3, N½.

The areas described aggregate approximately 46,080 acres.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands remain subject to administration by the Secretary of Agriculture under applicable laws and regulations, as part of the Tongass National Forest, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

NOVEMBER 21, 1975.

[FR Doc.75-32080 Filed 11-26-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Barnegat National Wildlife Refuge, N.J.

The following special regulations are issued and are effective during the period January 1, 1976, through December 31, 1976.

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

NEW JERSEY

BARNEGAT NATIONAL WILDLIFE REFUGE

Foot and vehicular access is permitted on designated travel routes or by boat during daylight hours, for the purpose of nature study, wildlife observation, photography, and hiking. Pets are allowed if on a leash not exceeding 10 feet in length.

Refuge public use areas, comprising more than 7,500 acres, and respective

permissible activities, are designated on maps available from the Refuge Manager, Brigantine National Wildlife Refuge, P.O. Box 72, Great Creek Road, Oceanville, New Jersey 08231 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32066 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Blackwater National Wildlife Refuge, Md.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

MARYLAND

BLACKWATER NATIONAL WILDLIFE REFUGE

Entry by foot or motor vehicle is permitted during daylight hours on designated travel routes for the purpose of nature study, photography, hiking, and sight-seeing. Two-wheel motor vehicles (motorcycles, motorbikes, trail bikes, and mini-bikes) are not permitted on the auto drive. Visitors must remain in their vehicles while on the auto drive. Bicycles are permitted on a designated portion of the auto drive.

Pets are permitted on a leash not exceeding 10 feet in length in designated parking areas only.

Fires are prohibited for any purpose in the public use areas.

The refuge, comprising approximately 11,803 acres, is delineated on a map available from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Box 121, Cambridge, Maryland 21613, or from the Regional Dircetor, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32064 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Brigantine National Wildlife Refuge, N.J.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Foot and vehicular access is permitted on designated travel routes during daylight hours, for the purposes of nature study, wildlife observation, photography and hiking. The refuge beach has no lifeguards. Pets are allowed if on a leash not exceeding 10 feet in length.

Refuge public use areas, comprising more than 20,200 acres, and respective permissible activities, are designated on maps available from the Refuge Manager, Brigantine National Wildlife Refuge, P.O. Box 72, Oceanville, New Jersey 08231 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32067 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking areas during daylight hours on foot, bicycle, or by motor vehicle is permitted. Foot and bicycle travel is permitted on designated routes for the purposes of nature study, photography, hiking, skating, and cross-country skiing. Pets are permitted if on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742 or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

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

NOVEMBER 20, 1975.

[FR Doc.75-32065 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sight-seeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length.

The refuge area, comprising 6,433 acres, is delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. #1, Box 1411, Seneca Falls, New York 13148 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32070 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Morton National Wildlife Refuge, N.Y.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

NEW YORK

MORTON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted daily, from 9:00 a.m. to 5 p.m. for the purpose of photography, nature study, and hiking. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, R.D. Box 359, Noyac Road, Sag Harbor, Long Island, New York 11963, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32071 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Prince Hook National Wildlife Refuge, Del.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted from sunrise to sunset on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing. Pets are permitted if on a leash not exceeding 10 feet in length.

The refuge area, comprising 8,750 acres, is delineated on maps available from the Refuge Manager, Bombay Hook National Wildlife Refuge, R.D. 1, Box 147, Smyrna, Delaware 19977, or from the Regional Director U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32063 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Meadow National Wildlife Refuge, Conn.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

CONNECTICUT

SALT MEADOW NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours, by advance reservation only, for the purpose of environmental education studies, hiking, and photography. Entrance permits may be obtained for specific dates, by mail, from the Refuge Manager, Ninigret National Wildlife Refuge, Box 307, Charlestown, Rhode Island 02813. Motor vehicles are limited to the designated parking areas. Pets are not permitted on the refuge unless authorized in the entrance permit.

Information about the refuge, which comprises approximately 180 acres, is available from the Refuge Manager or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32062 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Supawna Meadows National Wildlife Refuge, N.J.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

NEW JERSEY

SUPAWNA MEADOWS NATIONAL WILDLIFE REFUGE

Travel on foot is permitted from sunrise to sunset unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing. Pets are permitted if on a leash not over ten feet in length.

The refuge area, comprising over 650 acres, is delineated on maps available at refuge headquarters, Brigantine National Wildlife Refuge, P.O. Box 72, Great Creek Road, Oceanville, New Jersey 08231, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 20, 1975.

[FR Doc.75-32068 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Target Rock National Wildlife Refuge, N.Y.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entry to the refuge is permitted by advanced telephone or mail reservation only, for the purpose of photography, nature study and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates are issued at the refuge office to holders of confirmed reservations. Motor vehicles are limited to the designated parking area.

The refuge, comprising 30 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

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

NOVEMBER 20, 1975.

[FR Doc.75-32072 Filed 11-26-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

Bosque del Apache National Wildlife Refuge, N. Mex., et al.

The following special regulation is issued and is effective on January 1, 1976.

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The Bosque del Apache National Wildlife Refuge, New Mexico, is open to public access, use, and recreational activities from January 1 through December 31,

1976, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations, and the following special conditions:

(1) Vehicular access to existing roads on the Bosque del Apache National Wildlife Refuge will be through the headquarters entrance during daylight hours only. Refuge headquarters is located on U.S. Highway 85, eight miles south of San Antonio, New Mexico.

Portions of the Bosque del Apache National Wildlife Refuge have been included in the National Wilderness System under the "Wilderness Act" of 1964. Boundaries of these areas are appropriately posted with "Wilderness Area" signs. The following special conditions apply to the wilderness:

(1) Fires will be limited to camp stoves.

(2) Entry will be by foot only.

(3) Only backpack-type camping is permitted.

(4) Hunting dogs may be used in the taking of quail and doves.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

The following special regulations are issued and are effective from January 1 through December 31, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on pool Units 5, 6, 7, 15 and 16. These open areas, comprising approximately 550 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is permitted from April 1 through October 15, 1976, inclusive.

(2) The use of boats or floating devices is prohibited.

(3) Fishing hours are from one hour before sunrise until one hour after sunset daily.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Oklahoma, is permitted from January 1 through December 31, 1976, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public, except buoyed swimming areas and areas closed by appropriate signs. These open waters, comprising approximately 550 acres of lakes and one mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) Fishing with closely attended poles and lines, including rods and reels, is permitted. The taking of any fish by any other means is prohibited, except the taking of nongame fish from Elmer Thomas Lake by the use of gigs, spears, or other similar devices (but not including bows and arrows) containing not more than three (3) points, with no more than two (2) barbs on each point, is permitted.

(2) Fishermen may use one-man inner tube type "fishing floaters" while fishing. Wading while fishing is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

NOVEMBER 20, 1975.

[FR Doc.75-32069 Filed 11-26-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

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

[Docket No. R-75-346]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Increase in Application Fees

On August 11, 1975, there was published in the FEDERAL REGISTER (40 FR 33681) a notice of proposed rulemaking setting forth a proposed increase in the application fees paid to this Department for processing home mortgage applications. Interested persons were given the opportunity to submit, not later than September 15, 1975, comments and recommendations concerning the increased fees.

Three comments were received, two being favorable and one in opposition due to the amount of the increase. However, the increased fees are necessary in order to maintain the General Insurance Fund from which the Department pays claims and are hereby adopted without change and are set forth below.

§ 203.12 Application and commitment extension fees.

(a) *Application fee.* (1) *Amount of fee.*

* * *

(i) $50 for an application involving existing construction.

(ii) $65 for an application involving proposed construction.

* * * * *

(Sec. 7(d) of the Department of HUD Act, (42 U.S.C. 3535(d)))

Effective date. This amendment is effective November 24, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.75-32100 Filed 11-26-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-794]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. § 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 **List of eligible communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Fairfield	New Fairfield, town of	Nov. 17, 1975, emergency	Jan. 31, 1975		
Idaho	Valley	McCall, city of	do	Sept. 5, 1975		
Iowa	Lyon	Lester, city of	do	Dec. 20, 1974		
Massachusetts	Worcester	Petersham, town of	do	Sept. 13, 1974		
Missouri	Stone	Reeds Spring, city of	do	Oct. 18, 1974		
New Hampshire	Merrimack	New London, town of	do	Jan. 31, 1975		
Do	Rockingham	North Hampton, town of	do			
New York	Jefferson	Ellisburg, village of	do	Aug. 30, 1974		
Do	Saratoga	Malta, town of	do	Oct. 18, 1974		
Oklahoma	Sequoyah	Roland, town of	do			
Do	Adair	Westville, city of	do	Oct. 18, 1974		
Oregon	Morrow	Ione, city of	do	Nov. 22, 1974		
Pennsylvania	Perry	Millerstown, borough of	do	Jan. 16, 1974		
Do	Clearfield	Morris, township of	do	Dec. 20, 1974		
Virginia	Botetourt	Fincastle, town of	do			
Washington	Spokane	Fairfield, town of	do	Nov. 8, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Pinal	Unincorporated areas	Nov. 17, 1975, emergency	Jan. 10, 1975		
Michigan	Calhoun	Newton, township of	Nov. 18, 1975, emergency			
New York	Clinton	Champlain, town of	do			
Do	Chenango	Columbus, town of	do	Oct. 18, 1974		
Do	Oswego	Parish, village of	do			
Pennsylvania	Greene	Center, township of	do	Oct. 25, 1974		
Do	Adams	Fairfield, borough of	do	Feb. 21, 1975		
Do	Tioga	Farmington, township of	do	Jan. 3, 1975		
Do	Mercer	Sandy Creek, township of	do	Sept. 20, 1974		
West Virginia	Wetzel	Littleton, town of	do	Nov. 15, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Graham	Unincorporated areas	Nov. 19, 1975, emergency	Jan. 17, 1975		
Arkansas	Faulkner	Greenbrier, city of	do	July 25, 1975		
Do	Prairie	Hazen, city of	do	Apr. 25, 1975		
Colorado	El Paso	Ramah, town of	do	Sept. 13, 1974		
Indiana	Morgan	Brooklyn, town of	do	Dec. 7, 1973		
Michigan	Barry	Hastings, township of	do	Apr. 12, 1974 and Oct. 3, 1975		
Missouri	Wayne	Greenville, city of	do	Oct. 18, 1974		
New York	Greene	Ashland, town of	do	Nov. 1, 1974 and Oct. 24, 1975		
Ohio	Hamilton	Cheviot, city of	do	June 7, 1974		
Do	Pike	Waverly, city of	do	June 21, 1974		
Pennsylvania	Berks	Albany, township of	do	Oct. 18, 1974		
Do	Crawford	Fairfield, township of	do	May 31, 1974		
Do	do	Rockdale, township of	do	Jan. 10, 1975		
Do	Fayette	Wharton, township of	do	Jan. 24, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Randolph	Biggers, town of	Nov. 20, 1975, emergency	Aug. 22, 1975		
Connecticut	Tolland	Andover, town of	do	Apr. 18, 1975		
Illinois	Lawrence	Birds, village of	do	Mar. 22, 1974		
Do	Piatt	Deland, village of	do	Aug. 23, 1974		
Indiana	Steuben	Hamilton, town of	do	Sept. 6, 1974		
Iowa	Dubuque and Jones.	Cascade, city of	do	Dec. 17, 1973		
Maine	Cumberland	Bridgton, town of	do	Nov. 22, 1974		
Michigan	Calhoun	Sheridan, township of	do			
Montana	Gallatin	Unincorporated areas	do			
New York	Rensselaer	Castleton-on-Hudson, village of.	do	Mar. 1, 1974		
Do	Westchester	Ossining, town of	do			
Do	Oswego	Volney, town of	do	Nov. 1, 1974		
Do	Seneca	Waterloo, town of	do	July 19, 1974		
Ohio	Scioto	Unincorporated areas	do	Dec. 27, 1974		
Pennsylvania	Washington	Chartiers, township of	do	Nov. 1, 1974		
Do	do	Deemston, borough of	do	Nov. 1, 1974		
Do	Cumberland	Dickenson, township of	do	Jan. 3, 1975		
Do	Berks	Hereford, township of	do	Nov. 15, 1974		
Texas	Brazoria	Manvel, town of	do	Dec. 20, 1974		
Vermont	Chittenden	South Burlington, city of	do	Nov. 1, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	San Bernardino	Chino, city of	Nov. 21, 1975, emergency			
Connecticut	Windham	Ashford, town of	do	Nov. 8, 1974		
Kansas	Jefferson	Oskaloosa, city of	do	May 24, 1974		
Maine	Aroostook	Portage Lake, town of	do	Jan. 24, 1975		
Michigan	Calhoun	Burlington, village of	do	Oct. 10, 1975		
Do	Oakland	Holly, village of	do	Oct. 3, 1975		
Montana	Beaverhead	Dillon, city of	do	Nov. 8, 1974		
Nebraska	Boyd	Lynch, village of	do	do		
New York	Jefferson	Brownville, village of	do			
Ohio	Sandusky	Woodville, village of	do	Mar. 15, 1974		
Do	Cuyahoga	Broadview Heights, city of	do	June 21, 1974 and Sept. 26, 1975		
Do	Summit	Unincorporated areas	do			
Oklahoma	Tulsa	Collinsville, city of	do			
Do	Okmulgee	DeWare, town of	do	June 28, 1974		
Do	McClain	Purcell, city of	do	Sept. 6, 1974		
Pennsylvania	Berks	District, township of	do	Nov. 15, 1974		
Do	Chester	East Brandywine, township of.	do	Oct. 18, 1974		
Do	Union	New Berlin, borough of	do	Feb. 22, 1974		
Tennessee	Cannon	Auburntown, town of	do	Aug. 2, 1974		
Texas	Austin	Unincorporated areas	do			
Vermont	Franklin	Fletcher, town of	do	Nov. 8, 1974		
Do	Windsor	Plymouth, town of	do	Jan. 10, 1975		
West Virginia	Barbour	Unincorporated areas	do	Nov. 15, 1974		
Wyoming	Lincoln	Cokeville, town of	do	Nov. 8, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974).

Issued: November 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-31903 Filed 11-26-75;8:45 am]

[Docket No. FI-793]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● **Purpose. The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.** ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER for the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Perry	Marion, city of	H 010313A 01 through H 010313A 06	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Box 215, Marion, Ala. 36756	June 27, 1975.
Arizona	Santa Cruz	Nogales, city of	H 040091A 01	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	City Engineer, 701 Grand Ave., Nogales, Ariz. 85621.	May 24, 1974. Nov. 14, 1975.
Arkansas	Craighead	Bay, city of	H 050045A 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Bay, Ark. 72411	Oct. 12, 1973.
Do	Cross	Wynne, city of	H 050060A 01	do	Mayor, City Hall, Wynne, Ark. 72396	Mar. 22, 1974. Nov. 14, 1975.
Do	Desha and Drew	Tiller, city of	H 050075A 01	do	Mayor, City Hall, Tiller, Ark. 71670	Nov. 1, 1974. Nov. 14, 1975.
Do	Polk	Mena, city of	H 050177A 01 through H 050177A 03	do	Mayor, City Hall, Mena, Ark. 71953	Nov. 3, 1973. Nov. 11, 1975.
Do	Washington	Elm Springs, town of.	H 050213A 01 through H 050213A 02	do	Mayor, Town Hall, P.O. Springdale, Route 3, Elm Springs, Ark. 72764.	Aug. 16, 1974. Nov. 11, 1975.
Do	do	Farmington, city of.	H 050215A 01	do	Mayor, City Hall, Farmington, Ark. 72730.	Apr. 12, 1974. Nov. 14, 1975.
California	Humboldt	Eureka, city of	H 060062A 01 through H 060062A 04	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, 513 K St., Eureka, Calif. 95501.	May 24, 1974. Nov. 14, 1975.
Do	Imperial	Calipatria, city of	H 060068A 01 through H 060068A 02	do	County Director of Public Works, Courthouse, El Centro, Calif. 92243.	Apr. 12, 1974.
Do	Kern	Maricopa, city of	H 060079A 01	do	Mayor, City Hall, Maricopa, Calif. 93252.	June 14, 1974. Nov. 14, 1975.
Do	Orange	Brea, city of	H 060214A 01 through H 060214A 05	do	Chief Engineer, Orange County, City of Brea, Flood Control District, P.O. Box 4048, Santa Ana, Calif. 92701.	May 24, 1974. Nov. 14, 1975.
Do	do	San Clemente, city of.	H 060230A 01 through H 060230A 07	do	Director of Public Works, 100 Avenido Presidio, San Clemente, Calif. 92672.	June 14, 1974. Nov. 14, 1975.
Colorado	Garfield	Glenwood Springs, city of.	H 080071A 01 through H 080071A 04	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Frasier and Gingery, Inc., Consulting Engineers, 818 Grand Ave., Glenwood Springs, Colo. 81601.	Mar. 1, 1974. Nov. 14, 1975.
Do	Denver	Denver, city of	H 080046 01 through H 080046 44	do	Executive Director, Urban Drainage and Flood Control District, 181 East 56th Ave., Denver, Colo. 80216.	Dec. 26, 1975.
Idaho	Ada	Garden City, city of.	H 160004A 01 through H 160004A 04	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, State House, Boise, Idaho 83707.	Associate Enivronmental Planner, 525 West Jefferson, Boise, Idaho 83702.	Dec. 17, 1973.
Illinois	Tazewell	Armington, village of.	H 170615A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 402 South Monroe, Armington, Ill. 61721.	Mar. 22, 1974. Nov. 14, 1975.
Do	White	Crossville, village of.	H 170682A 01	do	Village President, Box 309, Crossville, Ill. 62827.	Mar. 29, 1974. Nov. 14, 1975.
Do	Will and Du Page	Bolingbrook, village of.	H 170812B 01 through H 170812B 04	do	Village President, Village Hall, 131 East Boughton Rd., Bolingbrook, Ill. 60439.	Apr. 12, 1974. Apr. 18, 1975. Nov. 14, 1975.
Indiana	Switzerland	Vevay, town of	H 180352A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Town Board, 205 Ferry St., Box 52, Vevay, Ind. 47043.	Feb. 1, 1974.
Do	Hancock	Fortville, town of.	H 180372A 01	do	President, 125 East Mill St., Town Hall, Fortville, Ind. 46040.	July 11, 1975.
Kansas	Hamilton	Syracuse, city of	H 200124A 01 through H 200124A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 112 East Ave., "A", P.O. Box 148, Syracuse, Kans. 67878.	Jan. 9, 1974. Nov. 14, 1975.
Do	Mitchell	Beloit, city of	H 200226A 01	do	Mayor, City Hall, 117-123 North Hershey Ave., Beloit, Kans. 67420.	Dec. 7, 1973. Nov. 14, 1975.
Do	Osage	Lyndon, city of	H 200251A 01	do	Mayor, City Hall, 230 Topeka Ave., Lyndon, Kans. 66451.	Mar. 1, 1974. Nov. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Riley	Riley, city of	H 200303A 01	do	Mayor, City Hall, Riley, Kans. 66531	Feb. 15, 1974. Nov. 14, 1975.
Do	Sedgwick	Mount Hope, city of.	H 200325A 01	do	Mayor, City Hall, Mount Hope, Kans. 67108.	Oct. 18, 1974. Nov. 14, 1975.
Louisiana	Acadia Parish	Church Point, town of.	H 220002A 01 through H 220002A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Church Point, La. 70525.	Nov. 16, 1973. Nov. 14, 1975.
Do	do	Mermentau, town of.	H 220006A 01 through H 220006A 02	do	Mayor, Town Hall, Mermentau, La. 70556.	Nov. 23, 1974. Nov. 14, 1975.
Do	Allen Parish	Oberlin, city of	H 220012A 01	do	Mayor, Town Hall, Oberlin, La. 70655.	June 21, 1974. Nov. 14, 1975.
Do	Ascension Parish	Donaldsonville, city of.	H 220014A 01 through H 220014A 02	do	Mayor, City Hall, Donaldsonville, La. 70346.	June 7, 1974. Nov. 14, 1975.
Do	Bienville Parish	Arcadia, town of	H 220029A 01	do	Mayor, Town Hall, Arcadia, La.	June 28, 1974. Nov. 14, 1975.
Do	Calcasieu Parish	DeQuincy, city of.	H 220038A 01	do	Mayor, City Hall, DeQuincy, La. 70633.	Jan. 16, 1974. Nov. 14, 1975.
Do	Claiborne Parish	Homer, town of	H 220052A 01 through H 220052A 05	do	Town Clerk, Town Hall, Homer, La. 71040.	Dec. 28, 1973. Nov. 14, 1975.
Do	Concordia Parish	Vidalia, town of	H 220057A 01 through H 220057A 03	do	Mayor, Town Hall, Vidalia, La. 71373.	Jan. 16, 1974. Nov. 14, 1975.
Do	Grant Parish	Colfax, town of	H 220077A 01	do	Mayor, Town Hall, Colfax, La. 71417	June 28, 1974
Do	Iberville Parish	Grosse Tete, village of.	H 220084A 01	do	Mayor, Village Hall, Grosse Tete, La. 70740.	Feb. 1, 1974. Nov. 14, 1975.
Do	St. Landry Parish.	Krotz Springs, town of.	H 220170A 01 through H 220170A 03	do	Mayor, Town Hall, Krotz Springs, La. 70750.	May 31, 1974. Nov. 14, 1975.
Do	do	Sunset, town of	H 220176A 01 through H 220176A 02	do	Mayor, Town Hall, Sunset, La. 70584	June 14, 1974. Nov. 14, 1975.
Do	Vernon Parish	Leesville, town of	H 220229A 01 through H 220229A 04	do	Mayor, Town Hall, Leesville, La. 71446.	Nov. 23, 1973. Nov. 14, 1975.
Do	Bossier Parish	Plain Dealing, town of.	H 220238A 01	do	Mayor, Town Hall, Plain Dealing, La. 71064.	June 14, 1974. Nov. 14, 1975.
Maine	Kennebec	Winslow, town of	H 230071A 01 through H 230071A 12	Office of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Office, 16 Benton Winslow, Maine 04901.	Mar. 22, 1974. Nov. 14, 1975.
Massachusetts	Franklin	Ashfield, town of	H 250109A 01 through H 250109A 13	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman of Selectmen, Town of Ashfield, Ashfield, Mass. 01330.	June 28, 1974. Nov. 14, 1975.
Michigan	Grand Traverse	Traverse City, city of.	H 260082A 01 through H 260082A 04	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, City Hall, Traverse City, Mich. 49684.	May 24, 1974. Nov. 14, 1975.
Minnesota	Big Stone	Graceville, city of	H 270026A 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Graceville, Minn. 56240	May 17, 1974. Nov. 14, 1975.
Do	Carlton	Cromwell, city of	H 270043A 01	do	Mayor, City Hall, Cromwell, Minn. 55726.	Aug. 30, 1974. Nov. 14, 1975.
Do	Dakota	Rosemont, city of	H 270113A 01 through H 270113A 02	do	Mayor, Box 455, Rosemont, Minn. 55068.	June 7, 1974. Nov. 14, 1975.
Do	Goodhue	Goodhue, city of	H 270142A 01	do	Mayor, Box 193, Goodhue, Minn. 55027.	May 24, 1974.
Do	Lyon	Taunton, city of	H 270260A 01	do	Mayor, City Hall, Taunton, Minn. 56291.	July 19, 1974. Nov. 14, 1975.
Do	Wright	Cokato, city of	H 270537A 01	do	Mayor, Box 298, Cokato, Minn. 55321	May 24, 1975. Nov. 14, 1975.
Missouri	Atchison	Rock Port, town of.	H 290012A 01 through H 290012A 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Town Hall, Rock Port, Mo. 64482.	May 24, 1974. Nov. 14, 1975.
Do	do	Tarkio, city of	H 290013A 01 through H 290013A 02	do	Mayor, City Hall, 620 Main St., Tarkio, Mo. 64491.	June 7, 1974. Nov. 14, 1975.
Do	Cass	Strasburg, city of	H 290071A 01	do	Mayor, City Hall, Strasburg, Mo. 64090.	Aug. 16, 1974.
Do	Clark	Wyaconda, city of.	H 290085A 01	do	Mayor, City Hall, Wyaconda, Mo. 63474.	Oct. 18, 1974. Nov. 14, 1975.
Do	Clay	Kearney, city of	H 290095A 01 through H 290095A 04	do	Mayor, City Hall, Kearney, Mo. 64060.	Mar. 22, 1974. Nov. 14, 1975.
Do	Dunklin	Clarkton, city of	H 290126A 01 through H 290126A 02	do	Mayor, City Hall, Clarkton, Mo. 63837.	Mar. 29, 1974. Nov. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Kennett, city of	H 290129A 01 through H 290129A 03	do	City Engineer, College St., Kennett, Mo. 63857.	Mar. 29, 1974. Nov. 14, 1975.
Do	Crawford and Franklin.	Sullivan, city of	H 290136A 01 through H 290136A 05	do	Mayor, City Hall, Sullivan, Mo. 63080.	Mar. 29, 1974. Nov. 14, 1975.
Do	Gasconado	Gasconade, city of.	H 290140A 01	do	Mayor, City Hall, Gasconade, Mo. 65036.	Oct. 25, 1974. Nov. 14, 1975.
Do	Knox	Edina, city of	H 290195A 01 through H 290195A 02	do	Mayor, City Hall, Edina, Mo. 63537	Dec. 17, 1973. Nov. 14, 1975.
Do	Lewis	La Grange, city of.	H 290205A 01	do	Mayor, City Hall, 2d and Washington St., La Grange, Mo. 63448.	May 3, 1974. Nov. 14, 1975.
Do	McDonald	Noel, city of	H 290218A 01 through H 290218A 02	do	Mayor, City Hall, Noel, Mo. 64864	May 24, 1974. Nov. 14, 1975.
Do	Mississippi	Anniston, city of	H 290229A 01	do	Mayor, City Hall, Anniston, Mo. 63820.	May 3, 1974. Nov. 14, 1975.
Do	New Madrid	Marston, city of	H 290253A 01	do	Mayor, City Hall, Marston, Mo. 63866	May 24, 1974. Nov. 14, 1975.
Do	do	New Madrid, city of.	H 290256A 01 through H 290256A 03	do	Mayor, City Hall, 560 Mott St., New Madrid, Mo. 63839.	May 31, 1974. Nov. 14, 1975.
Do	Osage	Chamois, city of	H 290270A 01	do	Mayor, Town Hall, Chamois, Mo. 65024.	Mar. 29, 1974. Nov. 14, 1975.
Do	Platte	Northmoor, city of	H 290293A 01	do	Mayor, City Hall, 2022 Northwest 49th St., Northmoor, Mo. 64151.	July 19, 1974. Nov. 14, 1975.
Do	St. Francois	Elvins, city of	H 290322A 01 through H 290322A 02	do	Mayor, City Hall, 101 East Main St., Elvins, Mo. 63639.	Dec. 14, 1973.
Do	St. Louis	Hillsdale, village of.	H 290358A 01	do	Clerk, Village Hall, 6428 Curtis Ave., St. Louis, Mo. 63121.	Apr. 5, 1974. Nov. 14, 1975.
Do	do	Riverview, village of.	H 290381A 01 through H 290381A 03	do	Council Chairman, 9699 Lilac, St. Louis, Mo. 63137.	June 28, 1974. Nov. 14, 1975.
Do	Scott	Scott City, city of.	H 290414A 01 through H 290414A 02	do	Mayor, City Hall, Scott City, Mo. 63780.	Apr. 12, 1974. Nov. 14, 1975.
Do	Taney	Hollister, city of	H 290437A 01	do	Mayor, City Hall, Box 204, Hollister, Mo. 65672.	June 7, 1974. Nov. 14, 1975.
Do	Vernon	Nevada, city of	H 290442A 01 through H 290442A 02	do	Mayor, City Hall, 126 South Ash, Nevada, Mo. 64772.	Dec. 17, 1973. Nov. 14, 1975.
Do	Wayne	Greenville, city of.	H 290450A 01	do	Mayor, City Hall, City Hall, Greenville, Mo. 63944.	Oct. 18, 1974.
Do	Carter	Ellsinore, city of	H 290466A 01	do	Mayor, City Hall, Ellsinore, Mo. 63937.	Do.
Do	De Kalb	Clarksdale, city of.	H 290630A 01	do	Mayor, City Hall, Clarksdale, Mo. 64430.	Feb. 21, 1975.
Do	Warren	Wright City, city of.	H 290654A 01 through H 290654A 03	do	Mayor, City Hall, Wright City, Mo. 63390.	Feb. 7, 1975. Nov. 14, 1975.
Do	Lafayette	Concordia, city of.	H 290745A 01	do	City Clerk, City Hall, Concordia, Mo. 64020.	Feb. 7, 1975.
Montana	Carbon	Red Lodge, city of.	H 300007A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Red Lodge, Mont. 59068.	May 24, 1974. Nov. 14, 1975.
Nebraska	Cheyenne	Sidney, city of	H 310039A 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Sidney, Nebr. 69162.	Feb. 1, 1974. Nov. 14, 1975.
Do	Hitchcock	Culbertson, village of.	H 310110A 01	do	Chairman, Village Hall, Culbertson, Nebr. 69024.	May 10, 1974. Nov. 14, 1975.
Do	Keith	Paxton, village of	H 310130A 01	do	Chairman, Village Hall, Paxton, Nebr. 69155.	May 24, 1974.
Do	Otoe	Unadilla, village of.	H 310168A 01	do	Mayor, Village Hall, Unadilla, Nebr. 68454.	Aug. 23, 1974. Nov. 14, 1975.
Do	Washington	Arlington, village of.	H 310227A 01	do	Chairman, Village Hall, Arlington, Nebr. 68002.	Dec. 17, 1973. Nov. 14, 1975.
New Jersey	Salem	Pilesgrove, township of.	H 340420A 01 through H 340420A 09	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Township of Pilesgrove, Salem County, Rural Delivery No. 2, Woodstown, N.J. 08098.	Nov. 29, 1974. Nov. 14, 1975.
New York	Broome	Barker, town of	H 360037A 01 through H 360037A 10	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Barker, Broome County, Rural Delivery No. 1, Box 65, Whitney Point, N.Y. 13862.	Feb. 15, 1974. Nov. 14, 1974.
Do	do	Conklin, town of	H 360042A 01 through H 360042A 08	do	Town Supervisor, Town of Conklin, Conklin Forks Rd., Binghamton, N.Y. 13903.	Apr. 5, 1974.
Do	Delaware	Colchester, town of.	H 360191A 01 through H 360191A 11	do	Town Supervisor, Rural Delivery, No. 1, Town of Colchester, Roscoe, N.Y. 12776.	June 28, 1974. Nov. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Genesee	Batavia, town of	H 360278A 01 through H 360278A 13	do	Town Supervisor, 4165 West Main, Batavia, N.Y. 14020.	May 3, 1974. Nov. 14, 1975.
Do	Niagara	Niagara Falls, city of.	H 360506A 01 through H 360506A 06	do	City Manager, City Hall, Main St., Niagara Falls, N.Y. 14302.	Mar. 29, 1974. Nov. 14, 1975.
Do	Orleans	Medina, village of.	H 360644A 01 through H 360644A 02	do	Mayor, Main St., Medina, N.Y. 14103.	May 24, 1974. Nov. 14, 1975.
Do	Oswego	Sandy Creek, town of.	H 360661A 01 through H 360661A 12	do	Town Supervisor, Town of Sandy Creek, Oswego County, Lacona, N.Y. 13083.	May 24, 1974. Nov. 14, 1975.
Do	Seneca	Varick, town of	H 360758A 01 through H 360758A 06	do	Town Supervisor, Willard, N.Y. 14588.	Oct. 18, 1974. Nov. 14, 1975.
Do	do	Waterloo, village of.	H 360760A 01	do	Mayor, 29 West River St., Waterloo, N.Y. 13165.	May 31, 1974. Nov. 14, 1975.
Do	Tioga	Tioga, town of	H 360842A 01 through H 360842A 05	do	Town Supervisor, Department of Highway, Halsey Valley Rd., Tioga, N.Y. No ZIP.	Sept. 6, 1974. Nov. 14, 1975.
Do	Fulton	Bleeker, town of	H 361127A 01 through H 361127A 04	do	Town Supervisor, Bleeker Stage, Town of Bleeker, Gloversville, N.Y. 12078.	Nov. 22, 1974. Nov. 14, 1975.
Do	Schoharie	Esperance, town of.	H 361194A 01 through H 361194A 07	do	Town Supervisor, Town Hall, Esperance, N.Y. 12066.	Oct. 18, 1974. Nov. 14, 1975.
Do	Wayne	Lyons, town of	H 361226A 01 through H 361226A 04	do	Town Supervisor, 60 Williams Dr., Lyons, N.Y. 14489.	Dec. 20, 1974. Nov. 14, 1975.
Do	Livingston	Geneseo, village of.	H 361452A 01 through H 361452A 02	do	Mayor, Village Hall, Main St., Geneseo, N.Y. 14454.	Nov. 15, 1974. Nov. 14, 1975.
North Dakota	Burleigh and McLean.	Wilton, city of	H 380065A 01	do	Mayor, City Hall, Wilton, N. Dak. 58579.	May 24, 1974.
Do	Stark	Belfield, city of	H 380116A 01	do	Mayor, City Hall, Belfield, N. Dak. 58622.	May 24, 1974. Nov. 14, 1975.
Ohio	Ross	Bainbridge, village of.	H 390481B 01	Ohio Department of Natural Resources, Fountain Sq., Flood Insurance Coordinating Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 212 Quarry, Bainbridge, Ohio 45612.	Mar. 29, 1974.
Oklahoma	Garfield	North Enid, town of.	H 400425A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Town Clerk, Route 6, Box 22, Enid, Okla. 73701.	Jan. 24, 1975. Nov. 14, 1975.
Oregon	Douglas	Yoncalla, city of	H 410069A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Yoncalla, Oreg. 97499.	Apr. 5, 1974. Nov. 14, 1975.
Do	Jefferson	Madras, city of	H 410103A 01	do	Mayor, City Hall, Madras, Oreg. 97741.	June 28, 1974. Nov. 14, 1975.
Do	Klamath	Chiloquin, city of.	H 410111A 01	do	Mayor, City Hall, Chiloquin, Oreg. 97624.	Nov. 30, 1973. Nov. 14, 1975.
Do	Wheeler	Fossil, city of	H 410246A 01	do	Mayor, City Hall, Fossil, Oreg. 97830.	June 28, 1974.
Pennsylvania	Columbia	Franklin, township of,	H 420343A 01 through H 420343A 04	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township supervisors, Rural Delivery No. 2, Catawissa, Pa. 17820.	Jan. 9, 1974. Nov. 14, 1975.
Do	Indiana	Marion Center, borough of.	H 420503A 01	do	Mayor, Box 135, Marion Center, Pa. 15759.	Aug. 30, 1974. Nov. 14, 1975.
Do	Luzerne	Wilkes-Barre, city of.	H 420631A 01 through H 420631A 07	do	Mayor, City Hall, East Market and North Washington Sts., Wilkes-Barre, Pa. 18701.	Apr. 12, 1974. Nov. 14, 1975.
Do	Lycoming	Brown, township of.	H 420636A 01 through H 420636A 09	do	Township Board of Supervisors, Township of Brown, Cedar Run, Pa. 17727.	Aug. 9, 1974. Nov. 14, 1975.
Do	Allegheny	O'Hara, township of.	H 421088A 01 through H 421088A 05	do	Township Manager, 325 Fox Chapel Rd., Township of O'Hara, Pittsburgh, Pa. No ZIP.	Sept. 20, 1974. Nov. 14, 1975.
Do	Huntingdon	Dudley, borough of.	H 421681A 01	do	Borough Council President, Dudley Borough Council, Dudley, Pa. 16634.	Nov. 8, 1974. Nov. 14, 1975.
Do	Lehigh	Upper Milford, township of.	H 421815A 01 through H 421815A 02	do	Supervisor, Rural Delivery No. 1, Township of Upper Milford, Zionsville, Pa. 18092.	Nov. 1, 1974. Nov. 14, 1975.
Do	Westmoreland	Loyalhanna, township of.	H 422190A 01 through H 422190A 03	do	Township Board of Supervisors, Chairman, Township of Loyalhanna, Mount Route I, Saltsburg, Pa. 56811.	Sept. 13, 1974. Nov. 14, 1975.
South Carolina	Anderson	Williamston, town town of	H 450020A 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, 43 East Main St., Williamston, S.C. 29697.	May 31, 1974.
Do	Hampton	Brunson, town of	H 450096A 01	do	Mayor, Box 151, Brunson, S.C. 29911.	May 31, 1974. Nov. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Ector	Odessa, city of	H 480206A 01 through H 480206A 18	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Director of Public Works, 411 West 8th, Odessa, Tex. 79760.	June 28, 1974.
Utah	Sevier	Elsinore, town of	H 490125A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah. 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town Hall, Elsinore, Utah 84724.	Jan. 10, 1975. Nov. 14, 1975.
Washington	Clark	Vancouver, city of	H 530027A 01 through H 530027A 16	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Assistant Director of Public Works, City Hall, Vancouver, Wash. 98660.	Aug. 2, 1974. Nov. 14, 1975.
West Virginia	Kanawha	Dunbar, city of	H 540076A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Building No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 216, Dunbar, W. Va. 25064.	Mar. 1, 1974. Nov. 14, 1975.
Wisconsin	Dunn	Colfax, village of	H 550120A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Box 417, Colfax, Wis. 54730.	June 28, 1974.
Do	Milwaukee	Greendale, village of	H 550276A 01 through H 550276A 02	do	Village President, 6500 Northway, Greendale, Wis. 53129.	Dec. 28, 1973. Nov. 14, 1975

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: November 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–31904 Filed 11–26–75;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

[Docket No. AO 90–A6]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Hearing on Proposed Amendment of Marketing Agreement and Order

Correction

In FR Doc. 75–31280, appearing on page 53601, in the issue for Wednesday, November 19, 1975, the following corrections should be made:

1. On page 53601, the seventh line of the second column should read "dling of fresh pears, plums, and peaches".

2. On page 53602, in the second column, the sixth line in § 917.24 should read "fourth in §§ 917.21, 917.22, and 917.23 for".

3. On page 53603, in the first column, the seventh line of § 917.37 should read "sessments on all fruit handled by him.".

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO–360–A10.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A9
1068	Minneapolis-St. Paul, Minn	AO–178–A33.
1069	Duluth-Superior	AO–153–A22.
1076	Eastern South Dakota	AO–260–A21.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas which was issued on October 22, 1975 (40 FR 50392) is hereby extended to December 27, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C. on: November 21, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc.75–32101 Filed 11–26–75;8:45 am]

DEPARTMENT OF HEALTH EDUCATION AND WELFARE

[20 CFR Parts 404, 410, 422]

[Regs. Nos. 4, 10, 22]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG BENEFITS, FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Organization and Procedures

PROCEDURES OF THE BUREAU OF HEARINGS AND APPEALS

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Parts 404 and 410 provide: that where the Appeals Council grants a review of a hearing decision, any party to such decision may request and appearance before the Appeals Council for the purpose of presenting oral argument, and the granting of such request will be at the discretion of the Appeals Council, applying the criteria as set forth in the proposed § 404.948(c) and § 410.663(c). Further amendments to these Parts are proposed to provide that the Appeals Council will remand the case to a presiding officer for further proceedings if additional evidence is needed, unless the Appeals Council may obtain the evidence more expeditiously and the rights of the parties will not be adversely affected.

Through the amendments to Part 404, these provisions on appearance and evidence are also applicable to appeals with respect to entitlement under Part A or Part B of title XVIII of the Social Security Act, as amended, and with respect to the amount of benefits under Part A, as provided in Part 405, Subpart G. These amendments do not change the rules with respect to appearances or evidence in provider and supplier certification and termination appeals under Subpart O of Part 405.

Subpart C of Part 422 (Procedures of the Bureau of Hearings and Appeals) now contains provisions which are generally applicable to all proceedings before the Bureau of Hearings and Appeals as provided under Subpart J of Part 404 (Federal Old-Age, Survivors and Disability Insurance); Subparts G and O of Part 405 (Federal Health Insurance for the Aged and Disabled); and Subpart F of Part 410 (Federal Coal Mine Health and Safety Act of 1969, as amended).

The proposed amendments to Subpart C of Part 422 indicate the applicability of the subpart to the supplemental security income program (title XVI of the Social Security Act added to the Act by Pub. L. 92–603) and reflect revisions in the procedures of the Bureau of Hearings and Appeals to accommodate the supplemental security income program. For clarity, they provide references to the parts of the social security regulations which contain detailed provisions relating to hearings before a presiding officer, review by the Appeals Council and court review under the programs administered by the Social Security Administration. In addition, the proposed amendments to Subpart C of Part 422 contain provisions as set forth below:

(1) Define the term "presiding officer" as the person designated to conduct a hearing, i.e., administrative law judge, hearing examiner, SSI, or a member or members of the Appeals Council (§ 422.203(d));

(2) Section 422.205 has been revised to provide that an appearance before the Appeals Council will be held in the location designated by the Council. Appearances will no longer be held only in the Washington, D.C. metropolitan area. Where an appearance is granted, the time and place will be determined by the Appeals Council based on administrative feasibility and convenience of the parties.

(3) With the increase in the size of the membership of the Appeals Council over the years, it is not feasible to have the entire Council meet each time it is necessary to consider substantial policy issues and questions of law. Section 422.205(e) provides for convening a representative body of not less than five Appeals Council members for considering a case or group of cases, where there arise broad policy or procedural questions which may affect a large number of cases or involve the general public interest, in lieu of having the Appeals Council meet en banc.

(4) On occasion, administrative law judges have been designated to serve as members of the Appeals Council. Section 422.205(f) sets forth the procedure for the Chairman of the Appeals Council to

designate an administrative law judge to serve as a member of the Appeals Council for temporary periods. An administrative law judge would not serve as a member on any panel where such panel is conducting a review on a case in which he had been involved previously.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, within a period of 30 days from the date of publication of this notice in the Federal Register.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 221, 1102, 1631 (c) and (d), 1869, 1871 of the Social Security Act, as amended, and sections 426(a) and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended; 53 Stat. 1368, as amended; 68 Stat. 1081, as amended, 49 Stat. 647, 86 Stat. 1476, 79 Stat. 330–331, as amended; 83 Stat. 798 and 803 as amended; 42 U.S.C. 405, 421, 1302, 1383 (c) and (d), 1395ff and 1395hh, and 30 U.S.C. 936(a) and 957.

(Catalog of Federal Domestic Assistance Program Nos. 13.800–13.807, Social Security—Retirement, Survivors, and Disability Insurance, Supplemental Security Income; Special Benefits for Disabled Coal Miners.)

Dated: September 23, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Section 404.948 is revised to read as follows:

§ 404.948 Procedure before Appeals Council on review.

(a) *Availability of documents or other written statements.* Whenever the Appeals Council determines to review an Administrative Law Judge's decision (except when the case is remanded to an Administrative Law Judge in accordance with § 404.950), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the Administrative Law Judge's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived.

(b) *Filing briefs or other written statements.* The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements or allegations as to fact and law. Copies of such brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(c) *Appearance to present oral argument.* Any party may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request shall be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the party will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

2. Section 404.949 is revised to read as follows:

§ 404.949 Evidence admissible on review.

(a) *Admissibility of additional evidence.* Evidence in addition to that introduced at the hearing before the Administrative Law Judge, or the documents before the Administrative Law Judge where such hearing was waived (see § 404.934), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision.

(b) *Receipt of evidence by Administrative Law Judge.* Where the Appeals Council determines that additional evidence is needed for a sound decision, it will reman the case to an Administrative Law Judge for receipt of the evidence, further proceedings, and a new decision, except where the Appeals Council can obtain the evidence more expeditiously and the rights of the claimant will not be adversely affected.

(c) *Receipt of evidence by Appeals Council.* Where the Appeals Council obtains the evidence itself, before such evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues.

(d) *Copies of evidence.* When additional evidence is presented to an Administrative Law Judge or to the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable the estimated amount thereof, unless, for good cause shown, such payment is waived.

3. Section 410.663 is revised to read as follows:

§ 410.663 Procedure before Appeals Council on review.

(a) *Availability of documents or other written statements.* Whenever the Appeals Council determines to review an Administrative Law Judge's decision (except when the case is remanded to an Administrative Law Judge in accordance with § 410.665), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the Administrative Law Judge's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived.

(b) *Filing briefs or other written statements.* The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of each brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(c) *Appearance to present oral argument.* Any party may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request shall be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the party will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

4. Section 410.664 is revised to read as follows:

§ 410.664 Evidence admissible on review.

(a) *Admissibility of additional evidence.* Evidence in addition to that introduced at the hearing before the Administrative Law Judge, or documents before the Administrative Law Judge where such hearing was waived (see § 410.647), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision.

(b) *Receipt of evidence by Administrative Law Judge.* Where the Appeals Council determines that additional evidence is needed for a sound decision, it will remand the case to an Administrative Law Judge for receipt of the evidence, further proceedings, and a new decision, except where the Appeals

Council can obtain the evidence more expeditiously and the rights of the claimwill not be adversely affected.

(c) *Receipt of evidence by Appeals Council.* Where the Appeals Council obtains the evidence itself, before such evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues.

(d) *Copies of evidence.* When additional evidence is presented to an Administrative Law Judge or to the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

5. Section 422.201 is revised to read as follows:

§ 422.201 Material included in this subpart.

This subpart describes in general the procedures relating to hearings before a presiding officer of the Bureau of Hearings and Appeals, review by the Appeals Council of the hearing decision or dismissal, and court review. It also describes the procedures for requesting such hearing or Appeals Council review, and for instituting a civil action for court review. For detailed provisions relating to hearings before a presiding officer, review by the Appeals Council, and court review, see the following references as appropriate to the matter involved:

(a) Title II of the Act, §§ 404.917–404.955 of this chapter;

(b) Title XVI of the Act, §§ 416.1425–416.1474 of this chapter;

(c) Title XVIII of the act (other than beneficiary reimbursement hearings under the supplementary medical insurance program), §§ 405.720–405.750 and §§ 405.1530–405.1570 of this chapter;

(d) Part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, §§ 410.640–410.670.

For regulations relating to hearings under Part B of title XVIII where an individual enrolled under the supplementary medical insurance program is dissatisfied with the carrier's determination denying a request for payment, or with the amount of payment, or when he believes that the request for payment is not being acted upon with reasonable promptness, see § 405.801 et seq. of this chapter. Such hearings are conducted by a hearing officer designated by the carrier. For regulations relating to hearings under title XVIII to a provider of services dissatisfied with the intermediary's determination as to the amount of program reimbursement due to or from the provider, see §§ 405.1809 et seq. of this chapter. Such hearings are conducted by a hearing officer designated by the intermediary, or by the Provider Reimbursement Review Board, as appropriate.

6. Section 422.203 is revised to read as follows:

§ 422.203 Hearings.

(a) *Right to request a hearing.* (1) After a reconsidered or a revised determination (i) of a claim for benefits or any other right under title II of the Social Security Act; or (ii) of eligibility or amount of benefits or any other matter under title XVI of the Act, except (A) where an initial or reconsidered determination involving an adverse action other than cessation of disability due to medical improvement is revised, after such revised determination has been reconsidered, and (B) in any matter involving cessation of disability due to medical issues, after the initial determination; or (iii) as to entitlement under or enrollment in Part A or Part B of title XVIII of the Act, or (where the amount in controversy is $100 or more) as to the amount of benefits under Part A of such title XVIII, any party to such a determination may, pursuant to section 205, 221, 1631, or 1869 of the Act, as applicable, file a written request for a hearing on the determination. After a reconsidered determination of a claim for benefits under Part B of title IV (Black Lung benefits) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 921–925), a party to the determination may file a written request for a hearing on the determination.

(2) After (i) a reconsidered or revised determination that an institution, facility, agency, or clinic does not qualify as a provider of services, or (ii) a determination terminating an agreement with a provider of services, such institution, facility, agency, or clinic may, pursuant to section 1869 of the Act, file a written request for a hearing on the determination.

(3) After (i) a reconsidered or revised determination that an independent laboratory, supplier of portable X-ray services, or endstage renal disease treatment facility does not meet the conditions for coverage of its services or (ii) a determination that it no longer meets such conditions has been made, such laboratory, supplier, treatment facility may, pursuant to § 405.1530 of this chapter, file a written request for a hearing on the determination. (For hearing rights of independent laboratories, suppliers of portable X-ray services, and endstage renal disease treatment facilities see §405.1501 (c).)

(b) *Request for hearing.* (1) A request for a hearing under paragraph (a) of this section may be made on Form HA–501, "Request for Hearing," or Form HA–501.1, "Request for Hearing, Part A Hospital Insurance Benefits," or by any other writing requesting a hearing. The request shall be filed at an office of the Social Security Administration, usually a district office or a branch office, or at the Veterans' Administration Regional Office in the Philippines (except in title XVI cases), or at a hearing office of the Bureau of Hearings and Appeals, or with the Appeals Council. A qualified railroad retirement beneficiary may, if he prefers, file a request for a hearing under Part A of title XVIII with the Railroad Retirement Board. Form HA–501 may be obtained from any social security district office or branch office, from the Bureau of Hearings and Appeals, Social Security Administration, P.O. Box 2518, Washington, D.C. 20013, or from any other office where a request for a hearing may be filed.

(2) Unless for good cause shown an extension of time has been granted, a request for hearing must be filed within 6 months after the mailing of the notice of the reconsidered or revised determination except that a request for hearing on a title XVI matter must be filed within 30 days after the date of receipt of the reconsidered or revised determination or initial determination where disability is ceased due to medical improvement as applicable under paragraph (a)(1) of this section (see §§ 404.918, 405.722, 405.1531, 410.631, and 416.1426 of this chapter).

(c) *Hearing decision or other action.* Generally, the presiding officer will either decide the case after hearing (unless hearing is waived) or, if appropriate, dismiss the request for hearing. With respect to a hearing on a determination under paragraph (a)(1) of this section, the presiding officer may certify the case with a recommended decision to the Appeals Council for decision. If the determination on which the hearing request is based relates to the amount of benefits under Part A of title XVIII of the Act, the presiding officer shall dismiss the request for hearing if he finds that the amount in controversy is less than $100. Hearing decisions must be based on the evidence of record, under applicable provisions of the law and regulations and appropriate precedents.

(d) *Presiding officer.* "Presiding officer" means (1) an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105; or (2) an Administrative Law Judge appointed pursuant to Pub. L. 93–192 (87 Stat. 758), approved December 18, 1973; or (3) a hearing examiner, SSI (Supplemental Security Income), appointed pursuant to 42 U.S.C. 1383(d)(2); or (4) a member of the Appeals Council. The presiding officer is designated by the Director of the Bureau of Hearings and Appeals or his delegate.

7. Section 422.205 is revised to read as follows:

§ 422.205 Review by Appeals Council.

(a) Any party to a hearing decision or dismissal may request a review of such action by the Appeals Council. The Bureau of Health Insurance is a party to a hearing on a determination under § 422.203(a)(2) and (a)(3) (see § 405.1532 of this chapter). This request may be made on Form HA–520, "Request for Review of Hearing Decision/Order," or by any other writing specifically requesting review. Form HA–520 may be obtained from any social security district office or branch office, from the Bureau of Hear-

ings and Appeals Social Security Administration, P.O. Box 2518, Washington, D.C., 20013, or at any other office where a request for a hearing may be filed. (For time and place of filing, see §§ 404.946, 405.722, 405.1562, 410.661, and 416.1462 of this chapter.)

(b) Whenever the Appeals Council reviews a hearing decision in accordance with §§ 404.947, 405.724, 405.1563, 410.662, 416.1463, or 416.1464 of this chapter and the claimant does not appear personally or through representation before the Council to present oral argument, such review will be conducted by a panel of not less than two members of the Council designated in the manner prescribed by the Chairman or Deputy Chairman of the Council. In the event of disagreement between a panel composed of only two members, the Chairman or Deputy Chairman, or his delegate, who must be a member of the Council, shall participate as a third member of the panel. When the claimant appears in person or through representation before the Council in the location designated by the Council, the review will be conducted by a panel of not less than three members of the Council designated in the manner prescribed by the Chairman or Deputy Chairman. Concurrence of a majority of a panel shall constitute the decision of the Appeals Council unless the case is considered as provided under paragraph (e) of this section.

(c) The denial or dismissal of a request for review or the refusal of a request to reopen a hearing or Appeals Council decision concerning a determination under § 422.203(a)(1) shall be by such member or members of the Appeals Council as may be designated in the manner prescribed by the Chairman or Deputy Chairman.

(d) A review or a denial of review of a hearing decision or a dismissal of a request for review with respect to (1) denial of certification of, or termination of an agreement of, a provider of services, or (2) whether an independent laboratory, supplier of portable X-ray services, or end-stage renal disease treatment facility does not meet or no longer meets the conditions for coverage of its services under title XVIII (see § 422.203(a) (2) and (3)) will be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. This person shall serve on an ad hoc basis and shall be considered for this purpose as a member of the Appeals Council. Concurrence of a majority of the panel shall constitute the decision of the Appeals Council unless the case is considered as provided under paragraph (e) of this section.

(e) On call of the Chairman, the Appeals Council may meet en banc or a representative body of Appeals Council members may be convened to consider any case arising under paragraph (b), (c), or (d) of this section. Such representative body shall be comprised of a panel of not less than five members designated by the Chairman as deemed appropriate for the matter to be considered, including a person from the U.S. Public Health Service in a matter under paragraph (d) of this section. The Chairman or Deputy Chairman shall preside, or in his absence, the Chairman shall designate a member of the Appeals Council to preside. A majority vote of the designated panel, or of the members present and voting shall constitute the decision of the Appeals Council.

(f) The Chairman may designate an Administrative Law Judge to serve as a member of the Appeals Council for temporary assignments. An Administrative Law Judge shall not be designated to serve as a member on any panel where such panel is conducting review on a case in which such individual has been previously involved.

8. Section 422.210 is revised to read as follows:

§ 422.210 Court review.

A claimant may obtain a court review of a hearing decision if the Appeals Council has denied the claimant's request for review, or of a decision by the Appeals Council when that is the final decision of the Secretary. (For court review as to the amount of benefits for hospital, extended care, or home health services under Part A of title XVIII of the Social Security Act, the amount in controversy must be $1,000 or more, as provided under section 1869(b) of the Act.) An institution or agency may obtain a court review of a decision by the Appeals Council that it is not a provider of services or with a decision by the Appeals Council terminating an agreement entered into by the institution or agency with the Secretary (see § 1866(b)(2) of the Act). (The Social Security Act does not provide for a right to court review of a final decision of the Secretary regarding the status of an independent laboratory, a supplier of portable X-ray services, or an end-stage renal disease treatment facility.) The civil action must be instituted in the district court of the United States for the judicial district in which the claimant resides or where such individual or institution or agency has his principal place of business, or if he does not reside, or if such individual or institution or agency does not have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. Such action must be filed within 60 days after the mailing of the Appeals Council's notice of denial of request for review of the hearing decision or notice of the decision by the Appeals Council, except that this time may be extended by the Appeals Council upon a showing of good cause. Where such civil action is instituted, the person holding the Office of Secretary of Health, Education, and Welfare shall, in his official capacity, be the proper defendant. Any such civil action properly instituted shall survive notwithstanding any change of the person holding the Office of Secretary or any vacancy in such office. If the complaint is erroneously filed against the United States or any agency, officer, or employee of the United States, instead of against the Secretary, the plaintiff will be notified that he has named an incorrect defendant and will be granted 60 days from the date of mailing of such notice to commence the action against the correct defendant, the Secretary.

[FR Doc.75-32112 Filed 11-26-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-5; Notice 19]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice proposes several amendments to 49 CFR 571.106-74 (Standard No. 106-74, *Brake Hoses*). The requirement that certain labeling information remain either visible or properly masked on brake hoses in completed vehicles—the "masking requirement"—would be eliminated. The requirement that a full legend appear on any hose used in an assembly, regardless of its length, would also be eliminated. The word "permanently" would be deleted from the hose labeling requirement. The definition of "brake hose" would be amended to exclude certain short, flexible connectors.

S5.2.2, S7.2, and S9.1 of the standard require certain information to be labeled at intervals of not more than 6 inches (measured from the end of one legend to the beginning of another) on new hydraulic, air, and vacuum brake hose, respectively. Those requirements were effective September 1, 1974. In addition, S5.2.2 (by itself and as incorporated by reference in S7.2 and S9.1) initially required this information, effective September 1, 1975, to remain visible on brake hose assemblies installed in completed motor vehicles. In a notice published on June 28, 1974 (39 FR 24012, Notice 11), S5.2.2 was amended to require only that the information appear at least once on each assembly mounted in a vehicle. The practical effect of that amendment was to permit the hose labels to be obscured by painting and undercoating, if at least one legend was masked before those operations, and unmasked after them. In response to petitions for reconsideration, S5.2.2 was further amended (40 FR [illegible], March 17, 1975, Notice 16) to permit that one legend to remain masked if the masking material is manually removable and no adhesive contacts any part of the legend.

In petitions for reconsideration of Notice 16, the usefulness of the masking requirement was questioned by White Motor Corporation, Wagner Electric Corporation, and Samuel Moore and

Company. These petitioners argued that, while preservation of label information on completed vehicles serves no significant purpose, masking necessitates the addition of an entire new stage in the vehicle manufacturing process. In light of this information, the NHTSA has tentatively determined that the masking requirement poses an inappropriate burden. Accordingly, this notice proposes its elimination. The requirement's effective date was delayed in Notice 17 (40 FR 32336, August 1, 1975), from September 1, 1975, to March 1, 1976, to allow time for public comment on this proposal and to permit vehicle manufacturers to defer preparation for compliance.

To facilitate the depletion of inventories of components which comply with all requirements except certain labeling requirements, Notice 18 (40 FR 38159, August 27, 1975) amended S12. of the standard and added S13. One effect of that amendment was to delay until September 1, 1976, the requirement that at least one complete legend appear on any hose used in an assembly, regardless of its length. The number of applications of brake hoses that are shorter than the normal length of a legend has recently has recently increased. In view of the added burden of manual labeling of short hoses, it would be wasteful to require hose shorter than the normal label spacing to have a complete label. Accordingly, elimination of the "short hose labeling" requirement is also proposed.

Several manufacturers have requested clarification of the requirement that hoses be permanently labeled. Because hose labels would no longer be required to appear except on bulk hose, there is no need for permanence as long as the labels are retained while the hose is in that state. Therefore, this notice proposes deletion of the word "permanently" from the first sentence of S5.2.2.

Bendix Corporation petitioned for an amendment of the standard to exclude from its coverage certain short neoprene connectors used in brake booster systems. These connectors, although not traditionally thought of as brake hoses, are included in the present definition. However, they have special performance requirements that differ considerably from those of brake hoses, making it inappropriate to apply the standard to them. Accordingly, this notice proposes amendment of the definition to exclude such connectors. "Tubing connector" would be defined as a flexible conduit which interconnects metal tubing in a brake system, which is attached without end fittings, and which, when installed, has an unsupported length less than its supported length. In all other respects, the functional definition of "brake hose" would be retained. There would thus be no exception for flexible chassis plumbing, even though such tubing is also outside the scope of the traditional conception of brake hose. The NHTSA remains convinced that such tubing, because it invites bending during repairs, should remain within the coverage of the standard.

In consideration of the foregoing, it is proposed that 49 CFR 571.106–74 (Standard No. 106–74) be amended as follows:

§ 571.106–74 [Amended]

1. In S4. *Definitions*, the definition of "brake hose" would be amended to read:

"Brake hose" means a flexible conduit, other than a tubing connector, manufactured for use in a brake system to transmit or contain the fluid pressure or vacuum used to apply force to a vehicle's brakes.

2. In S4. *Definitions*, a new definition would be added, to read:

"Tubing connector" means a flexible conduit which (i) connects metal tubing to metal tubing in a brake system, (ii) is attached without end fittings, and (iii) when installed, has an unsupported length less than the total length of those portions that cover the metal tubing.

3. S5.2.2 would be amended as follows:

(A) In the first sentence of S5.2.2, the word "permanently" would be deleted.

(B) The second sentence of S5.2.2 would be amended to read:

The information need not be present on hose after it has become part of a brake hose assembly or after it has been installed in a motor vehicle.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 12, 1976.

Proposed effective date. Date of publication of final rule.

(Sec. 103, 112, 114, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on November 21, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–32115 Filed 11–24–75;2:49 pm]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Economic Reg. Docket No. 28422, EDR–288A]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for Domestic Cargo Charters

NOVEMBER 24, 1975.

The Board, by circulation of notice of proposed rulemaking EDR–288, dated October 20, 1975, published at 40 FR 49794, October 24, 1975, gave notice that it has under consideration an amendment of Part 288 of its Economic Regulations (14 CFR Part 288). The amendments would adjust the minimum rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) and contracted for by the Military Airlift Command (MAC). Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments to the Docket Section of the Board on or before November 24, 1975, and reply comments on or before December 9, 1975.

Subsequent to the issuance of the proposed rule, Overseas National Airways, Inc. (ONA), through counsel, has requested an extension of the time within which to file comments. In support of the request, counsel states that ONA recently suffered the loss of a DC–10 aircraft, and that as a result senior members of management have been unable to turn their attention to the preparation of comments. Counsel further indicates that counsel for Saturn Airways and the DOD have been advised of this request, and have no objection to an extension of the dates for filing comments until December 8 and for the filing of reply comments until December 22.

The undersigned finds that good cause has been shown for an extension of the time for filing comments.

Accordingly, pursuant to the authority delegated in Section 385.20(d) of the Board's Organization Regulations (14 CFR Part 385), the undersigned hereby extends the time for submitting comments to December 8, 1975, and the time for filing reply comments to December 22, 1975.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

[SEAL] SIMON J. EILENBERG,
Acting Associate
General Counsel.

[FR Doc.75–32169 Filed 11–26–75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 930]

INTERAGENCY TRANSFERS OF ADMINISTRATIVE LAW JUDGES

Proposed Rulemaking

Notice is hereby given that the Civil Service Commission has under consideration an amendment to its regulations

dealing with the transfer under 5 CFR 930.206 of Administrative Law Judges on a noncompetitive basis. 5 CFR 330.501 provides that a transfer may not be effected sooner than 90 days after the individual's last nontemporary competitive appointment. Transfers under 5 CFR 930.206 immediately after the expiration of 90 days from competitive appointment impact adversely on the losing agency in terms of the cost of training, orientation, replacement, etc.; and the action taken by the gaining agency on a noncompetitive basis when the individual would not otherwise be within reach for selection from a certificate, is not consistent with merit principles. Under the circumstances, the Commission is considering amending 5 CFR 930.206 by the addition of the following paragraph:

§ 930.206 Transfer.

* * * * *

(c) An agency may not transfer a person from one administrative law judge position to another administrative law judge position under paragraphs (a) or (b) of this section sooner than one year after the person's last competitive appointment.

All persons who desire to submit written comments, statements or argument in connection with the proposed amendment may file the same with the U.S. Civil Service Commission, Office of Administrative Law Judges, Washington, D.C. 20415 on or before December 29, 1975.

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

[FR Doc.75-32135 Filed 11-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 462-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to Oregon Implementation Plan

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved the State of Oregon Clean Air Act Implementation Plan (SIP) in its entirety.

In the September 26, 1974 FEDERAL REGISTER (39 FR 34537), the Administrator announced his disapproval of the Oregon Revised Statute (ORS) 449.800 (7), a governing statute setting forth confidentiality provisions, on the grounds that the requirements of 40 CFR 51.10(e) were not met since the legal authority to provide for public availability of emission data was inadequate. In the same FEDERAL REGISTER, (39 FR 34574) replacement regulations were proposed to provide that any person who cannot obtain emission data from the State Agency responsible for making emission data available to the public, as specified in the State Implementation Plan, may request the appropriate Regional Administrator of EPA to obtain and make public such data.

Since the publication of the disapproval and proposed rulemaking, the State of Oregon has repealed ORS 449.800(7) by Chapter 835, Oregon Laws 1973, section 234. The pertinent governing statute at this time is ORS 468.095 (2). On August 1, 1975, Oregon Law 1975, Chapter 173 (SB 945), was submitted for the Administrator's approval by the State of Oregon. The chapter amends ORS 468.095(2) to read as follows:

(2) Unless classified by the director as confidential, any records, reports or information obtained under ORS 448.305, 545.010 or 454.040, 545.205 to 454.255, 454.315 to 454.355, 454.405 to 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter shall be available to the public. Upon a showing satisfactory to the director by any person that records, reports or information or particular parts thereof, *other than emission data*, if made public, would divulge a secret process, device or method of manufacturing or production entitled to protection as trade secrets of such person, the director shall classify such record, reports or information, or particular part thereof, *other than emission data*, confidential and such confidential record, report or information, or particular part thereof, *other than emission data*, shall not be made a part of any public record or used in any public hearing unless it is determined by a circuit court that evidence thereof is necessary to the determination of an issue or issues being decided at a public hearing. (Emphasis added)

The Administrator is required by Section 110 of the federal Clean Air Act to approve or disapprove any proposed revision to an implementation plan submitted by a State. Interested persons are invited to participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: K. Higley, M/S 629. Relevant comments received on or before December 29, 1975, will be considered and will also be available for public review during normal working hours at the Region X Office and EPA Headquarters at the addresses noted below. Copies of the proposed revision are available for public inspection during normal working hours at the following locations:

Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.
State of Oregon, Department of Environmental Quality, 1234 SW Morrison Street, Portland, Oregon 97205.
Environmental Protection Agency, Freedom of Information Center Retention Unit, Room 329, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

CLIFFORD V. SMITH, Jr.,
Regional Administrator.

Dated: November 13, 1975.

[FR Doc.75-32177 Filed 11-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20632; RM-2594]

TELEVISION BROADCAST STATIONS, IOWA

Proposed Table of Assignments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Fort Dodge, Iowa).

1. The State Educational Radio and Television Facility Board (Board) and Northwest Television Company (Northwest) jointly filed a petition for rule making on August 29, 1975, seeking amendment of § 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments. Northwest is the licensee of Station KVFD-TV (Channel 21) Fort Dodge, Iowa, and the Board is the holder of a construction permit for noncommercial educational Station KTIN (Channel *46), also at Fort Dodge.[1] Petitioners wish to have (1) the educational reservation at Fort Dodge changed from Channel 46 to Channel 21, and (2) Channel 50 substituted for the present Channel *46 assignment. (Channels 21 and *46 are the only Fort Dodge assignments.) In addition, they request that their authorizations be modified to reflect use of Channel 50 by Northwest and use of Channel *21 by the Board.

2. Petitioners state that Northwest faces possible loss of the assets needed for continued operation and that approval of the requested changes would preserve needed commercial service in Fort Dodge and enable the State of Iowa to expand its educational service at a considerable savings, thereby serving the public interest. The detailed allegations of their joint petition are set forth below.

3. Northwest has operated a commercial television station at Fort Dodge for twenty-two years. In 1970, the KVFD-TV transmitter and antenna were moved to Bradgate, Iowa (approximately 24 miles northwest of Fort Dodge), to permit an increase in KVFD-TV's antenna height. At that time, a new tower, antenna, and transmission line were purchased from RCA Corporation (RCA) under an installment agreement. An increase in revenue was expected to occur as a result of the move due to the in-

[1] The Board additionally holds construction permits for noncommercial educational TV stations at Council Bluffs, Red Oak and Mason City and is the licensee of noncommercial educational TV stations at Des Moines, Iowa City, Waterloo and Sioux City.

creased coverage permitted by the new site. The anticipated increase, however, did not materialize and since 1971 Northwest has operated at a deficit of approximately $50,000 per year. Payments for the equipment purchased from RCA have not been made for the last 10 months and Northwest is $21,000 in arrears. Moreover, property taxes totalling $12,000, including penalties and interest, were not paid on the land on which Northwest's Fort Dodge studio is located.

4. Northwest has determined that economies may be realized if it moves KVFD–TV's transmitter and antenna to the station's original location in Fort Dodge. The station operating expenses could be reduced by $8,250 per month, it states; enough to make the station profitable. The Board has agreed to pay Northwest $186,000 for its investment to date in the equipment covered by the agreement between Northwest and RCA, and RCA has agreed to reduce the amount due under the sales agreement by thirty percent (from $177,000 to $124,000).[1] The Board, then, would be able to obtain KVFD–TV's present tower, transmission line and antenna for a total of $310,000 ($124,000 payable to RCA plus $186,000 payable to Northwest). The Board estimates that a new tower, transmission line and antenna would cost approximately $627,000. Thus the Board could save $317,000.

5. Northwest estimates new equipment for operation on Channel 46 would cost approximately $500,000 but equipment capable of operating on Channel 50 is available for $120,000. The total moving costs estimated by Northwest, including equipment purchase, is approximately $159,000. Thus, the Board's payment of $186,000 would cover Northwest's moving and equipment outfitting expenses.

6. Engineering studies submitted by petitioners show that Channel 50 may be assigned to Fort Dodge if Channel 46 is deleted. Moreover, petitioners state, Channel 40 is available for assignment to Fort Dodge if future needs warrant it. Channel 46, which would be deleted from Fort Dodge, may be assigned to Boone, Iowa, a community of approximately 12,000 persons, located midway between Fort Dodge and Des Moines, petitioners note. With respect to these suggestions, the Commission simply notes that the assignment of Channel 40 and 46 to Fort Dodge and Boone, respectively, would meet the spacing requirements with respect to all existing and proposed assignments.

7. The primary proposal put forth by the petitioners appears to the Commission to have merit, and institution of a rule making proceeding is warranted. We note, as do the petitioners, that adoption of the proposal will permit KVFD–TV to continue to serve the Fort Dodge area and will permit the Board to obtain certain necessary broadcast equipment at a favorable cost.

8. Therefore, we propose to consider the following revision in the Television Table of Assignments (§ 73.606(b) of our Rules), with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Fort Dodge, Iowa	21, *46	*21, 50+

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below and are incorporated by reference herein.

10. Petitioners request the issuance of "show cause" orders contemplating the shifts to the new channels. Since the petitioners are the licensee and the permittee of the affected channels, no show cause orders are necessary. The Commission views the Order requests as consent to the proposed modifications. If it is decided to amend the Table of Assignments as proposed, the petitioners authorizations will be modified at that time.

11. Interested parties may file comments on or before December 30, 1975, and reply comments on or before January 20, 1976.

Adopted: November 12, 1975.

Released: November 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *notice of proposed rule making.*

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of proposed rule making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75–32139 Filed 11–26–75;8:45 am]

[1] Northwest and the Board signed an agreement on July 16, 1975, subject to Commission approval, which provides for the Board to obtain all equipment covered by the sales agreement between Northwest and RCA. This includes KVFD's tower, antenna, and transmission line. For this, the Board agrees to pay Northwest $186,000. The Board then becomes responsible for the obligations and payments due RCA Corporation under the sales agreement. In addition, Northwest agrees to lease the Board the property on which the tower is located, and enough additional land to permit construction of a transmitter building, for $200.00 per month.

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Redesignation of Issues Concerning Proposed Trade Regulation Rule

On May 15, 1975, the Commission published in the FEDERAL REGISTER (40 FR 21048) an initial notice of a proposed trade regulation rule concerning advertising, disclosure, cooling off and refund requirements for proprietary vocational and home study schools, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, *et seq.*, the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, *et seq.*, and Section 553 of Subchapter II, Chapter 5, Title 5 of

the U.S. Code (Administrative Procedure).

On September 29, 1975, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's procedures and rules of practice, the duly appointed Presiding Officer for this proceeding published the Final Notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 44582).

Included in that Final Notice were 29 issues listed as the disputed issues of fact which the Presiding Officer had determined were material and necessary to resolve. Pursuant to the provisions of § 1.13 (c) (2) (ii) of the Commission's procedures and rules of practice, a number of appeals were filed challenging the Presiding Officer's designation of issues.

After careful consideration of all the views and arguments set forth in this matter, the Commission has taken the following actions.

The Commission has decided to designate the following 20 issues under § 1.13 (d) (1) of the procedures and rules of practice as issues to be considered in accordance with § 1.13(d) (5) and (6) of said procedures and rules of practice.

GENERAL ISSUES

1. What is the nature and extent of competition between schools subject to the proposed rule and those schools exempt from its coverage and what would be the impact of the rule upon such competition?

2. For what purposes do students enroll in vocational and home study schools?

3. What are the sales and enrollment techniques employed by particular schools?

GENERAL EMPLOYMENT

4. What conclusions do prospective students draw from observing general employment and earnings information in the promotional materials of an individual school?

5. Would a total prohibition of general employment or earnings information deprive prospective students of valuable information concerning career and educational opportunities?

DROP-OUT RATES

6. Assuming students fail to complete various courses at various schools for a variety of reasons, what will the drop-out rate for a particular school or course actually mean to prospective students?

7. Would the disclosures required by the proposed Rule induce schools to avoid accepting students who might be considered high withdrawal or placement risks?

8. What is the drop-out rate for private vocational and home study schools and what records do schools keep with respect to drop-out rates?

PLACEMENT AND SALARY DATA

9. Can schools, as a practical matter, obtain all of the required data with respect to employment and earnings pertaining to each and every student who has enrolled, withdrawn and/or graduated from each and every course?

10. Would a prospective student considering enrollment at a particular school generally be interested solely in placement and earnings information with respect to the metropolitan area or state in which the advertising which came to his attention was disseminated?

11. Would a prospective student considering enrollment at a particular school be concerned with the placement record of non-graduates as well as graduates or only with the latter?

12. Would a prospective student considering enrollment at a particular school be concerned only with the placement record of graduates available for employment and, if so, how can that factor be determined and disclosed?

13. Are the specific job promises required by the Rule for new schools and courses normally obtained by such schools or can they be obtained and, if so, under what circumstances and with what degree of reliability?

14. What is the placement and salary record for graduates of a particular course and what records do schools keep with respect to placement and salary levels?

TEN DAY AFFIRMATION AND COOLING-OFF PERIOD

15. In what respects have existing consumer protection requirements applicable to educational institutions with regard to cooling-off periods proved to be inadequate to provide prospective students with the protection needed?

16. Would the affirmation procedure result in substantial numbers of students unintentionally losing the opportunity to take desired courses?

REFUND PROVISION

17. What costs of a school are fixed and what costs vary with the number of students actually enrolled?

18. Are drop-out rates predictable so that schools can compute and project actual costs?

19. Under the refund formula of the proposed rule, will the costs of educating students who enroll but withdraw be passed on to students who enroll and complete the course of study? Except as to amounts, how will the resulting situation differ from that which prevails under existing refund policies?

20. Do reasons exist for treating residence schools differently from correspondence schools in regard to refund policies?

The Commission has also decided that the following 9 issues should not be designated under § 1.13(d) (1).

GENERAL ISSUES

1. How are salesman trained, motivated and controlled by particular schools and what sales techniques are used by door-to-door salesmen?

DROP OUT RATES

2. Are students who enroll but never actually attend a class normally counted among the drop-outs from any particular school? If not, what would be the effect of counting such "non-starts" on the drop-out rate of any particular school?

3. What is the drop-out rate for any particular course?

TEN DAY AFFIRMATION AND COOLING-OFF PERIOD

4. How will the mechanics of affirmation affect the enrollment procedures of both correspondence and residence schools?

5. What effects have existing affirmation requirements applicable to veterans taking correspondence courses had on enrollment in such courses?

REFUND PROVISION

6. Is the registration fee provided for in the proposed rule adequate to cover a school's actual acquisition costs?

7. How are actual costs to be determined?

8. Do vocational and home study schools today operate at or near full capacity?

9. In what ways, if at all, do refund policies influence the advertising, screening and recruiting practices of vocational and home study schools?

The Presiding Officer may in his discretion employ, in whole or in part, the procedures of § 1.13(d) (5) and (6) for these 9 issues as well as for all other issues.

The Commission also has determined not to designate, beyond the 20 issues listed above, any additional issues pursuant to § 1.13(d) (1) as issues for consideration in accordance with §§ 1.13(d) (5) and (6).

Issued: November 24, 1975.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32125 Filed 11-26-75;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

Office of the Secretary

[Public Notice CM-5/127]

ADVISORY COMMITTEE FOR U.S. PARTICIPATION IN THE U.N. CONFERENCE ON HUMAN SETTLEMENTS (HABITAT)

Notice of Meeting

The third meeting of the Advisory Committee for U.S. Participation in the U.N. Conference on Human Settlements (Habitat) will be held on Tuesday and Wednesday, December 16–17, 1975, in Room 1105 of the Department of State. The meeting will be open to the public, and will commence at 10:00 a.m. on December 16. Those attending should use the entrance to the State Department at 22nd and C Streets, N.W.

The agenda will include:

1. Habitat Form presentation by Vancouver hosts (ACSOH).
2. Discussion of papers related to the January 12–24 meeting of the Habitat Conference Preparatory Committee.
3. Discussion of U.S. National Report.

Members of the public may attend and participate in the discussion subject to instructions from the Chairman.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone (703) 235–9558. Members of the public will be accommodated up to the seating capacity of the meeting room.

Dated: November 24, 1975.

DONALD M. KRUMM,
Executive Secretary.

[FR Doc.75-32133 Filed 11-26-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP

Laser Devices Subpanel

Reference is made to the Notice of Correction for the DDR&E High Energy Laser Review Group Laser Devices Subpanel closed meeting scheduled for 8–11 December 1975 at Lexington, Massachusetts and published at 40 FR 53047, November 14, 1975. Notice is hereby given of the change in dates to read: December 15–18, 1975. The location of the meeting remains the same.

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

NOVEMBER 24, 1975.

[FR Doc.75-32166 Filed 11-26-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26821, 27096 and 27097]

NEW MEXICO

Notice of Applications

NOVEMBER 20, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for three 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 11 W.
Sec. 24, SW¼.
T. 30 N., R. 8 W.
Sec. 3, SE¼SE¼;
Sec. 25, SE¼NW¼ and N½SW¼.
T. 30 N., R. 9 W.
Sec. 1, lot 4 and S½NW¼;
Sec. 14, E½SE¼.
T. 30 N., R. 11 W.
Sec. 13, lot 7.

These pipelines will convey natural gas across 1.626 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32057 Filed 11-26-75;8:45 am]

[NM 26983, 26984, 26985 and 26990]

NEW MEXICO

Notice of Applications

NOVEMBER 20, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 N., R. 1 W.
Sec. 5. SE¼SW¼;
Sec. 8, NW¼NE¼ and NW¼SE¼.
T. 29 N., R. 9 W.
Sec. 28, E½SE¼;
Sec. 33, N½NE¼.

These pipelines will convey natural gas across .804 mile of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32058 Filed 11-26-75;8:45 am]

[NM 27004]

NEW MEXICO

Notice of Application

NOVEMBER 20, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 30 E.
Sec. 10, NW¼NE¼.

This pipeline will convey natural gas across .006 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.75-32059 Filed 11-26-75;8:45 am]

[NM 26987]

NEW MEXICO

Notice of Application

NOVEMBER 19, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by

the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 30 E., Sec. 1, Lots 1 and 2.
T. 23 S., R. 31 E., Sec. 6, Lots 3, 4, SE¼NW¼ and SW¼NE¼.

This pipeline will convey natural gas across .989 miles of natural resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75-32060 Filed 11-26-75;8:45 am]

[Wyoming 51778]

WYOMING

Notice of Application

NOVEMBER 20, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 14;
Sec. 24.
T. 18 N., R. 97 W.,
Sec. 30.

The pipeline will convey natural gas from a well in sec. 30, T. 18 N., R. 97 W., to an existing pipeline in sec. 15, T, 18 N., R. 98 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32061 Filed 11-26-75;8:45 am]

Geological Survey

EARTHQUAKE STUDIES ADVISORY PANEL

Notice of Public Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning a 8:30 a.m. (local time) on Friday, December 5, 1975, and continuing through Saturday, December 6, 1975. The Advisory Panel will meet in Conference Room B, U.S. Geological Survey Offices, 345 Middlefield Road, Menlo Park, California 94025.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Frank Press and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socio-economics, primarily from the academic community.

(3) *Agenda.* Review of the earthquake prediction program.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies Reston, Virginia 22092 (703) 860-6472.

V. E. MCKELVEY,
Director,
U.S. Geological Survey.

[FR Doc.75-32074 Filed 11-26-75;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE ASSISTANT

Delegation of Authority

SECTION 1. Administrative Assistant. The Administrative Assistant may execute and approve contracts not in excess of $5,000, for supplies, equipment, or services in conformation with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. Re-Delegation. The authority delegated in this Order Number 3 may not be redelegated.

SEC. 3. Revocation. This order supersedes Order No. 2, dated November 15, 1972 and published in 38 F.R. 810, January 4, 1973.

(National Park Service Order No. 77 (38 F.R. 7478, as amended; Southwest Region Order No. 5 (37 F.R. 7721) as amended)

Dated: July 28, 1975.

ALBERT A. HAWKINS,
Superintendent, Cumberland Gap National Historical Park.

[FR Doc.75-32128 Filed 11-26-75;8:45 am]

[Order No. 3]

ADMINISTRATIVE OFFICER

Delegation of Authority

SECTION 1. *Administrative Officer.* The Officer may execute, approve, and administer contracts not in excess of $75,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 2 dated January 31, 1973, and published in 38 FR 5915 on March 5, 1973.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721), as amended.)

Dated: August 29, 1975.

FRANKLIN D. PRIDEMORE,
Superintendent,
Gulf Islands National Seashore.

[FR Doc.75-32129 Filed 11-26-75;8:45 am]

[Order No. 8]

ADMINISTRATIVE OFFICER, ET AL.:

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds; and may execute and approve revocable special use permits having a term 10 years less for use of Government-owned lands and facilities. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 2. *General Supply Officer.* The General Supply Officer may execute, approve and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 3. *General Supply Specialist.* The General Supply Specialist may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Specialist in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 4. *Procurement Clerk (Typing).* The Procurement Clerk (Typing) may issue purchase orders not in excess of $500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 5. *Unit Managers, Facility Managers, District Rangers, Subdistrict Rangers, Maintenance Foremen, WS-10, Administrative Service Assistants, Signmaker Foreman, and District Clerks.* The Unit Managers, Facility Managers, District Rangers, Subdistrict Rangers, Maintenance Foremen (not below WS-10), Administrative Services Assistants, Signmaker Foreman, and District Clerks of the Blue Ridge Parkway may issue field purchase orders (SF-44) not in ex-

cess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Sec. 6. *Revocation.* This order supersedes Order No. 7 dated July 8, 1974 (39 FR 38118) published October 29, 1974.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 5 (37 FR 7721), as amended.)

Dated: September 2, 1975.

JOE BROWN,
Superintendent,
Blue Ridge Parkway.

[FR Doc.75-32126 Filed 11-26-75;8:45 am]

[Order No. 3]

ADMINISTRATIVE OFFICER AND PROCUREMENT ASSISTANT

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 2. *Procurement Assistant.* The Procurement Assistant may execute and approve contracts not in excess of $10,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 3. *Revocations.* This order supersedes Order No. 2, as published in Vol. 37 F.R. 12736, dated June 28, 1972.

(National Park Service Order No. 77 (38 F.R. 7478) dated March 22, 1973 as amended; Order No. 7 (37 F.R. 6326) dated March 28, 1972) as amended.

Dated: July 31, 1975

GEORGE UNDER LIPPE,
Superintendent,
Redwood National Park.

[FR Doc.75-32130 Filed 11-26-75;8:45 am]

[Order No. 7]

ASSISTANT SUPERINTENDENT ET AL.

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment and Services

1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve and administer contracts and issue purchase orders not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by Mammoth Cave National Park.

2. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts and issue purchase orders not in excess of $25,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Mammoth Cave National Park.

3. *General Supply Specialist.* The General Supply Specialist may execute, approve and administer contracts and issue purchase orders not in excess of $10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount. This authority may be exercised by the General Supply Specialist in behalf of any office or area administered by Mammoth Cave National Park.

4. *Great Onyx Job Corps Civilian Conservation Center Director and the Administrative Officer.* The Great Onyx Job Corps Civilian Conservation Center Director and the Administrative Officer may execute, approve and administer contracts and issue purchase orders not in excess of $5,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal Agencies may exceed this amount.

5. Redelegation. The authority delegated in this Order No. 7 may not be redelegated.

6. Revocation. This order supersedes Order No. 6, dated September 11, 1974 (40 FR 2847) published January 16, 1975.

(National Park Service Order No. 77 (38 FR 7478) as amended: Southeast Region Order No. 5 (37 FR 7721) as amended.)

Dated: July 23, 1975.

JOSEPH KULESZA,
Superintendent,
Mammoth Cave National Park.

[FR Doc.75-32127 Filed 11-26-75;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER

Delegation of Authority Regarding Purchasing Authority

SECTION 1. *Administrative Officer.* The Administrative Officer is authorized to execute, approve, and administer contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77, 38 FR 7478, as amended. Southwest Region Order No. 5, 37 FR 7722 as amended)

Dated: July 18, 1975.

THOMAS E. LUBBERT,
Project Manager.

[FR Doc.75-3213 Filed 11-26-75;8:45 am]

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, December 15, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended (through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary Everhardt, Chairman, Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Walter E. Washington, Mayor of the District of Columbia, Washington, D.C.
Commissioner, Public Buildings Service, Washington, D.C.

The purpose of this meeting is to discuss the proposed naming of a park in honor of Senator Robert Owen, cosponsor of the Glass-Owen Bill, which created the Federal Reserve System. The park is located at Virginia Avenue and C Street, NW.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Asscciate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the

meeting will be available for public inspection and copying 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated: November 6, 1975.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.75-32215 Filed 11-26-75;8:45 am]

PROPOSED PRAIRIE NATIONAL PARK, KANSAS-OKLAHOMA

Notive of Availability of Preliminary Environmental Assessment

Notice is hereby given that the National Park Service has prepared a preliminary environmental assessment for a proposed Prairie National Park in the Flint Hills of Kansas and Oklahoma. The preliminary assessment contains a statement of the problem as well as a brief description of the environmental setting of the Flint Hills, including a discussion of the differences between various types of prairies. Appendices to the preliminary assessment include consultant reports comprising those portions of the resources basic inventory which have thus far been completed.

The preliminary assessment is on file and available for review and inspection at the following locations:

National Park Service, Room 1210, Interior Building, 18th & C Streets NW., Washington, D.C. 20240.
National Park Service, Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.
National Park Service, Southwest Region, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501.
Superintendent, Platt National Park, P.O. Box 201, Sulphur, Oklahoma 73086.
Superintendent, Fort Larned National Historic Site, Route 3, Larned, Kansas 67550.
National Park Service, Manager, Denver Service Center, 655 Parfet Street, Denver, Colorado 80225.
Watson Memorial Library, University of Kansas, Lawrence, Kansas 66044.
Farrell Library, Kansas State University, Manhattan, Kansas 66502.
Library, Emporia State College, Emporia, Kansas 66801.
Forsyth Library, Fort Hays Kansas State College, Hays, Kansas 67601.
Topeka Public Library, 1515 W. Tenth St., Topeka, Kansas 66604.
Emporia Public Library, 118-120 E. Sixth Avenue, Emporia, Kansas 66801.
Library, University of Oklahoma, Gift Dept., Room 130, Norman, Oklahoma 73069.
Library, University of Tulsa, 600 So. College Avenue, Tulsa, Oklahoma 74104.
Library, Oklahoma State University, Stillwater, Oklahoma 74074.
Bradford Memorial Library, 611 S. Washington, Eldorado, Kansas 67042.
Howard City Library, Howard, Kansas 67349.
Manhattan Public Library, Juliette and Poyntz, Manhattan, Kansas 66501.
Independence Public Library, 220 E. Maple Street, Independence, Kansas 67301.
Pawhuska City Library, 302 E. 6th Street, Pawhuska, Oklahoma 74056.
Eureka Carnegie Library, 530 N. Main, Eureka, Kansas 67045.
Winfield Public Library, Tenth and Millington Streets, Winfield, Kansas 67156.

Dated: November 25, 1975.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.75-32277 Filed 11-26-75;8:45 am]

Office of the Secretary

[INT FES 75-94]

UTE MOUNTAIN UTE URANIUM PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a detailed environmental statement for the Ute Mountain Ute Uranium Project Lease, Exploration and Mining Proposal, Ute Mountain Ute Reservation, Montezuma County, Colorado.

The Environmental Statement considers human and physical environmental effects associated with the approval of a proposed exploration and mining plan submitted by Mobile Oil Corporation for the underground mining of possible uranium deposits beneath approximately 162,000 acres belonging to the Ute Mountain Ute Tribe of Indians.

Copies are available for inspection at the following locations:

Office of Communications, Room 7200 Interior Building, Washington, D.C. 20240, Telephone: (202) 343-3171.
Albuquerque Area Office, Bureau of Indian Affairs, First National Bank Bldg.-East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108, Telephone: (505) 766-3167.
Ute Mountain Ute Agency, Bureau of Indian Affairs, Towaoc, Colorado 81334, Telephone: (303) 565-8471.
Colorado State Division of Planning, 524 State Social Services Building, 1575 Sherman Street, Denver, Colorado 80203, Telephone: (303) 892-2178.

Single copies of the Final Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs, First National Bank Bldg.-East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108.

Dated: November 21, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-32051 Filed 11-26-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Correction of Notice of Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the National Advisory Council on Bilingual Education will be held from 3:30 p.m. to 5:30 p.m. on Monday, December 1, 1975. The Council will meet in Suite 200, Plaza del Sol, 600 N. 2nd Street, N.W., Albuquerque, New Mexico.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Council is:

A review of the FY 1976 budget of the Office of Bilingual Education.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 421, Reporter's Building, 300 7th Street, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on November 24, 1975.

JOHN C. MOLINA,
Acting Director,
Office of Bilingual Education.

[FR Doc.75-32255 Filed 11-26-75;8:45 am]

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting and Public Hearing

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research has scheduled the public hearing and meetings listed below. The hearing and meetings will convene at 9:00 a.m. on the dates noted, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, and will be open to the public, subject to the limitation of available space.

On December 13, 1975 the Commission will meet to discuss its site visit to St. Elizabeths Hospital (see below) and other matters related to the Commission's mandate under Public Law 93-348.

On January 9, 1976 the Commission will hold a public hearing on participation by prisoners in biomedical and behavioral research. Any person wishing to speak at the hearing must file a written request and receive prior approval from the Commission. Requests must include a summary of the proposed presentation, which shall be limited to 10 minutes. In order to be considered for approval, requests to speak at the hearing must be received not later than December 19, 1975 at the following address: National Commission for the Protection of Human Subjects, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland 20016. Written materials of any length may be submitted to the Commission at any time.

On January 10, 1976 the Commission will meet to discuss participation by prisoners in biomedical and behavioral research and other matters related to the Commission's mandate under Public Law 93–348.

In addition to the above activities, members of the Commission will make a site visit to St. Elizabeths Hospital, Washington, D.C., on December 12, 1975. The Commission will not hold a meeting or conduct any business during the site visit.

Requests for information should be directed to Ms. Anne Ballard (301) 496–7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: November 19, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75–32113 Filed 11–26–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–75–390]

ACTING AREA DIRECTOR, CAMDEN AREA OFFICE, REGION II, N.Y.

Designation

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following position is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit.
3. The Director, Community Planning and Development.
4. The Area Counsel.
5. The Director, Housing Management.

Effective Date. This designation and delegation shall be effective November 28, 1975.

S. WILLIAM GREEN,
Regional Administrator, Reg. II, New York Regional Office.

[FR Doc.75–32099 Filed 11–26–75;8:45 am]

[Docket No. D–75–392]

ACTING DIRECTOR, BUFFALO AREA OFFICE, REGION II, N.Y.

Designation

SECTION A. *Designation of Acting Area Director.* Each of the officials appointed to the following position is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors; Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Community Planning and Development.
3. The Director, Housing Production and Mortgage Credit.
4. The Director, Housing Management.
5. The Area Counsel.
6. The Director, Equal Opportunity.

Effective date. This designation and delegation shall be effective November 28, 1975.

S. WILLIAM GREEN,
Regional Administrator, New York Regional Office.

[FR Doc.75–32097 Filed 11–26–75;8:45 am]

[Docket No. D–75–391]

ACTING REGIONAL ADMINISTRATOR, REGION II, N.Y.

Designation

SECTION A. *Designation of Acting Regional Administrator, Region II.* The officials appointed to the following listed positions in Region II (New York) are hereby designated to serve as Acting Regional Administrator, Region II (New York), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided,* That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to serve by reason of absence:

1. The Deputy Regional Administrator.
2. The Regional Counsel.
3. The Assistant Regional Administrator for Community Planning and Development.
4. The Assistant Regional Administrator for Equal Opportunity.
5. The Assistant Regional Administrator for Housing Production and Mortgage Credit.
6. The Assistant Regional Administrator for Housing Management.
7. The Assistant Regional Administrator for Administration.

Effective Date. This designation shall be effective November 28, 1975.

S. WILLIAM GREEN,
Regional Administrator, New York Regional Office.

[FR Doc.75–32098 Filed 11–26–75;8:45 am]

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. N–75–463]

WORKING GROUP ON BUILDING MATERIALS AND COMPONENTS

Meeting

This is to announce a meeting at HUD in early December 1975, of representatives from the private sector who are interested in the Working Group on Building Materials and Components. This Group is one of six under the US—USSR Joint Committee on Cooperation in the Field of Housing and Other Construction, established by the former President of the United States Richard M. Nixon and the Chairman of the Council of Ministers of the U.S.S.R. Aleksei N. Kosygin. The U.S. Co-Chairman of the Joint Committee is HUD Secretary Carla A. Hills.

HUD Deputy Assistant Secretary-Commissioner David M. deWilde, Housing Production and Mortgage Credit (HPMC), is American co-chairman of the Working Group on Building Materials and Components. The task of the Working Group is to encourage and facilitate direct contact between qualified individuals and organizations demonstrating an interest in scientific and technical cooperation in the fields of housing, civil and industrial construction, and the building materials industry. The Working Group will be composed of representatives of U.S. Government agencies and of the private sector.

A small portion of the group—a delegation of no more than ten members, with three or four of these coming from the private sector—is tentatively scheduled to visit the USSR early in 1976 to explore the most promising areas for exchange of information.

The following topics were agreed upon during the First Meeting of the US–USSR Joint Committee in Washington, D.C., on June 16–18, 1975:

1. Building materials, components and structures made of wood, including prefabricated structures, wood-converting technology, fire, and bioprotection.
2. Steel and other metal structures, including factory manufacturing technology, corrosion and fire protection.
3. Cements for construction, including their modification, technology and equipment as well as cement based facing materials.
4. Reinforced concrete, including prefabrication of components, insulating light weight concrete, light reinforced concretes, concrete pipe, and methods of polymerization of concrete.
5. Building items made of asbestos-cement, including technology and equipment for manufacturing.
6. Mineral wool and products on its base (technology and equipment).
7. Plastic pipe for construction.

8. Unification of requirements of USSR and USA standards in the building materials industry.

9. Durability testing by accelerated aging test methods.

10. Load resistance testing.

11. Analysis of methods of fire protection and of increasing fire safety; and increasing fire resistance of materials.

12. Methods of detection of toxic substances in building materials.

Those writing in as to their interest in participating in the overall Working Group will be contacted and advised as to the time and place of the December meeting. For additional information, please call John T. Dressel or Andrei Gerich, Architecture and Engineering Division, HPMC, Wash., D.C., (202) 755–5932. For notice of the time and place of the meeting, please write to David deWilde, Deputy Assistant Secretary-Commissioner, HPMC, Room 6100, HUD Bldg., Washington, D.C. 20410.

Issued at Washington, D.C., November 21, 1975.

DAVID M. DEWILDE,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.75–32165 Filed 11–26–75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–75–459]

CAMELOT ESTATES SUBDIVISION

Notice of Hearing

In the matter of Camelot Estates Subdivision, OILSR No. 0–0337–29–8, Doc. No. 75–259–IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Cascade Development Corporation, Mayfair Development, Inc., Roger A. Altvater, Secretary, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 31, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Camelot Estates Subdivision, located in Camden County, Missouri, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 14, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on January 28, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 14, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed, to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 20, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75–32155 Filed 11–26–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 75–29; Notice 1]

MOTORIZED BICYCLES

Safety Aspects

The purpose of this notice is to announce that the National Highway Traffic Safety Administration has established a docket to receive comments on the operational safety of motorized bicycles, commonly known as mopeds. This step is being taken to ensure that information is available to Federal, State, and local governments to guide them in regulating the use of mopeds on the public highways.

Mopeds are included within the Federal Motor Vehicle Safety Standard definition of "motor-driven cycle" (49 CFR 571.3) because they are motorcycles which produce 5-brake horsepower or less. Since mopeds are classified as motor-driven cycles, a number of States require that moped operators be examined prior to licensing, that they be licensed and that they and their passengers use helmets and eye protectors. In addition, mopeds are required by some States to be equipped with certain safety devices, such as a rearview mirror, and to undergo periodic inspection. Comments are requested concerning the advisability of applying these requirements to mopeds.

Commenters to the docket should be aware that the information now available to the NHTSA indicates that mopeds are capable of operating for sustained periods at speeds up to 30 miles per hour, and that a large proportion of motorcycle accidents occur at speeds between 20 MPH and 30 MPH. Consequently, moped accident patterns appear to be similar to those of other classes of motorcycles rather than those of bicycles. Further, it would appear that the skills needed to coordinate the throttle and the front and rear brakes of a moped are considerably more complex than those needed to operate a bicycle. It would also appear that because mopeds have limited ability to sustain speeds above 30 MPH, their travel on high speed highways should be restricted. Comments and data concerning these preliminary conclusions are also requested.

Persons interested in commenting on the subject are invited to submit their views in writing to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C 20590. Reference should be made to Docket Number 75–29.

(Sec. 101, Pub. L. 89–564, 80 Stat. 731; 23 U.S.C. 402; delegations at 49 CFR 1.50(b) and 49 CFR 501.8(d).)

Issued: November 24, 1975.

FRED W. VETTER, Jr.,
Associate Administrator for Traffic Safety Programs.

[FR Doc. 75–32119 Filed 11–26–75; 8:45 am]

Office of the Secretary

ST. LOUIS METROPOLITAN AREA AIRPORT

Public Hearing on Land Acquisition

In the matter of request for Federal grant assistance to acquire land at Columbia-Waterloo, Illinois, for an airport to serve the St. Louis metropolitan area.

As announced in the FEDERAL REGISTER of Thursday, November 20, 1975, I will hold a public hearing on this subject in St. Louis, Missouri, on Thursday, December 18, 1975, at 10 a.m. The site for the hearing was identified as being uncertain at the time of the November 20 notice. A site has been selected and the hearing will be held in the Mayan Ballroom, Bel Air Hilton, 4th at Washington Avenue, St. Louis, Missouri 63102.

Issued in Washington, D.C., November 21, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc. 75–32076 Filed 11–26–75; 8:45 am]

CIVIL AERONAUTICS BOARD

ASSOCIATION OF LOCAL TRANSPORT AIRLINES

Notice of Meeting

Notice is hereby given that a presentation will be made by the Association of Local Transport Airlines on December 9, 1975, at 2:30 p.m., local time, in Room

1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., on the Subsidy Class Rate VII.

Dated at Washington, D.C., November 24, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32168 Filed 11-26-75;8:45 am]

[Docket No. 28213]

YUSEN AIR & SEA SERVICE (U.S.A.), INC.

Postponement of Prehearing Conference and Hearing

In the matter of YUSEN AIR & SEA SERVICE CO., LTD. (JAPAN) d/b/a YUSEN AIR & SEA SERVICE (U.S.A.), INC. INDIRECT FOREIGN AIR CARRIER PERMIT RENEWAL.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference and hearing in the above-entitled matter now assigned to be held on December 11, 1975, (40 FR 52755, November 12, 1975), are postponed indefinitely.

Dated at Washington, D.C. November 21, 1975.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.75-32167 Filed 11-26-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS COMMODITY OPTIONS SUBCOMMITTEE

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments"), Commodity Options Subcommittee, will conduct a public meeting on December 15, 1975, at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Market Instruments will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

Discussion: Should all commodity option transactions in the United States be prohibited?

In connection with this discussion, the following questions will be considered:

1. How much interest in commodity option trading could be expected if the Commission were to sanction trading? Who could be expected to utilize commodity options markets?

2. Could "option" trading be expected to affect futures market prices? If so, how?

3. Could commodity option trading, if allowed, be expected to affect the liquidity of commodities markets? If so, how?

4. Could the commodity options markets be expected to be used for hedging purposes by producers, processors and merchandisers?

5. Does "options" trading serve such economic purposes as: transferring risks; stabilizing prices; limiting capital requirements of hedging operations?

6. What are the tax considerations associated with investment in commodity options? To what extent may investment in commodity options be attributable to these considerations?

7. Could the complete prohibition of trading in commodity options result in the creation of an illegal market for such contracts in the United States?

In the event the committee does not complete its consideration of the items on the agenda on December 15, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to Margaret Harrison, The Advisory Committee on Market Instruments, Commodity Options Subcommittee, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254-8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing Devan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: November 24, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-32213 Filed 11-26-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records; Modifications and Corrections; Correction

In FR Doc. 75-31074, appearing at page 53419 in the issue of Tuesday, November 18, 1975, the following corrections are necessary.

In the first paragraph, the sentence beginning "However, a modification . . ." should read: "However, a modification is necessary in the interest of consistency with the Commission's Policies and Procedures Implementing the Privacy Act. . . ."

In the second full paragraph in the third column (numbered "8"), the address of the Cleveland Area Office should read "Plaza Nine Building, Room 520, 55 Erieview Plaza, Cleveland, Ohio 44114."

Dated: November 21, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-32116 Filed 11-26-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from November 17 through November 21, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (January 12, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Buckeye to Round Hill 120 kV Transmission Line, Douglas County, Nevada, November 17: Proposed is the issuance of a special use permit to the Sierra Pacific Power Company for the construction and operation of a 120 kV power transmission line across portions of the Toiyabe National Forest. Construction and operation of the transmission line will create a change in the visual characteristics of the natural forest landscape. Future options for use of National Forest land adjacent to the right-of-way will be limited. (ELR Order No. 51670.)

Final

Hebgen Lake Planning Unit, Gallatin National Forest, Mont., November 17: The action consists of implementing land use allocations for 118,655 acres of National Forest lands and waters in the Hebgen Lake land use planning unit. The plan provides a reasonable mix of uses related to the land suitability. The mix of uses range from a wilderness resource to a highly developed recreation resource. Timber production will be continued on lower elevations, and three areas totaling about 28,500 acres are set aside for study as potential wilderness areas. Major impacts will be due to timber harvest access road construction and population increases caused by developments on private lands. They will affect soil, water vegetation, wildlife, fisheries and recreation. Comments made by: USDA, DOC, DOI, EPA, State agencies, business interests organizations and individuals. (ELR Order No. 51667.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Marion Unit #4, Illinois, Williamson County, Ill., November 21: The action involves the request for guaranteed loan funds by the Southern Illinois Power Co-op for construction of a new 160,000 net kilowatt generating unit at the Marion Station located in Williamson County, Illinois. The proposed addition will burn a mixture of coal and "gob" refuse. Some oxides of sulfur and nitrogen along with particulate matter will be released into the atmosphere. Also, during the life of the plant there will be environmental effects resulting from the mining of "gob" refuse and coal. Comments made by: USDA, DOT, DOI, EPA, and State and local agencies. (ELR Order No. 51696.)

SOIL CONSERVATION SERVICE

Final

Upper New River Watershed Project, Beaufort and Jasper Counties, S.C., November 20: This project for watershed protection, flood prevention and drainage in the Upper New River Watershed, Beaufort and Jasper Counties proposes land treatment measures (water management and timber and wildlife habitat improvement) and multiple-purpose flood prevention and drainage channels. Adverse impacts include permanent clearing of trees and shrubs from 150 acres, temporary clearing of 140 acres for soil disposal and noise and dust pollution during construction. Comments made by: USA, DOC, HEW, DOI, DOT, EPA, and State agencies. (ELR Order No. 51691.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335.

MARITIME ADMINISTRATION

Draft

Chemical Waste Incinerator Ship Project, November 18: The statement concerns the consideration of Maritime Administration support for the development of a U.S. flag operated incineration-at-sea capability. As many as four incinerator vessels may eventually be needed nation-wide. Environmental impact of the proposed action would result from the construction/conversion, operation, maintenance, and repair of the vessels to be built under the project. Once the vessels become operational, there will exist a potential hazard to the marine environment from the accidental release of harmful substances, but under observed safety regulations, high-temperature combustion of toxic materials will have a minimal adverse impact. (ELR Order No. 51677.)

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Commercial Fishing, Marine Mammals, November 18: The statement concerns the promulgation of rules and proposed issuance of permits to commercial fishermen allowing the taking of marine mammals in the course of normal commercial fishing operations. The statement indicates that the current, fishery-induced mortality should not result in any rapid, long-term reduction in the affected porpoise stocks. Comments made by: DOI, USDA, STAT, EPA, and State of California, individuals and organizations. (ELR Order No. 51679.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693–6795.

Draft

Nearman Creek Generating Station, Wyandotte County, Kans., November 17: Proposed is the construction of a 246 Megawatt coal-fired steam-electric generating facility and appurtenant structures on and in the Missouri River between River Miles 377 and 379 in the City of Kansas City, Kansas. The proposed powerplant would convert approximately 725 acres of agricultural land and wildlife habitat to industrial use, and plant operation would result in the release of waste by-products of combustion and a heated discharge into the Missouri River. (ELR Order No. 51666.)

Paintsville Lake, Ky., November 17: The statement is a supplement to a final FIS filed with CEQ 19 August 1971. The Paintsville Lake Project is one of three reservoir projects authorized by the Flood Control Act of 1965 for water resources development in the Big Sandy River Basin. The project is multiple-purpose formulated to include flood control, water quality control, redevelopment and general and fish and wildlife recreation (Huntington District). (ELR Order No. 51648.)

Vermilion Lock Replacement, Gulf ICW (2), Vermillion County, La., November 20: The EIS is a revision of a draft EIS filed with CEQ 30 April 1975. The project provides for construction of an earth-chambered sector-gated replacement lock for the existing Vermilion Lock, Gulf Intracoastal Waterway, Louisiana Section. The primary adverse impacts will be the loss of 806 acres of marsh and existing vegetation and wildlife, increased turbidity, and the loss of some benthic organisms (New Orleans District). (ELR Order No. 51684.)

Cambridge Harbor Channel and Turning Basin, Dorchester County, Md., November 20: Proposed is the maintenance dredging of the approach channel in the Choptank River and Cambridge Creek at the Port of Cambridge, Maryland. Adverse effects of the project include noise generated during construction and inconvenience to navigation during construction. There is also a slight possibility that the floating pipeline containing the spoil material could break and smother nearby oyster bars. (ELR Order No. 51693.)

Portsmouth Refinery and Terminal, Va., November 20: The Hampton Roads Energy Company proposes to construct a refinery and marine terminal for the handling and production of petroleum products. The complex would produce daily a combined total of more than 7 million gallons of gasoline, jet fuel, fuel oil, butane, propane and other related products. Adverse impacts include loss of vegetation, animal habitat, trees, cropland on the site and possible indirect impacts on small nearby creeks. A total of 470 acres will be acquired for the project. (Norfolk District). (ELR Order No. 51685.)

Final

Group Harbor and Chehalis River Navigation Project, Grays Harbor County, Wash., November 20: The statement refers to the ongoing and proposed maintenance activities comprising the Group Harbor and Chehalis River Navigation Project, including maintenance dredging for Harbor navigation channels and turning basins and the construction, rehabilitation, and maintenance of the North Jetty, the South Jetty, erosion protection works at Point Chehalis, and breakwaters at Westhaven Cove. Adverse impacts are the loss of 125 acres of tidelands annually due to deposition of dredged materials, the removal of organisms in the channel trough, and short-term negative effects associated with the rehabilitation of the North Jetty. Comments made by: DOI, EPA, HUD, USDA, DOT, and State and local agencies and individuals. (ELR Order No. 51683.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386–6084.

Final

Cities Service Pipeline System Curtailment, November 17: The statement consists of FPC's analysis of one permanent curtailment plan for the Cities Service Pipeline System. Environmental impacts resulting from curtailment are: the increased use of coal and oil to replace the curtailed gas, the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. The statement also includes two alternatives: unregulated curtailment and new sources of gas supplies. Reference is made to the fact that the rate structure and deregulation are not included as alternatives for curtailment. Comments made by: HEW, and State and local agencies. (ELR Order No. 51672.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew F. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343–4161.

Final

Federal Office Building, Carbondale, Illinois, Jackson county, Ill., November 18: The proposed action is the construction of a Federal Office Building with parking to accommodate approximately 85 vehicles. The building will contain approximately 20,000 square feet of office space for 108 employees. The adverse impacts include the possibility of a small, temporary overload on sewage facilities if the city's sewage system improvements are not completed as scheduled, and temporary construction disruption and inconvenience. Comments made by: AHP, USDA, DOI, HUD, DOT, EPA, and State and local agencies and two individuals. (ELR Order No. 51676.)

Fort Holabird Disposal, Baltimore, Md., Baltimore county, November 17: The action consists of the disposal of 226.85 acres of Fort Holabird, Baltimore City as follows: approximately 179.20 acres through negotiated sale with the City of Baltimore, approximately 37 acres by assignment to the Bureau of Outdoor recreation for conveyance to the City of Baltimore for park and recreation purposes, approximately 4 acres by assignment BOR for conveyance to Baltimore County, and approximately 6.65 acres through Sealed Bid Sale. Adverse effects to the environment would result from increase in noise, emission pollutants due to increased traffic, increase in sewage, water, and other utilities including solid waste disposal. Comments made by: USDA, DOC, DOI, DOT, EPA, and State and local agencies and individuals. (ELR Order No. 51669.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6308.

Draft

Le Chalet, Palm Beach Co., Palm Beach County, Fla., November 20: The statement concerns the proposed construction of Le Chalet Planned Unit Development in Palm Beach County, Florida. The master plan of the eastern half contains 702.7 acres, plus an offsite commercial area of 19 acres. Construction will consist of 1990 single family detached lots, an 18 hole golf course, two commercial areas, park, governmental complex, school, and scattered lakes throughout, in nine phases of development. Construction disruption and increased traffic will result. (ELR Order No. 51692.)

Parkersburg Urban Renewal, Wood County, W. Va., November 20: The statement concerns an urban renewal project in the central city of Parkersburg, West Virginia. Since acquisition is 90% complete and demolition is 75% complete, only the remaining activities, especially the removal of two local landmarks, the Wood County Courthouse and Jail, are addressed. The plan provides for an efficient vehicular circulation system, a compatible mix of governmental uses and a hotel. Should the Wood County Courthouse and Jail remain, extensive project replanning will be required. Moreover, financial feasibility is likely to jeopardize project completion. (ELR Order No. 51090.)

Final

Murray Industrial Park, Chelsea, Mass., Mass., November 20: The statement refers to the proposed 103.4 acres Murray Industrial Park Urban Renewal Project in Chelsea. The project would provide for commercial, industrial, and residential uses of the area, part of which was destroyed in a fire in October, 1973. Adverse impact will result from construction disruption, and from the close proximity of Logan Airport. Comments made by: USA, USDA, DOI, EPA, HEW, DOT, and State agencies. (ELR Order No. 51694.)

Section 104(h).

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Beretania-Smith St. Parking Facility, Honolulu, Honolulu county, Hawaii, November 20: The Beretania-Smith Project is planned as a mixed use residential-commercial-parking development. The project will replace the existing municipal parking lot with a five-level parking structure containing 1,100 parking stalls. Two separate residential towers containing 348 dwelling units and a recreation area are proposed for the sixth level of the structure. Commercial areas will be provided on the street level. The adverse environmental effects include an increase in traffic in the area. There will be some impact on existing school and recreational facilities. (ELR Order No. 51686.)

E. Omaha Relocation and Land Development, Nebr., November 20: Proposed is the relocation of East Omaha residents so that the site may be developed into a more compatible land use, i.e., commercial and industrial. Phase I of the project will involve the acquisition of 77.76 acres of principally residential property, relocation of all residents and demolition of the vacated structures. Phase II consists of converting the vacant City owned property into marketable commercial and industrial sites. The relocation of present residents is the primary adverse impact. (ELR Order No. 51689.)

Final

Rodeo Lake Surface Drainage, Othello, Adams county, Wash., November 18: The proposed action is the drainage of a seepage lake (Rodeo Lake) for the purpose of eliminating flooding of septic tanks and surface water conditions on residential suburban area adjacent to Othello City. The project will result in loss of the seepage lake, loss of fish population and reduction of wildlife population. Comments made by: USDA, and State and local agencies. (ELR Order No. 51678.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF LAND MANAGEMENT

Final

Northern Gulf of Alaska Oil and Gas Leasing; Alabama, November 19: The statement concerns a proposed oil and gas lease sale of 1.8 million acres of OCS lands located in the northern Gulf of Alaska. Adverse environmental impacts include accidental and/or chronic oil spills, pipeline and onshore facility construction, offshore treminal/platform construction and the dumping of drill cuttings. Comments made by: DOI, USDA, DOC, DOT, USCG, EPA, HUD, ERDA, and State agencies, industry and environmental groups. (ELR Order No. 51682.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

National Wildlife Refuge System, November 18: The statement examines continued operation of the National Wildlife Refuge System approximately at the present level of activity. Annual funding requirements are estimated at $22 million, to continue the preservation of selected physical resources, key fish and wildlife habitats, and overall environmental quality in representative wildlife ecosystems. Such activities as timber cutting, diking, vegetative manipulation, and facility construction will result in temporary adverse effects. (ELR Order No. 51680.)

Final

Proposed Noxubee Wilderness Area, Oktibbeha County, Miss., November 20: Proposed is the legislative designation of 1,200 acres of the Noxubee National Wildlife Refuge as wilderness within the National Wilderness Preservation System. The option to develop and intensively manage for maximum wildlife production would be foregone (52 pages). Comments made by: EPA, DOC, USDA, DOI, and State and local agencies. (ELR Order No. 51688.)

Proposed Wilderness Area, North Carolina, Dare, Carteret, and Hyde Counties, N.C., November 20: The statement refers to the proposed legislative designation of several new wilderness areas. Included would be 590 acres of Mattamuskeet National Wildlife Refuge, 9,000 acres of Swanquarter Refuge, 180 acres of Pea Island Refuge, and 180 acres of Cedar Island Refuge. As a result of the action, several management options would be precluded (93 pages). Comments made by: USA, USDA, DOT, DOC, DOD, DOI, and State agency. (ELR Order No. 51687.)

OHIO RIVER BASIN COMMISSION

Draft

Monongahela River Basin Study, Md., Pa., and W. Va., November 20: The statement concerns the recommendation of a plan for implementation of one major reservoir, one upstream watershed project, flood zoning and insurance at 13 locations, four local protection projects, 104 municipal wastewater treatment facilities, 130 mile drainage abatement areas, and the replacement of one navigation lock and one lock and dam. Adverse impacts of the plan include the inundation of 4,376 acres of open and green space, disruption of 55 miles of existing natural stream channel by four projects and the possible loss of 2,650 acres of coal resources and associated jobs. (ELR Order No. 51695.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

North Bend Municipal Airport Development, Oreg., November 18: The proposed action involves the development of the North Bend Municipal Airport, North Bend, Oregon. Development items include: a runway extension of 1,987 feet on the Runway 4 end, a 200-foot runway safety area and an approach lighting system beyond the extended Runway 4 end, a fill of approximately 45.7 acres of the mudflat southwest of the existing Runway 4 end for the runway extension and runway safety areas, and a runway extension of 700 feet on the Runway 31 end. Adverse effects are loss of benthic flora and fauna, reduced area for recreation, and reduced productivity of the estuary as a whole. (ELR Order No. 51675.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Minnesota Drive Extension, Anchorage, Alaska, November 17: Proposed is the construction of a 4-lane controlled-access road-

way within the Greater Anchorage Area Borough, beginning at the junction of Minnesota Drive and International Airport Road and continuing a total distance of 4.9 miles. A moderate level of air and noise pollution will result, and there will be loss of natural vegetation and wildlife habitat. A maximum of 31 families and three businesses will be displaced. Because the highway would cross the Campbell Creek Greenbelt, a 4f statement is included. (ELR Order No. 51671.)

Kalanianaole Highway (FAP 72) Improvement, Honolulu County, Hawaii, November 17: The proposed action is approval of one of four recommended alternate improvements to upgrade the transportation service capabilities of existing FAP 72, in the City and County of Honolulu, Ashu, Hawaii. These improvements include: two alternate configurations of highway lanes incorporating an at grade, exclusive and reversible busway lane; with or without a waterborne marine bus system. Eighteen to 37 residences and 70 to 130 persons will be displaced. Project implementation would cause permanent increase in noise levels. (ELR Order No. 51673.)

US 52, Welcome to Lexington, North Carolina, Davidson County, N.C., November 29: Proposed is the reconstruction on new alignment of US 52 from just north of Welcome southward to Lexington, North Carolina. The project is the remaining segment of an overall plan to upgrade US 52 to a 4-lane, controlled access highway between Interstate 40 in Winston-Salem and Interstate 85 in Lexington. The major adverse environmental impacts would be the relocation of 25 to 50 homes and 1 to 5 businesses. The project would also result in the conversion of existing farm and woodlands to highway right-of-way and some degree of noise pollution. (ELR Order No. 51681.)

Final

Widening of DeRenne Avenue, Savannah, Georgia, Chatham county, Ga., November 17: This project consists of widening from two to four or five lanes of approximately two miles of DeRenne Avenue between Abercorn Street and Skidaway Road in Savannah. Adverse impacts include increased noise levels, increased carbon monoxide levels, loss of the buffer zone of trees along DeRenne Avenue, and erosion and siltation during construction. Comments made by: HUD, DOI, HEW, and local commissions. (ELR Order No. 51668.)

Railroad Relocation Demonstration Project, Elko county, Nev., November 17: Proposed is the relocation and consolidation of 5.4 miles of main line Southern Pacific and Western Pacific track from the downtown area of Elko, Nevada. The demonstration railway-road grade crossing elimination project will require approximately 46 acres of land, displacing 115 living units and 13 commercial units. Comments made by: DOI, DOC, USA, USDA, DOT, HEW, AHP, and State and local agencies and private groups. (ELR Order No. 51674.)

STH 93, La Crosse Co., Wisconsin, La Crosse county, Wis., November 17: Proposed is the construction of 10.5 miles of four-lane divided freeway on a new location in La Crosse County, Wisconsin. The facility begins at Interstate Hwy. 90 at the present State Trunk Hwy. 157 interchange and proceeds northerly, bypassing the City of Onalaska and the Village of Holmen. Project implementation would require the acquisition of 475 acres and the displacement of two families. (ELR Order No. 51665.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-32180 Filed 11-26-75;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

List of Administrative Actions

The following list, filed with the Council by the Department of Transportation, Federal Aviation Administration and U.S. Coast Guard, indicated those administrative action that FAA and USCG have determined will require the preparation of environmental impact statements under NEPA.

ENVIRONMENTAL IMPACT STATEMENTS IN PREPARATION OR ANTICIPATED (1ST QUARTER '76)

Elmira, NY, runway extension.
Newburgh, NY, runway extension.
St. Marys, PA, runway extension.
Erie, PA, runway extension.
Allentown (ABE), PA, runway extension.
Clarksburg, WV, runway extension.
Lewisburg, WV, runway extension.
New Martinsville, WV, new airport.
Buckhannon, WV, new airport.
Summersville, WV, runway extension.
Ocean City, MD, new runway.
Chestertown, MD, new airport, general utility.
Calvert Co., MD, general utility.
Quinton, VA (previously listed as Clinton, Va.), runway extension, road relocation.
South Hill, VA, new basic transport airport.
Franklin, VA, runway extension.
Roanoke, VA, runway extension.
Williamsville, VA, new general utility airport.
Stafford Co., VA, new basic transport airport.
Burbank, CA, acquire existing airport.
La Verne, CA, construct new runway.
Los Angeles, CA, acquire existing airport and new runway.
Oakland, CA, runway extension.
Ontario, CA, new runway.
Palmdale, CA, new airport.
Reedley, CA, new airport.
Santa Ana, CA, airport expansion.
San Francisco, CA, airport expansion.
Aurora Municipal, IL, 20 year planning grant program.
Bloomington Normal, IL, 20 year planning grant program.
Carbondale Southern, IL, 20 year planning grant program.
Champaign Willard, IL, 20 year planning grant program.
Decatur Municipal, IL, 20 year planning grant program.
Effingham County, IL, land acquisition/ILS runway.
Havana Municipal, IL, new airport—20 year planning grant program.
Rockford Greater, IL, 20 year planning grant program.
Anderson Municipal, IN, cross-wind runway extension.
Angola Tri-State, IN, new airport—20 year planning grant program.
Crawfordsville Municipal, IN, new airport—20 year planning grant program.
Ft. Wayne Municipal, IN, 20 year planning grant program.
French Lick Municipal, IN, runway extension.
Gary Municipal, IN, 20 year planning grant program.
Lopez, WA, land acquisition, new runway.
Neah Bay, WA, new airport site.
Richland, WA, new runway, land acquisition.
Woodland, WA, new airport site.
Colville, WA, new airport site.
Ocean Shores, WA, new airport site.
Pasco, WA, runway extension, land acquisition.
Elma, WA, new airport site.
Everett, WA, new GA runway.
Vancouver, WA, new public airport.
Baton Rouge, LA, new GA airport.
Richardson, TX, new GA airport.
Pocohontas, IA, airport layout plan and land acquisition.
York, NE, master plan and airport layout plan.
Onawa, IA, airport layout plan.
Boone, IA, airport layout plan.
Higginsville, MO, airport layout plan.
Sikeston, MO, airport development project.
Harrisonville, MO, master plan and airport layout plan.
Lamar, MO, master plan and airport layout plan.
Omaha, NE, airport layout plan.
North Platte, NE, airport layout plan and airport development.
Lamoni, IA, airport layout plan.
Washington, KS, master plan and airport layout plan.
Salem, MO, airport development.
Lee's Summit, MO, airport development.
Blair, NE, master plan and airport layout plan.
Hillsboro/Marion, KS, master plan and airport layout plan.
Hoxie, KS, master plan and airport layout plan.
Marshalltown, IA, airport layout plan and airport development.
LeMars, IA, master plan and airport layout plan.
Atwood, KS, master plan and airport layout plan.
Storm Lake, IA, airport development.
Pittsburg, KS, airport development.
Albany, MO, airport development.
Sac City, IA, airport development.
Joplin, MO, airport development.
Eldon, MO, airport development.
Scott City, KS, airport development.
Olathe, KS, airport development.
Yap Airport, Yap District, Trust Territory of the Pacific Islands, develop airport master plan for Yap Airport.
Kusaie Island, Truk District, Trust Territory of the Pacific Islands, develop airport master plan for Kusaie Island.
Greencastle Cty., IN, new airport—20 year planning grant program.
Huntingburg Municipal, IN, 20 year planning grant program.
Mt. Vernon Municipal, IN, new airport—20 year planning grant program.
North Vernon municipal, IN, new airport—20 year planning grant program.
Shelbyville Municipal, IN, 20 year planning grant program.
Wabash Municipal, IN, 20 year planning grant program.
Pontiac, Oakland-Pontiac, MI, land acquisition, extend.
Ironwood County, MI, land acquisition, new runway.
Hillsdale Municipal, MI, 20 year planning grant program.
Mt. Pleasant Municipal, MI, land acquisition, new runway.
Saginaw, MI, land acquisition, extend two runways.
Escanaba County, MI, land acquisition, extend runway.
Menominee County, MI, new runway.
Lansing-Capital City, MI, 20 year planning grant program.
Grand Ledge Municipal, MI, 20 year planning grant program.
Ann Arbor Municipal, MI, 20 year planning grant program.
Kalamazoo Municipal, MI, extend runway.
Flint-Bishop, MI, land acquisition, new runway.
Grand Rapids County, MI, extend runway.
Coldwater Municipal, MI, 20 year planning grant program.
Greenville Municipal, MI, 20 year planning

grant program.
Saginaw Harry Browne, MI, 20 year planning grant program.
Chesaning-St. Charles, MI, 20 year planning grant program.
Monroe, MI, 20 year planning grant program.
Vassar-Millington, MI, 20 year planning grant program.
Baudette International, MN, land acquisition, runway extension.
Madison Dawsen-Madison, MN, new runway.
Tower Municipal, MN, new runway.
Fergus Falls Municipal, MN, land acquisition.
Walker Municipal, MN, land acquisition, new runway.
Jackson Municipal, MN, land acquisition, new runway.
Akron-Canton Municipal, OH, extend runway.
Cleveland-Hopkins, OH, new runway, extend runway.
Cleveland, Cuyahoga, OH, new runway.
Green Bay Austin Straubel, WI, land acquisition, improve runway.
Madison County, WI, land acquisition, clear runway approach.
Antigo County, WI, land acquisition, extend runway.
Waupaca Municipal, WI, land acquisition, install VASI.
Rhinelander Cty., WI, Construct CFR Bldg.
Neah Bay, WA, establish VOR/DME.
Salem, OR, establish FM.
North Bend, OR, runway extensions.
La Grande, OR, runway extension.
Hermiston, OR, land acquisition, runway extension.
Medford, OR, land acquisition.
Warm Springs, OR, new airport site.
Portland-Clackamas, OR, new airport site.
St. Maries, ID, land acquisition.
Kamiah, ID, runway extension, land acquisition.
Soda Springs, ID, new runway, land acquisition.
Babelthuap/Koror Island, Palau, District, Trust Territory of the Pacific Islands, develop airport master plan for Babelthuap/Koror Island.
Agana, Guam, Mariana Islands, develop airport master plan for general aviation airport at Guam.
Honolulu, HI, develop airport master plan for general aviation airport on Island of Oahu.
Lihue, Kauai, HI, develop airport master plan for Lihue Airport on Island of Kauai.
Agana, Guam, Mariana Islands, transfer of section 23 (U.S. Navy) land.
Anchorage, AK, new runwy.
New Haven, CT, runway extension.
Bar Harbor, ME, terminal area relocation.
Runford, ME, new airport.
Provincetown, MA, runway extension.
Bridgeport, CT, runway extension.
Alabaster, AL, extend both ends of runway 15/33.
Gilbertsville, KY, extend runway.
Miami, FL (In't), extend runway 09R.
Miami, FL, construct replacement facilities for Everglades Jetport.
Nashville, TN, construct new airport.
Raleigh-Durham, NC, construct new air carrier runway.
St. Thomas, VI, construct new runway.
Ft. Myers, FL, construct new air carrier airport.

FAA OFFICE OF ENVIRONMENTAL QUALITY RULEMAKING PROJECTS

Civil Helicopter Noise Certification Standards.

Civil Supersonic Aircraft Noise Type Certification Standards.

ENVIRONMENTAL ASSESSMENTS (A), DRAFT (D) AND FINAL (F) ENVIRONMENTAL IMPACT STATEMENTS (EIS) BEING PREPARED BY THE U.S. COAST GUARD

F—Proposed changes to Coast Guard Station, New London, CT.

F—Deepwater Port Regulations (Final to CEQ 3 OCT 75).

F—Ratification of the protocol relating to intervention on the high seas in the cases of marine pollution by substances other than oil.

F—Proposed Coast Guard Station at Provincetown, MA.

D—Proposed Route 22 bridge across the Ohio River between Weirton, West Virginia and Steubenville, OH.

A—Seasonalization of Coast Guard Station, Fisher Island, Suffolk County, NY.

A—Saybrook Breakwater Light automation, Middlesex, CT.

D—Calhoun Street Bridge across the Delaware River between Morrisville, PA and Trenton, NJ.

D—Merrick Road Bridge across Seaford Creek, Mineola, NY.

D—Pemberton Creek Bridge across Pemberton Creek, Oceanport, NJ.

D—Cattus Island Bridge at Barnegat Bay, Ocean County, NJ.

F—Route 18 Highway Bridge across the Raritan River in New Brunswick, NJ.

D—Bridge across Shallotte Creek, Brunswick County, NC.

F—Amendment to existing I-95 James River Bridge, Richmond, VA.

D—Proposed Coast Guard Search and Rescue Station, Cockspur Island, GA.

F—Bridge across Station Creek for access to St. Phillips Island, Beaufort County, SC.

D—Proposed multi-purpose facility at Berwick, LA.

D—Proposed rules for Vessel Traffic System, Berwick Bay, LA.

F—Proposed Vessel Traffic System, Houston/Galveston, TX.

D—Highway Bridge across Calcasieu Lake in Cameron Parish, LA.

D—Highway Bridge across Hog Bayou near Grand Chenier, Cameron Parish, LA.

D—Vehicular/Mass Transit Bridge across the Mississippi River at New Orelans, LA.

D—West Bank Expressway, U.S. Route Highway 90 Business Route, upgrading of an existing segment to freeway standards including a high level bridge over the Harvy Canal. Proposed upgrading would extend from U.S. Highway 90 on the west to the Orleans Parish line on the east, a distance of 9.78 miles New Orleans, LA.

F—Proposed Loran C Station, Seneca Army Depot, NY.

A—New Coast Guard Station, Bay City, MI.

A—New SAR Station, Bayfield, WI.

A—Increase habitability at CG Station, Marblehead, OH.

D—Highway Bridge across the Wisconsin River, Wausau, WI.

F—Highway Bridge across the Wolf River, Fremont, WI.

F—Proposed Loran C Chain, U.S. West Coast/Gulf of Alaska Sites at Fallon and Searchlight, NV; and Middletown, CA (Final to CEQ 10 OCT 75).

D—Point Reyes Housing Sewage Disposal Plan, CA.

F—Proposed replacement of the Dumbarton Bridge across San Francisco Bay, San Mateo and Alameda Counties, CA.

D—Supplement to West Coast/Gulf of Alaska Loran-C Chain, Moses Lake, WA site (Draft to CEQ 31 OCT 75).

F—Gulf of Alaska Loran-C Chain at Tok, Shoal Cove and Narrow Cape, AK.

A—Kamehameha Highway Bridge over Kahaluu Stream, Kahaluu, Oahu, HI.

A—Installation of Generator for Microwave Communications Equipment, Honolulu, HI.

NEGATIVE DECLARATIONS PREPARED AND FILED IN COAST GUARD HEADQUARTERS DURING THE THIRD QUARTER OF CY 1975

Legislative proposal "Nautical Rules of the Road Act of 1975".

Amendment to Federal Regulation "Pollution Prevention—Vessel Design and Operations" Prohibited Oil Spaces (33 CFR 155.-470).

Acquire three existing houses at Coinjock, NC.

Augmentation of Lower Mississippi River Buoy Tenders.

LPG Contingency Plan, Captain of the Port, Portland, Me.

Unit Development Plan, Coast Guard Base, Terminal Island, CA.

Unite Development Plan, Coast Guard Air Station, San Diego, CA.

Construct an Exchange (Convenience Store) at Coast Guard Richmond Heights Housing Development, Miami, Fla.

NEGATIVE DECLARATIONS PREPARED AND FILED IN COAST GUARD HEADQUARTERS FOR FINAL BRIDGE PERMIT ACTIONS DURING THE THIRD QUARTER OF CY 1975

Project, waterway, and location:	*Permit No.*
Chicago Sanitary and Ship Canal, Justice, Ill	66–75
Clam Thorofare, Atlantic City, N.J	41–75
Bayou Bonfonca, Slidell, La	96–71
Big Sandy River, Kenova, W. Va.	81–75
McIntosh Slough, Reedsport, Oreg	83–75
Wolfsnare Creek, Virginia Beach, Va	76–75
Buffalo Bayou, Houston, Tex	153–71
Swinomish Channel, LaConner, Wash	84–75
Otter Creek, Susie, Ky	102–75
Big Sandy River (Tug Fork), Job City, Ky	104–75
California Creek, Blaine, Wash	105–75
Chelan River, Chelan Falls, Wash.	106–75
Perch River, Mobile, Ala	95–75
Northwest Creek, Craven Co., N.C	96–75
Biscayne Canal, Dade County, Fla	97–75
Himmarshee Canal, Broward County, Fla	60–75
Salt Creek, North Port Charlotte, Fla	125–74
Willamette River, Wilsonville, Oreg	38–73
Big Slough (Myakkahatchee Creek), Port Charlotte, Fla	132–74
Rappahannock River, Port Royal, Va	92–75
Borrow Canal, Gramercy, La	87–75
Bethel Creek, Vero Beach, Fla	57–75
Newhalen River, Iliamna, Alaska	108–75
Missisquoi River, Highgate, Vt	114–75
Kansas River, Lawrence, Kans	131–75
Trinity River, Moss Hill, Tex	121–75
Cocheco River, Dover, N.H	115–75
Cross Bayou Canal, Pinellas County, Fla	119–75
Rancocas Creek, Burlington County, N.J	45–75
Perch Creek (West Fork), Mobile, Ala	107–75
Millport Slough, Kernville, Oreg	110–75
Pawtucket Canal, Lowell, Mass.	113–75
Bayou Choupique, Hackberry, La	100–75
Atlantic Intracoastal Waterway, Delray Beach, Fla	103–75
Nnnamed Gut of Sinepuxent Bay, Berlin, Md	93–75
Hayners Creek, Savannah, Ga	124–74

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-32181 Filed 11-26-75;8:45 am]

DEFENSE MANPOWER COMMISSION

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on December 18, 1975 at 9:00 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C. 20036. The purpose of the meeting will be to conduct a review of Management, Internal Organization and Staffing, and Organization change of the DOD. The above issues are subject to change dependent upon staff progress, and other subjects may be substituted.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254–7803 prior to each meeting.

Dated: November 24, 1975.

BRUCE PALMER, Jr.,
Executive Director.

[FR Doc.75–32170 Filed 11–26–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 462–6]

ADMINISTRATOR'S PESTICIDE POLICY ADVISORY COMMITTEE

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Administrator's Pesticide Policy Advisory Committee. Date: December 18, 1975. Place: Environmental Protection Agency, 401 M Street SW., Washington, D.C., Room 2117 Mall (enter the West Tower entrance or the southwest entrance). Seating capacity of the conference room is limited.

Time: 9:00 a.m.–4:00 p.m. (approximately).

Proposed Agenda: Since this is the first meeting of this newly established advisory committee, the bulk of the agenda will be taken up with operational and organizational matters of the committee. There will be a briefing on the pesticide program early in the morning session.

The committee meeting is open to the public. All communications regarding this committee should be addressed to Mr. David K. Sabock, Executive Secretary, Administrator's Pesticide Policy Advisory Committee, Office of Water and Hazardous Materials (WH–556), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: November 24, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials WH–556.

[FR Doc.75–32179 Filed 11–26–75;8:45 am]

[FRL 462–5; PF23]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food and/or feed additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP6F1693. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 40 CFR 180.349 by establishing a tolerance for combined residues of the nematocide ethyl 3-methyl-4(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sugar beets at 0.05 part per million (ppm); sweet potatoes and sugar beet tops at 0.1 ppm; potatoes at 0.4 ppm; and tomatoes at 0.5 ppm. Proposed analytical method for determining residues is a procedure in which the residue is reacted with potassium permanganate to form the corresponding sulfone which is determined with a gas chromatograph using a flame ionization detector. PM21

FAP6H5109. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 21 CFR 561 by establishing a regulation permitting the use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl - (1 - methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites on sugar beets and tomatoes with tolerance limitations of 0.1 ppm in sugar beet pulp (dried) and of 3.5 ppm in tomato pulp (dried). PM21

PP6F1694. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 180.183 by establishing a tolerance for residues of the insecticide *O,O*-Diethyl *S*-[2-(ethylthio)-ethyl] phosphorodithioate in or on the raw agricultural commodity peanut hulls at 0.3 ppm. Proposed analytical method for determining residues is a gas liquid chromatographic procedure using a thermionic detector. PM15

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 21, 1975.

MARTIN H. ROGOFF,
Associate Director, Registration Division.

[FR Doc.75–32178 Filed 11–26–75;8:45 am]

[FRL 461–3; OPP 33000/338 & 339]

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 January 27, 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 January 27, 1975.

Dated: November 20, 1975.

MARTIN ROGOFF,
Associate Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—33000/338)

EPA Reg. No. 464–448. Ag-Organics Dept., PO Box 1706, Midland MI 48640. LORSBAN 4E INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 40.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amendment addition. PM12

EPA Reg. No. 264–260. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. VEGIBEN 2E. Active Ingredients: Methyl ester of chloramben (3-amino-2,5-dichlorobenzoic acid) 20.9%; Methyl ester of related aminodichlorobenzoic acide 2.3%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 551-EUN. Baird & McQuire, Inc., South St., Holbrook MA 02343. FORMULA 256 SANITIZER CLEANER. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 551-EUR. Baird & McQuire, Inc., South St., Holbrook MA 02343. BAIRD'S WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11739-E. Chemical Research & Development Co., Inc., 2775 Pittsburgh Ave., Cleveland OH 44115. KILZEM DISINFECTANT-SANITIZER-FUNGICIDE-DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 239–2418. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claims. PM16

EPA File Symbol 11524–RN. Control Chemical Corp., 2090 Route 110, Farmingdale NY 11735. C–999. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 559–EN. The Davies-Young Co., 2700 Wagner Place, Maryland Heights MO 63043. FORMULA 170. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy, PM31

EPA File Symbol 559–ER. The Davies-Young Co., 2700 Wagner Place, Maryland Heights MO 64043. DY-QUAT. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 4238–RG. Diamond Chemical Co., Inc., Hook Rd., Bayonne NJ 07002. DIAMOND BACTI-SOF. Active Ingredients: Octyl decyl Dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl Dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 1677–TT, Economics Laboratory, Klenzade Div., Osborn Bldg., St. Paul MN 55102, KLENZ-GLIDE 10. Active Ingredients: Formaldehyde 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 1471–96. Elanco Products Co., Div. of Eli Lilly & Co., Indianapolis IN 46206. HERBICIDE SURFLAN 75W. Active Ingredients: Oryzalin (3,5-dinitro-N4, N4-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA File Symbol 4482–RL. Epic Chemicals Inc., 89 Coffey St., Brooklyn NY 11231. DICAL DISINFECTANT-SANITIZER-DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40% C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 270–30. Farnam Companies, Inc., P0 box 21447, Phoenix AZ 85036. REPEL–X EMULSIFIABLE FLY SPRAY. Active Ingredients: Piperonyl Butoxide Technical 1.00%; Pyrethrins I & II 0.40%; Butoxypolypropylene Glycol 25.00%; Pine Oil 24.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formula change. PM17

EPA File Symbol 10366–I. FRM Chem. Inc., PO Box 216, Valley Park MO 63088. FRM–QUAT DISINFECTANT–SANITIZER–FUNGICIDE–DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 7245–RG. Hi-Brett Chemical Co., Inc., PO Box 1072A (26 W. Inman Ave., Rahway NJ 07065. FORMULA 8732 CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 1.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 33660–U. Levy, Bivona and Cohen, Attorneys, 10 East 40th St., New York NY 10016. DIMETHOATE TECHNICAL. Active Ingredients: dimethoate [0,0 - dimethyl-S-(N - methyl - carbamoylmethyl)-phosphorodithioate] 95%. Method of Support: Application proceeds under 2 (a) rather than 2(c) of interim policy. PM16

EPA File Symbol 8325–RG. Misco Products Corp., Box 623, RD #2, Reading PA 19605. MISCO DISINFECTANT–CLEANER–SANITIZER–FUNGICIDE–DEODORANT. Active Ingredients: Sodium metasilicate 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 3125–210. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. BYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claim. PM16

EPA Reg. No. 7001–43. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. BEST INSECT CONTROL FOR HOUSE PLANTS. Active Ingredients: Pyrethrins 0.020%; 2,4-Dinitro-6-octyl phenyl crotonate 0.091%; 2,6-Dinitro-4-octyl phenyl crotonate Nitrooctyl Phenols (principally dinitro) 0.006%; Rotenone 0.100%; Other cube resins 0.200%; Methoxychlor, technical 0.300%; Dichlone (2,3-dichloro-1,4-naphthoquinone) 0.120%; N-octyl bicycloheptene dicarboximide 0.300%; Petroleum distillate 0.115%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM13

EPA File Symbol 1685–IR. The State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland OH 44114. FORMULA 215 TERG-O-CIDE. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

APPLICATIONS RECEIVED (OPP–33000/339)

EPA Reg. No. 241–238. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. COUNTER 15G. Active Ingredients: Terbufos (S-[(tert-butylthio) methyl] O,Odiethyl phosphorodithioate) 15.0%. Method of Support: Application proceeds under 2(b) of interim policy, Republished: Change in use claim. PM16

EPA File Symbol 9417-U. H. W. Anderson Products, Inc., 45 E. Main St., Oyster Bay NY 11771. 89–11 STERILIZING GAS. Active Ingredients: Ethylene oxide 11%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 37962–R. Andfel Company, 219 N. Western Ave., Chicago IL 60612. ANFEL'S SANI-POL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl chorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 8959–10. Applied Biochemists Inc., 5300 W. County Line Rd., Mequon WI 53092. CUTRINE-PLUS. Active Ingredients: Copper as elemental (From copper-triethanol-amine complex) 9.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM24

EPA File Symbol 1043–AA. Vestal Labs., Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VRT–8 GERMICIDE. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 3.25%; N-N-bis [2-omega-hydroxypoly (oxyethylene)) ethyl] alkyl amines 3.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 1043–AI. Vestal Labs., Div. of Chemed Corp. VRT–2 GERMOCIDE. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.406%; N,Nbis [a-omega-hydroxypoly (oxyethylene)] Alkyl amines 0.375%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 1043–AL. Vestal Labs., Div. of Chemed Corp. PS.X GERMICIDE. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.406%; N,N-bis [a-omega-hydroxy-poly (oxyethylene)] Alkylamines 0.375%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 1043–AO. Vestal Labs., Div. of Chemed Corp. VRT–32 GERMICIDE. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 13.0%; N,N-bis [2-omega-hydroxypoly (oxyethylene)] alkyl amines 12.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 1043–AT. Vestal Labs., Div. of Chemed Corp. VRT–4 GERMICIDE. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.625%; N,N-bis [a-omega-hydroxypoly (oxyethylene)] alkyl amines 1.500%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 1043–AU. Vestal Labs., Div. of Chemed Corp. VESTAL Q–64. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 3.8%; alpha-Terpineol 0.05%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 9339–I. Flexabar Corp., 140 Walnut St., Northvale NJ 07647. ODOR CONTROL 1600 GERMICIDAL CONCENTRATED COUNTERACTANT. Active Ingredients: Tri-n-butyltin succinate 0.381%; Tri-n-butyltin benzoate 0.788%; Tri-n-butyltin linoleate 1.811%; Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 15.574%; Ethyl alcohol 3.894%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37064–A. Pioneer Chemical Laboratories, 5419 Logan Ave. N, Minneapolis MN 55430. PIONEER 450 DISINFECTANT. N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 201–369. Shell Chemical Co., Agricultural Div., Suite 200, 1025 Conn. Ave. NW, Washington DC 20036. VENDEX 50 WETTABLE POWDER MITICIDE. Active Ingredients: Hexakis (2-methyl-2-phenylpropyl) distannoxane 50%. Method of Support: Application proceeds under 2 (a) of interim policy. PM13

EPA File Symbol 5741–RU. Spartan Chemical Co., Inc., 110 N. Westwood Ave., Toledo OH 43607. T'N T TUB & TILE CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.075%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.075%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

[FR Doc.75-32016 Filed 11-26-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1234; Docket No. 19743]

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Subscription Agreements

1. The Commission considers in this proceeding responses to our *Notice of Inquiry*, adopted May 17, 1973, 38 FR 14124. The purpose of the inquiry was to study contracts between licensees and musical format service companies, and to determine whether provisions of such agreements impinge upon, hinder, or inhibit the exercise of licensee discretion and flexibility in matters of the selection and presentation of non-musical programming to meet the continuing needs and interests of the station's service area.

2. The companies in question contract with radio stations to supply taped musical programs over a period of time on a subscription basis. Usually the station plays the tapes over the air as received, and then returns them to the supplier. The programs contain breaks for commercials, news, and other announcements. Some programs are musical only; others include an announcer between musical selections. Some companies additionally provide consulting services to supply stations with programming or format ideas. The programs have apparently been a commercial success for both the station and the supplier, as evidenced by their widespread acceptance and expansion.[1] The provisions in question were brought to our attention in a petition to deny an application to assign a station license which alleged that the assignor and assignee had contracted away some programming responsibilities.[2] For example, some of the contract provisions appeared to bind the assignor and the assignee to broadcast a certain number of commercials, limited the amount of news broadcast, and determined the nature of nonmusical programming.

3. Specific provisions of the aforementioned contract were attached to the *Notice of Inquiry* to illustrate the area of our concern. They required a station to broadcast a minimum number of hours per day, proscribed SCA programming or FM duplication of AM programming, required airplay of a fixed number of minutes of supplied music each hour, prohibited announcements of names of musical selections, limited the number of commercials per hour, forbade triple spotting, required all talk programming to be of public affairs or religious nature, required regular news broadcasts from non-network and non-aural sources, required news to consist of a certain percent or less of station air time, and limited the number and duration of newscasts during certain times. A termination clause said that nothing in the contract would prevent a station from modifying its programming in the public interest, but that the music format service company could cancel upon 15 days notice in such event. One other provision allowed the station to substitute or reject programs. These provisions are discussed below.

4. We invited comments on the nature and resolution of problems presented by contracts of this type, specifically directed to the following issues:

(a) the extent to which subscription agreements of musical program format companies contain restrictive provisions regarding non-musical programming (we asked to receive copies of the standard contracts of companies providing these services);

(b) the particular industry practices under such agreements, including (but not necessarily limited to) the degree to which licensees have been allowed to deviate from the standard provisions without rescission or threatened rescission of the contract by the format service company (specific instances requested); and

(c) the extent to which, if any, such restrictive programming provisions and practices thereunder impinge upon, inhibit or hinder the discretion and flexibility of the licensee in matters of the selection and presentation of nonmusical programming material.

Comments and/or reply comments were received from the following music format service companies: Drake-Chenault Enterprises, Inc. (parent of American Independent Radio, Inc.); TM Programming, Inc.; International Planned Music Association (Muzak); International Good Music, Inc.; Bonneville Program Services; Stereo Radio Productions, Ltd.; and Wally Neskog and Associates, Inc. (WNA Music and KIXT, Inc.). Comments were also received from the National Association of FM Broadcasters and National Citizens Committee for Broadcasting. Of the seven music format service companies commenting, five attached contracts.

5. As to the first issue raised in the *Notice*—the extent to which contracts contain restrictive provisions regarding non-musical programming—two of the five contracts submitted contain no provisions of the type questioned in the *Notice* and three do. One of the parties, although it did not submit a copy of its contract, states that its agreement contains no provisions like those questioned in the *Notice*.

6. Concerning the second issue—industry practices under such agreements—three of the five contracts submitted have no clauses providing for cancellation if a licensee modifies its programming, and the companies using such contracts state that they have never

[1] One company, for example, has over 60 subscribers.

[2] See *Memorandum Opinion and Order re Application of WEZY*, 40 F.C.C. 2d 1164 (adopted May 17, 1973) (assignment granted subject to our actions in this proceeding).

cancelled for programming reasons. Moreover, these companies have additional contract provisions. One states, among other things, that the agreement is subject to all rules, regulations and orders of the Commission. Another states that the agreement is subject to the terms of the license held by the broadcaster and to all federal laws. Of the two companies which have cancellation provisions, one had cancelled twice for an increase in commercials per hour. The other had not cancelled because of programming deviations but had cancelled for non-payment.

7. The third issue sought information concerning the extent to which restrictive programming provisions and practices thereunder impinge on, inhibit or hinder the discretion and flexibility of the licensee in matters of the selection and presentation of non-musical programming material. Three suppliers whose contracts contain no restrictive provisions state that since they make no demands on broadcasters they cannot restrict program flexibility. One party argues that its provisions merely reflect existing station policy since the station enters into the contract only if its policy is consistent with the contract terms. Another states that its provisions are used to insure continuity and artistic objective. One suggests that contracts of suppliers could inhibit licensee responsibility but that this is true only if the contract contains a cancellation clause for modification of programming. The argument is also made that insofar as the sample provisions mentioned in the *Notice* (see para. 3, *supra*) are concerned, abdication of responsibility would result only from a voluntary act of the licensee, since the broadcaster reserves the right to alter his programming, reject supplied programs, or substitute another program.

8. Several of the comments suggest methods to resolve our inquiry. Some point out that the Commission already has authority to deal with this problem at renewal time. One recommends issuance of a *Public Notice* illustrating improper contract clauses; another asks that we find the contracts in question to be within the discretion of the licensee and announce that they will be reviewed at renewal time, and still another recommends a finding that they do not inhibit licensee programming flexibility. All of the comments suggest that rule making would be unnecessary and improper. A more detailed digest of the comments is attached as an appendix.

Conclusions

9. The focal issue in this proceeding is whether music format service contracts have the potential to restrict programming flexibility and thereby amount to a contracted abdication by the licensee of its responsibility to the public and to the Commission. It has long been the policy of the Commission to require broadcast licensees to be ultimately responsible for programming, regardless of the source. Thus, we said in our 1960 *Report and Policy Statement on Programming:* [3]

> Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. . . . This duty is personal to the licensee and may not be delegated. He is obligated to bring his positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide acceptable program schedule consonant with operating in the public interest in his community. The broadcaster is obligated to make a positive diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interest. This gain is a duty personal to the licensee and may not be avoided by delegation of the responsibility to others.[4]

And, more recently, in the *Fairness Report* [5]:

> We wish to emphasize that the responsibility for the selection of program material is that of the individual licensee. That responsibility can neither be delegated by the licensee to any network or other person or group, or be unduly fettered by contractual arrangements restricting the licensee in his free exercise of his independent judgments. *Report on Editorializing*, 13 F.C.C. at 1248.[6]

In resolving the issues of this inquiry, we look to our previous actions in dealing with the contracting away of licensee responsibilities.

10. Network contracts with licensees were the subject of our "chain broadcasting" regulations.[7] Several rules were adopted in the public interest to deal with questionable network practices. To prevent network usurpation of licensee programming discretion, we prohibited the licensing of any station with a network contract which restricted licensee discretion and flexibility. The Supreme Court upheld our power under the Communications Act to adopt such regulations in the public interest, touching both licensees and networks, in *National Broadcasting Co., Inc.* v. *United States*, 319 U.S. 190 (1943). The Court stated:

> The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in any case where he cannot sustain the burden of proof that he has a better program. The licensee is obligated to reserve to himself the final decision as to what programs best serve the public interest. We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than on his own reasonable decision that the programs are satisfactory. . . . If a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned him, he is not serving the public interest.[8]

11. On the other hand, we have refrained from adopting rules controlling terms of citizen-broadcaster agreements on the basis of our policy to encourage affirmative dialogue between licensees and the public. *Proposed Policy Statement and Notice of Proposed Rule Making Re: Agreements Between Broadcast Licensees and the Public*, FCC 75–633 (May 29, 1975). Our proposed rule making in this area would require the contracts to be placed in the station's public file, but would not prohibit any specific clauses. We point out in the proposed policy statement that the Commission is reluctant to become involved in interpretation and negotiation of individual contracts. Whenever possible, we have construed provisions in contracts in a manner favorable to their implementation.[9] We have generally declined to make parties reform agreements even where terms are ambiguous. We have not found it practical or desirable in citizen-broadcaster agreements to adopt specific rules governing them or certain clauses in them. Balancing government intrusion against freedom of contract and broadcaster-citizen dialogue, we chose to deal with this problem on an *ad hoc* basis under our existing procedures of review upon renewal, transfer, or complaint. We cautioned that to the extent any agreement transfers a broadcaster's programming discretion to others, it cannot be considered by this Commission as having any force or effect before us.[10]

12. We have held that time brokerage agreements, involving the sale of excessive amounts of broadcast time to others are against the public interest. *Metropolitan Broadcasting Corp.*, 8 F.C.C. 557 (1941). Because of the lessening of licensee control involved in time brokerage cases, a requirement for the filing of time brokerage agreements was adopted in 1945, along with other filing requirements now contained in Section 1.613(c) of the Commission's rules.[11] Our concern

---

[3] *Report and Statement of Policy re: Commission en banc Programming Inquiry*, 44 F.C.C. 2303 (1960).

[4] *Id.* at 2313–14.

[5] *Fairness Report*, 48 F.C.C. 2d 1 (1974).

[6] *Id.* at 10.

[7] Now §§ 73.131–.139, F.C.C. Rules. See also §§ 73.231–.241 and 73.658.

[8] 319 U.S. at 205–06, 218.

[9] "[P]rivate agreements cannot be construed to limit a broadcaster's responsibility and obligations imposed by the Communications Act." *Golden West Broadcasters*, 8 F.C.C. 2d 987 (1967).

[10] See, *e.g.*, Letter to Public Communications, Inc., regarding KCST(TV), San Diego, California (September 30, 1974), FCC 74–10; Letter to Frank Lloyd, Citizens Communications Center, regarding Metromedia-NABB Agreement, FCC 75–1028, 55 F.C.C. 2d ------ (September 9, 1975).

[11] Adopted in Docket No. 6756, amended in Docket No. 10409, 9 R.R. 1547, 1553–54 (1953).

was that the broadcaster retain his program responsibility. See *United Broadcasting Co. of New York, Inc.*, 4 R.R. 2d 167 (1965); *Liability of WGOK*, 2 F.C.C. 2d 245 (1965). The filing requirement was extended to "trade-out" arrangements (other parties receiving the right to sell spot announcements in return for goods or services to the licensee) in our *Notice of Apparent Liability to Rand Broadcast Company*, 22 R.R. 2d 155 (1971). Later, however, we exempted "trade-out" or "barter" agreements from filing requirements, when it appeared that they did not amount to a lessening of license control. *Filing of Agreements*, 33 F.C.C. 2d 653 (1972).

13. We now reach the question of what, if any, action is warranted with regard to music format service contracts. We must start from the premise that licensees have the duty to enter only those agreements which allow them flexibility to forward the public interest. Some of the agreements we received have clauses which allow the licensee to subsequently modify his programming if he finds that the public interest so demands. Termination of a music format service contract is sometimes a risk of such modification. While the parties apparently deal at arms length, a subtle pressure is presented by those contract clauses providing for cancellation if the broadcaster changes his programming in the interest of the public. The comments suggest that in actual practice this clause is seldom utilized. That is no excuse, however, for if the clause is contrary to the public interest, it must fall. Likewise, the "restrictive provisions," be they suggestions, representations, or selection criteria, are contrary to the public interest if they could potentially inhibit licensee responsibility. If the provisions are mere representations, suggestions, or selection criteria, then the contracts should so state. If they are modifiable without penalty or cancellation, then that should be expressed rather than the opposite. The potential inhibiting effect of the "restrictive provisions" coupled with the subtle pressure of cancellation clauses could result in the abdication of licensee responsibility. We consider such terms to be against the public interest. Furthermore, we find the public interest is impaired by any contract which inflexibly binds a licensee to prior programming decisions by means of provisions such as those set out in the *Notice of Inquiry* (see para. 3, *supra*).

14. We are reluctant to engage in unnecessary rule making. The situation here is unlike the network situation, where the number of networks was few, the effects of the practices under consideration were widespread, and the potential coercive effects to abdicate program responsibility were great, not to mention the anticompetitive effects of the practices and their damping effect on program diversity. Here, the number of format supplier companies is much greater, the coercive effects are apparently limited, and the damping effect on diversity of programming is less. We consider this matter to be more akin to the time brokerage agreements or the citizens' agreements. As with time brokerage agreements, the formal adoption of rules prohibiting musical format service contracts is unnecessary. And like the approach used as to citizen-broadcaster agreements, we have decided that the better solution lies in the issuance of a *Policy Statement*. Since we expect all contracts that restrict licensee responsibility to be reformed in view of this *Policy Statement*, and since the record demonstrates the availability of music format services without restrictive contracts, we consider network-type rules to be unnecessary at the present time.

15. Concerning the filing of written agreements, we require network contracts and time-brokerage contracts to be filed with the Commission. We have proposed that citizen-broadcaster agreements be retained only in the stations' public files, and we no longer require the filing of trade-out agreements. Since we are primarily concerned with the actual practices of licensees in programming, and since there does not appear to be great abuse in this area, we are willing, for the present, to see if the problem can be remedied without imposing a filing requirement on licensees with respect to music format service contracts.

16. We place the duty upon the licensee to be party only to those agreements which do not curtail its programming discretion and flexibility. We do not wish to be over-protective of licensees, or become an intermediary in their private contracts. Licensees are aware that they must answer to the Commission as public trustees. The Commission already has adequate means of dealing with abdication of responsibility by licensees, and we will scrutinize music format service contracts closely in this regard, when brought to our attention upon renewal, transfer, assignment, or complaint. At that time we shall determine whether the contract or the licensee's operation under the contract amounts to an abdication of licensee responsibility in contravention of the public interest. To avoid any vagueness, we hereby set forth a *Policy Statement* with guidelines for licensees contracting with music format service companies, which will be used to determine whether a licensee has abdicated its responsibility.

17. Authority for the actions herein is contained in Sections 4(i) and (j), 303(g) and (r), and 403 of the Communications Act of 1934, as amended.

Policy Statement Re Music Format Service Contracts

18. Licensees have a non-delegable responsibility as to the programming and operation of their stations. Any agreement entered into by the licensee which unduly fetters the free exercise of independent judgment in programming will be considered an abdication of that responsibility by the licensee and contrary to the public interest. This includes, but is not limited to, any music format service agreement that:

(a) fixes the number of broadcast hours;

(b) prohibits AM/FM duplication;

(c) prohibits sub-carrier authorization;

(d) requires the exclusive use of any music format service or prohibits other sources;

(e) fixes the amount of format service company music broadcast;

(f) prohibits any announcement by the station;

(g) fixes the number of commercials broadcast;

(h) limits the content or source of any non-musical programming;

(i) fixes the amount of air time for news, music, or other programming;

(j) prohibits automatic gain control of company supplied material; or

(k) allows termination in the event of program changes by a licensee exercising his responsibility for the public interest.

Those music format service contracts which contain no provisions restricting licensee flexibility; expressly state the licensee's right to reject or substitute programs; and subordinate the contract to FCC rules, regulations, policies and licensee responsibility, do not impair the public interest.

19. *It is hereby ordered*, That this proceeding is terminated.

Adopted: November 4, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[19]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Appendix

Summary of Comments

1. Drake-Chenault Enterprises, Inc. ("Drake"), says that its contract contains none of the restrictions illustrated in our *Notice* (see *Report and Policy Statement*, para. 3, supra), and furthermore, its contract states:

This agreement is subject to the rules, regulations, and orders of the Federal Communications Commission now or hereafter in force; and neither party hereto shall be required to furnish any performance hereunder which would be a violation of any such rule, regulation, or order. The station shall at all times continue absolute control over its facility and programming broadcast thereof.

Drake says it has never terminated or recommended termination of its station agreements for any reason except default of payment. Drake contends that the Commission already has ample authority to deal with the problem raised by this proceeding, and recommends issuance of a Public Notice illustrating restrictive contract provisions, rather than further rule making.

2. TM Programming, Inc. ("TM"), provides taped musical services and program consulting to radio stations. TM's contract contains provisions similar to those we questioned in the *Notice* (see *Report and Policy Statement*, para. 3, *supra*). TM insists that the limits in these provisions are determined after discussion with the licensee, and only reflect the

[19] Commissioner Quello concurring in the result; Commissioner Reid absent.

station's self-imposed policies. If the station's proposed policies are consistent with TM's goals to provide a successful and competitive service, it will allow the station to subscribe. The contract also gives the station the right to change its policies if the licensee decides that the public interest will be served thereby. However, TM reserves the right to cancel the contract without penalty to the station in such event. TM states that considerable variation of format has been permitted and it has never cancelled or threatened cancellation for changes in programming, though it does not waive the right to do so if necessary to protect its reputation and business. Another clause gives the station the right to reject or refuse any program it considers unsatisfactory, unsuitable, or not in the public interest; and the right to substitute programs of outstanding local or national importance.[1] TM therefore contends that its contracts do not limit a station's programming flexibility.

3. International Good Music, Inc. ("IGM") states that it supplies music for use at the licensee's discretion, but it does not supply format services. Clauses in IGM's contracts do not require broadcast of music programs supplied by IGM, "the broadcaster remaining at all times in control of the program broadcast over its facilities." Other clauses subordinate the agreements to terms in the broadcast license and Commission rules and regulations.

4. Bonneville Program Services ("BPS") says its contract restrictions only assure that its work product is broadcast without unnecessary interruption of continuity to insure the intended artistic objective. It notes that, while the Commission has the power to prohibit licensees from executing contracts inconsistent with the public interest, it has been reluctant to prevent licensees from freely negotiating contracts. The BPS agreement states:

Manner of Use. Station agrees to utilize, to the extent practicable, the format and other recommendations made by BPS in connection with the musical programming supplied hereunder.

BPS claims that this provision is merely suggestive. BPS provides a consulting service, "Format Considerations," [2] to subscribers which contains provisions like some of those questioned in our *Notice* (see *Report and Policy Statement*, para. 3, *supra*). BPS states that the contract provisions attached to our *Notice of Inquiry* could bring about an abdication of licensee responsibility, but distinguishes its own contracts by the absence of a termination clause in case of deviation from format suggestions. BPS says that it has not cancelled or threatened cancellation of any subscription for any reason other than nonpayment; therefore, it submits, there is no need for further regulations.

5. National Citizens Committee for Broadcasting ("NCCB") is a nonprofit organization, organized to assist local citizens' groups in improving broadcasting. NCCB expresses its concern about the effect Commission action in this area will have on citizen-broadcaster agreements.[3] NCCB finds parallels in our policy to allow licensees to place "practical reliance" on networks for the selection and supervision of programming. NCCB also points to our policy of encouraging free negotiation between broadcasters and citizens groups. It comments that rule making or a policy statement barring specific contract terms in this proceeding may be so overbroad as to encompass citizen-broadcaster agreements. NCCB fears the result would be to inhibit public access and diversity of expression. NCCB contends that a broadcaster does not abdicate its responsibility or act contrary to public interest by entering into a contract agreement, as long as it reserves the authority to review and cancel programs. NCCB also points out that the Commission has adequate tools to prevent individual abuses in contractual agreements, namely review on renewal. Therefore, it recommends an announcement that actual operation of all contractual agreements regarding programming would be closely examined at renewal time,[4] and that such agreements are within the discretion of the licensee to adopt.

6. The Stereo Radio Productions, Ltd. ("SRP") contract contains the same provisions as attached to our *Notice of Inquiry* (see *Report and Policy Statement*, para. 3, *supra*).[5] SRP states that its contract is not intended to inhibit broadcasters in the selection of non-musical programming. SRP contends that it does not dictate programming to its subscribers, but rather uses the criteria in its selection process to determine who its subscribers will be. SRP also asserts that agreement does not bind the subscriber to any policy, but merely recites those representations which the subscriber has already determined to be its operating policies with variances taken into account in the negotiation stages. The right to terminate is reserved by SRP if the subscriber changes programming policy in the public interest. SRP says that it has terminated on two occasions, both involving an increase in the number of commercials broadcast. SRP also filed reply comments pointing out the lack of initial comments by broadcasters, and the fact that no one has suggested undue influence on a broadcast licensee in the comments that were filed. SRP states that agreements could result in abdication of responsibility only if the licensee voluntarily abdicates its responsibility. Therefore, SRP recommends termination of this proceeding, and asks that the Commission find music format service agreements do not impinge upon licensee discretion and flexibility in programming. (See Appendix n. 1, *supra*).

7. Wally Neskog and Associates, Inc. ("WNA") provides taped music to subscribing stations. WNA contends that it does not specify when or how to use the tapes and makes no non-musical programming demands. WNA commented as both a licensee and a music format supplier.

8. International Planned Music Association ("IPMA"), a non-profit corporation with more than 130 Muzak franchise operators, provides background music to subscribers. IPMA's only recommendation, that all FM stations should limit modulation of main carriers to 90%, and the comments received in reply from the National Association of FM Broadcasters, are beyond the scope of this inquiry.

[FR Doc.75-32140 Filed 11-26-75;8:45 am]

---

[1] This provision is patterned after § 73.125 of the FCC Rules governing network contracts. The same provision appears in the Stereo Radio Productions, Ltd. contract.

[2] BPS's "Format Considerations" are as follows:

To maximize the effectiveness of material and service which we provide, we suggest the following basic policies:

1. Broadcast at least 45 minutes of Bonneville music during each hour the station is on the air.

2. Broadcast a minimum of 19½ hours per day (5:30 a.m. to 1 a.m.). If in a competitive market, operation should be 24 hours per day.

3. Talk breaks limited to 4 per hour (except during 5:30 a.m. to 9 a.m.) with maximum limit of 8-spot availabilities per hour, if using Programme-I; 12 hours if using Programme-II.

4. All news to be locally originated (no duplication of sister facilities). Non-music commitment should be approximately 5%. We will advise best implementation and distribution.

You will note that these are policies under your control. To meet individual market needs, deviations may be necessary—a routine situation which is handled within the basic format concepts on a station-by-station basis.

[3] See *Proposed Policy Statement and Notice of Proposed Rule Making* re: Agreements Between Broadcast Licensees and the Public, FCC 75-633, 40 FR 25689 (adopted May 29, 1975). NCCB has filed comments in that proceeding also.

[4] Broadcasters are not now required to file musical format service contracts or citizen-broadcaster agreements with the Commission, nor are they required to keep them in their public files. Proposed rule-making would require citizen-broadcaster agreements to be kept in the station's public files. Appendix, n. 3, *supra*. See also *Report and Policy Statement*, para. 15, *supra*.

[5] We are informed that the provisions are in the process of being revised to eliminate ambiguities, and should be interpreted to mean that the subscriber will broadcast SRP tapes at all times that it is not broadcasting other programs. Thus, the agreement means that the subscriber plans to broadcast 50 minutes or more of SRP music an hour, *except* insofar as time is required for news, commercials, and other programming.

[FCC 75-1228; Docket No. 20667]

DOMESTIC PRIVATE LINE SERVICE

Preferential Rates for Press Use

1. On September 9, 1975, we returned to hearing the tariff schedules which the American Telephone and Telegraph Company AT&T) filed with its Transmittal No. 11891, as later amended, to establish a revised rate structure (Hi-Lo Tariff) for domestic voice grade private line service (Series 2000 and 3000 of the AT&T Tariff F.C.C. No. 260).[1] During the pendency of the "Hi-Lo" proceeding, we learned that several newswire services had transferred their teleprinter networks from Series 2000/3000 to TELPAK, Series 5000, service because in some instances TELPAK service is cheaper than Series 2000/3000 service under the "Hi-Lo" tariff and still satisfies their service requirements. For reasons which are discussed in paragraph 58 of the *Hi-Lo* decision, we found that TELPAK end link service, "constitutes a like communications service with voice grade 2000/3000 service;" that in certain circumstances it is offered at rates different than Series 2000/3000 Hi-Lo rates; and

[1] *AT&T (Hi-Lo)*, FCC 75-1043, — FCC 2d ——, (1975).

that AT&T offered no justification for the discriminatory rate differential. We therefore directed AT&T to remove the unlawful discrimination.

2. Simultaneously with the foregoing findings, we also stated that although the record did not support a finding that the discrimination should continue in order to prevent an impairment of news dissemination, we nevertheless would designate the issue of whether preferential press rates should be authorized for hearing because the widespread dissemination of news serves the public interest. Inasmuch as press customers utilize grades of service in addition to voice grade service, the proceeding which we hereby initiate shall investigate the advisability of preferential press rates for all domestic private line service. The term "press" as used herein includes associations, services, and other entities whose principal business is the collection and dissemination of general news for the public at large. The term "general news" includes an account of current events, public announcements; information relating to finance, science, commerce, religion, civic, or public organizations; and all informtion of general public interest. In accordance with *Copley Press, Inc.* v. *F.C.C.*, 444 F. 2d 984 (1971), we will place the burden of proof in this proceeding on those parties who advocate the preferential press rates, as they are in possession of the relevant data.

Accordingly, it is ordered, That pursuant to Sections 201, 202, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the advisability of authorizing preferential press rates for domestic private line service pursuant to Section 201(b) of such Act.

It is further ordered, That the investigation shall be limited to the following issues:

(a) The extent, if any, to which AT&T's rates in its Tariff F.C.C. No. 260, which will be revised pursuant to paragraph 79 of the Hi-Lo decision, for domestic private line voice grade service, as utilized by the press will impair the widespread dissemination of news;

(b) The extent to which any existing nonpreferential rates for private line service as utilized by the press impair the widespread dissemination of news;

(c) Whether, in light of the evidence adduced on the foregoing issues, preferential press rates are just and reasonable within the meaning of Section 201 (b) of the Communications Act of 1934, as amended, or whether they are unjustly discriminatory within the meaning of Section 202(a) of such Act;

(d) Whether in light of the findings on issues (a) through (c) the Commission should prescribe maximum rates to be applied to press users of domestic voice grade private line services, and if so, what rates should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the Administrative Law Judge to be designated to preside at the proceeding shall prepare an initial decision pursuant to Section 1.267 of the Commission's Rules.

It is further ordered, That American Telephone and Telegraph Company, Western Union Telegraph Company, Associated Press, American Newspaper Publishers Association, Commodity News Service, Dow Jones and Company, Inc., National Association of Broadcasters, Reuters Limited and United Press International, Inc. are made parties hereto and that any other carrier, user of press facilities and interested person shall have leave to intervene herein upon filing of notice of intention to appear and participate within 20 days of the release date of this order.

It is further ordered, That a separated trial staff will participate in this proceeding. The Chief, Hearing and Legal Division and his staff and the Deputy Chief, Common Carrier Bureau will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief and all Division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

It is further ordered, That the burden of proof in this proceeding is allocated to the parties as specified in paragraph 2 herein.

Adopted: October 30, 1975.

Released: November 6, 1975.

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

[FR Doc.75-32141 Filed 11-26-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Establishment of Special Committee 131

The Federal Communications Commission has determined that the establishment of Special Committee 131, "Minimum Performance Standards—HF/SSB Transmitters and Receivers", as a Subcommittee of the Radio Technical Commission for Aeronautics is in the public interest and necessary in order to discharge the agency's responsibilities. Notice of establishment is hereby published.

The purpose of RTCA Special Committee 131 is to: Review existing RTCA Minimum Performance Standard Documents and FAA Technical Standard Orders on HF equipment and develop revised Minimum Performance Standards for HF/SSB Transmitters and Receivers for use in a future 3 kHz frequency plan.

The Final Report of Special Committee 131 is expected to be completed no later than October 1, 1976.

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

[FR Doc.75-32142 Filed 11-26-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 131—Minimum Performance Standards—HF/SSB Transmitters and Receivers. The meeting is to be held on 16-18 December 1975, in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. The meeting will commence each day at 9:30 a.m.

The Agenda is as follows:

1. Opening remarks by the Chairman.
2. Review Terms of Reference and outline of work program.
3. Review "Strawman Draft" of proposed new HF/SSB MPS.
4. Assign tasks pertinent to work program.
5. Other Business.
6. Date and place of next meeting.

Meetings of Special Committee 131 are open to the public subject to limitations of space available. Persons planning to attend or who desire additional information concerning this meeting should contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

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

[FR Doc.75-32143 Filed 11-26-75;8:45 am]

Meeting

World Administrative Radio Conference (WARC) Advisory Committee for Amateur Radio (S&S) Steering Committee.

Date: 10 December 1975.
Time: 9:30 a.m.
Place: Room 6331, 2025 M Street, NW., Washington, D.C.
Purpose: Detailed planning for future committee activities.
Agenda:—Reports of progress by the Task Force Chairmen.—Presentation by the American Radio Relay League.—Review and discussion of committee objectives, methodology of operation and reports.—Discussion of the committee milestone schedule and task details.
Public Participation: Limited to formal presentations directly related to work of the steering committee. Observers are invited to attend the full committee meeting schedule for 9:30 a.m., 12 Dec 75, Room 8210, 2025 M Street NW, Washington, D.C. Public announcement will be made in the FEDERAL REGISTER. Individuals with formal presentation request should provide the following information on or before 1 Dec 1975 to: Chairman, WARC Advisory Committee for Amateur Radio (S&S), Room 5114 Federal Communications Commission, Washington, D.C. 20554.

1. Name, complete mailing address, and telephone number.

2. Outline of material to be presented.
3. Audio/Visual aids required.
4. Length of presentation.

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

[FR Doc.75-32136 Filed 11-26-75;8:45 am]

Meeting

World Administrative Radio Conference (WARC) Advisory Committee for Amateur Radio (S&S)

Date: 12 December 1975

Time: 9:30 a.m.

Place: Room 8210, 2025 M Street, NW., Washington, D.C.

Purpose: To review progress of research by task force and conduct planning for future committee activities.

Agenda:—Report on CCIR Study Group II Paper on sharing.—Reports of research by the Task Force Chairmen.—Presentation by the American Radio Relay League.—Review and discussion of committee objectives, methodology of operation and reports.—Discussion of the WARC milestone schedule.—Other business as determined by the participants.

Public Participation: Meetings of the committee are open to the public. Any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the chairman of the committee. Individuals wishing to present oral statements at the meeting are requested to consult with the chairman prior to the meeting. Individuals with formal presentations are requested to forward the following information to: Chairman, WARC Advisory Committee for Amateur Radio (S&S), Federal Communications Commission, Room 5114, Washington D.C. 20554 by 3 Dec 75:

1. Name, complete mailing address, and telephone number.
2. Outline of material to be presented.
3. Audio/Visual aids required.
4. Length of presentation.

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

[FR Doc.75-32137 Filed 11-26-75;8:45 am]

[Report No. 780]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 17, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20771-CD-P-76, Peninsula Radio Secretarial Service, Inc. (KMA608), C.P. for additional facilities to operate on existing frequency 152.15 MHz (Base) at Loc. #1: 14721 Van Avenue, San Leandro, California.

20772-CD-P-(3)-76, Arnold E. Anderson (KUD212), C.P. for additional facilities to operate on 152.21 MHz (Base) and 459.125 MHz (Repeater) at new Loc. #3: On Hwy. 67, 4 miles SW of San Angelo, Texas; also additional facilities to operate on 454.125 MHz (Control) at existing Loc. #2: 2432 Sherwood Way, San Angelo, Texas.

20773-CD-P-76, American Communication Systems, Inc. (KIG300), C.P. for additional facilities to operate on 43.22 MHz (Base) at new Loc. #2: Northside Hospital, 1000 Johnson Ferry Rd. NE, Atlanta, Georgia. (1-way-signaling)

20774-CD-P-76, Empire Paging Corporation (KEJ886), C.P. for additional facilities to operate on 454.100 MHz (Base) at new Loc. #4: 400 North Grandview Avenue, Edison, New Jersey.

20775-CD-AL-76, Econocom, Inc. (KRS683), Consent to Assignment of Radio Station License from Econocom, Inc., Assignor to Answer Iowa, Inc., Assignee. (Iowa City, Iowa)

20776-CD-AL-76, Econocom, Inc. (KRS670), Consent to Assignment of Radio Station License from Econocom, Inc., Assignor to Answer Iowa, Inc., Assignee. (Iowa City, Iowa)

20777-CD-P-(2)-76, RCC of Virginia, Inc. (KUD223), C.P. to relocate facilities and replace transmitter operating on 152.24 MHz located at Little North Mountain, near Harrisonburg, Virginia; also to add Control facilities operating on 454.075 MHz at new Loc. #2: 61 Court Square, Harrisonburg, Virginia. (1-way-signaling)

20778-CD-P-(6)-76, RCC of Virginia, Inc. (KIY780), C.P. to relocate facilities and replace transmitter operating on 152.09 and 152.18 MHz (Base) and add Repeater facilities operating on 459.025 and 459.050 MHz located at Little North Mountain, near Harrisonburg, Virginia; also to add Control facilities operating on 454.025 MHz and 454.050 MHz at new Loc. #3: 61 Court Square, Harrisonburg, Virginia.

20779-CD-P-76, Smithville, Telephone Company, Inc., (New), C.P. for a new 1-way-signaling station to operate on 158.10 MHz (Base) to be located 2 miles SSW of Ellettsville, Indiana.

20780-CD-P-76, Radio Telephone Communications, Inc., (KIQ515), C.P. for additional facilities to operate on 152.06 MHz (Base) at existing location: 300 feet West of Maple Avenue, 0.4 mile East of city limits of Panama City, Florida.

20781-CD-P-76, Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch, (New), C.P. for a new 1-way-signaling station to operate on 152.24 MHz (Base) to be located on Hwy. 62-180, 3 miles E of Carlsbad, New Mexico.

20781-CD-P-76, David R. Williams d.b.a. Industrial Communications, (KWH302), C.P. for additional facilities to operate on 43.22 MHz (Base—Standby) to be located at Kessler Peak, 6 miles SW of Magna, Utah. (1-way-signaling)

20783-CD-P-76, General Telephone Company of Illinois (KQZ733), C.P. to change frequency of operation from 152.81 MHz to 152.66 MHz (Base) located 0.1 mile W of Junction U.S. Hwy. 66 and Ill. Hwy. 23; NW of Pontiac, Illinois.

20784-CD-P-76, Stark Communications Specialties (New), C.P. for a new 1-way-signaling station to operate on 158.70 MHz to be located 100 feet E of NW Corner of SW 3rd St. and SW 3rd Avenue, Gainesville, Florida.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

1226-CF-P-76, The Mountain States Telephone and Telegraph Company, (New), 663 Market Street, Meeker, Colorado. Lat. 40°02'11'' N., Long. 107°54'49'' W. C.P. for a new Station on frequencies 10835V 10995V MHz toward Passive Reflector at LO7 Hill on azimuth 169.0°, and from Passive Reflector to Tepee Park, Colorado on azimuth 3.1°.

1227-CF-P-76, Same, (KBE99), Tepee Park, 9 miles North of Meeker, Colorado. Lat. 40°09'55'' N., Long. 107°52'53'' W. C.P. to delete 2128.4V and point of communication at Agency Park, Colorado; add frequencies 11365V 11525V MHz toward Passive Reflector at LO7 Hill on azimuth 183.1°, and from Passive Reflector to new station at Meeker, Colorado on azimuth 349.0°; change frequency 10715V to 11645V toward Rio Blanco, Colorado on azimuth 186.6° and 10995H to 11605H MHz toward Craig Jct., Colorado on azimuth 34.7°.

1228-CF-P-76, Same, (KBD88), 2.5 miles South of Rio Blanco, Colorado. Lat 39°42' 02'' N., Long. 107°57'04'' W. C.P. to change frequency 11445V to 10995V MHz toward Rifle Jct., Colorado on azimuth 137.7°, and 11645V to 10715V MHz toward Tepee Park, Colorado on azimuth 6.6°.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

1229–CF–P–76, Same, (KBC41), Rifle Jct., 1 mile NE of Rifle, Colorado. Lat 39°32'28'' N., Long. 107°45'49'' W. C.P. to change frequency 10995V to 11445V MHz toward Rio Blanco, Colorado on azimuth 317.8°.

1230–CF–P–76, Same, (KBF20), Craig Jct., 0.5 mile NW of Craig, Colorado. Lat. 40° 31'28'' N., Long. 107°33'18'' W. C.P. to change frequency 11445H to 11075H MHz toward Tepee Park, Colorado on azimuth 214.9°.

1203–CF–P–76, MCI Telecommunications Corporation, (WLI79), 4.6 miles NE of Vandalia, Michigan. Lat 41°56'35'' N., Long. 85°49'53'' W. C.P. to change polarization on frequency 5974.8V to 5974.8H towards Buchanan, Michigan.

1239–CF–P–76, Transportation Microwave Corporation, (WSM29), 2.5 miles NW of Hahwah, New Jersey. Lat. 41°07'17'' N., Long. 74°11'24'' W. C.P. to change polarization on frequency 6585.OH to 6585.OV towards Jersey City, New Jersey on azimuth 168.6°.

1240–CF–P–76, Same, (WSM30), 413 Duncan Avenue, Jersey City, New Jersey. Lat 40° 43'58'' N., Long. 74°05'12'' W. C.P. to change polarization on 6745.OH towards Mahwah, New Jersey on azimuth 348.7°.

1217–CF–P–76, Teleprompter Transmission of Oregon, Inc., (KPC72), Baldy Butte, 7.0 miles NE of North Bend, Oregon. Lat. 43°28'42'' N., Long. 124°06'24'' W. C.P. to add 6264.0V MHz toward Rink Hill, Oregon, on azimuth 183°18'.

1218–CF–P–76, Eastern Microwave, Inc., (New), Penobscot–3, 0.8 mile North of Mountain Top, Pennsylvania. Lat. 41°10'-57'' N., Long. 75°52'23'' W. C.P. to add 5974.8H MHz toward Girard Hill, Pennsylvania, and 5974.8V MHz toward Wilkes-Barre, Pennsylvania.

1219–CF–P–76, Same, (WDD73), Girard Hill, 2.0 miles WNW of Delano, Pennsylvania. Lat. 40°50'58'' N., Long. 76°06'41'' W. C.P. to add 6256.5V MHz toward Blue Mountain, Pennsylvania, on azimuth 191.6°.

1220–CF–P–76, Same, (WDD72), Blue Mtn., 2.2 miles SSE of Summit Sta., Pennsylvania. Lat. 40°31'55'' N., Long. 76°11'49'' W. C.P. to add 6152.8V MHz toward Pulpit Rock, Pennsylvania, on azimuth 71.9°.

1221–CF–P–76, Same, (WDD71), Pulpit Rock, 3.9 miles NE of Hamburg, Pennsylvania. Lat. 40°35'50'' N., Long. 75°56'04'' W. C.P. to add 11175.0V MHz toward Fredericksville, Pennsylvania, on azimuth 124.1°.

1222–CF–P–76, Eastern Microwave, Inc., (WDD61), Fredericksville, Pennsylvania. Lat. 40°27'27'' N., Long. 75°39'55'' W. C.P. to add 11265.0H MHz, via power split, toward W. Rockhill and Reading, Pennsylvania, on azimuths 106.9° and 238.4° respectively.

1223–CF–P–76, Same, (WDD68), Rockhill, 2.6 miles NW of Sellersville, Pennsylvania. Lat. 40°23'02'' N., Long. 75°21'02'' W. C.P. to add 6286.2H MHz toward Roxborough, Pennsylvania, on azimuth 165.6°.

1233–CF–P–76, Tower Communications System Corporation, (WQR58), Ironton, 0.9 mile North of Ironton, Ohio. Lat. 38°32'51'' N., Long. 82°40'48'' W. C.P. to add 11385.0V MHz, via power split, toward Kenova, Ohio, on azimuth 154.25°.

1234–CF–P–76, American Television & Communications Corp., (KCM71), Rockford, Minnesota. Lat. 45°05'21'' N., Long. 93°42'-55'' W. C.P. to change frequencies from 6011.9V MHz, 6071.2V MHz, 6100.9H MHz, 6130.5V MHz and 6160.2H MHz to 5960.0H MHz, 6019.3H MHz, 6078.6H MHz, 6108.3V MHz and 6137.9H MHz toward Cold Springs, Minnesota, on azimuth 306.0°.

1235–CF–P–76, Same (KCM72), 3.0 miles SE of Cold Springs, Minnesota. Lat. 45°25'48'' N., Long. 94°23'04'' W. C.P. to change frequencies from 6264.0V MHz, 6293.6H MHz, 6323.3V MHz, 6352.9H MHz and 6382.6V MHz to 6212.0H MHz, 6271.4H MHz, 6301.0V MHz, 6330.7H MHz and 6390.0H MHz toward Willmar and Little Falls, Minnesota, on azimuths 237.2° and 3.7°, respectively.

1236–CF–P–76, American Television and Communications Corporation, (KCM73), Little Falls, Minnesota. Lat. 45°59'03'' N., Long. 94°19'58'' W. C.P. to change frequencies from 6041.6V MHz, 6071.2H MHz, 6100.9V MHz, 6130.5H MHz and 6160.2V MHz to 5960.0H MHz 5989.7V MHz, 6049.0V MHz, 6078.6H MHz and 6108.3V MHz toward Brainerd, Minnesota, on azimuth 11.7°.

1159–CF–P–76, Eastern Microwave, Inc., (WQR73), Pittsburgh (WQED–TV), Pennsylvania. Lat. 40°26'46'' N., Long. 79°57'51'' W. C.P. to add 11545.07H MHz toward Hookstown, Pennsylvania, on azimuth 44.2°.

1160–CF–P–76, Same, (WDD82), 0.9 mile SE of Bell Point, Pennsylvania. Lat. 40°32'03'' N., Long. 79°31'59'' W. C.P. to add 10895.-06H MHz and 11175.05H MHz toward Blairsville and Latrobe, Pennsylvania; add 11175.05H MHz toward Greensburg, Pennsylvania.

1161–CF–P–76, Same, (WQ72), 1.4 miles SE of Hookstown, Pennsylvania. Lat. 40°34'37'' N., Long. 80°27'24'' W. C.P. to add 10975.2H MHz toward Coraopolis, Pennsylvania, on azimuth 106.7°.

1162–CF–P–76, Same, (WQR72), 1.4 miles SE of Hookstown, Pennsylvania. Lat. 40°34'37'' N., Long. 80°27'24'' W. C.P. to add 10815.0H MHz toward Pittsburgh (WQED–TV) and Coraopolis, Pennsylvania, on azimuths 109.0° and 106.7°, respectively.

1163–CF–P–76, Same, (WQR74), 2.0 miles S of Bethel Park, Pennsylvania. Lat. 40° 17'36'' N., Long. 80°03'05'' W. C.P. to add 11015.0V MHz, via power split, toward Washington, Connellsville and Dormont, all in Pennsylvania, on azimuths 221.0°, 131.0° and 4.8°, respectively.

1164–CF–P–76, Same, (WDD82), 0.9 mile SE of Bell Point, Pennsylvania. Lat. 40°32'03'' N., Long. 79°31'59'' W. C.P. to add 10735.0H MHz toward Blairsville, Latrobe and N. Kensington, all in Pennsylvania, on azimuths 106.3°, 161.4° and 281.7°, respectively.

INFORMATIVE

The second field of the file number for applications are to be revised for pending applications as follows:

1. C1 change to CF for Point to Point Microwave.

2. C1 change to CT for Local Television Transmission.

3. C5 change to CM for Multipoint Distribution.

This is being done to make all the older application file numbers consistent with the current radio service designations.

[FR Doc.75–31918 Filed 11–28–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67–67, *et al.*]

CONTINENTAL OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 17, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI67-67..... D 10-6-75	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Northern Natural Gas Co., Fort Supply Area, Woodward County, Okla.	Leases expired	.....
CI73-715..... E 10-28-75	Inexco Oil Co. (successor to Norris Oil Co.), 1100 Milam Bldg., Houston, Tex. 77002.	Southern Natural Gas Co., Logansport Field, De Soto Parish, La.	53.2375	15.025
CI73-879..... C 10-9-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Trunkline Gas Co., Block 320, Vermilion Area (S. Addition), offshore Louisiana.	[1] 53.7799	15.025
CI74-757..... C 10-28-75	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Southeast Gage Field, Ellis County, Okla.	[2] 0.65	14.65
CI76-124..... C [3] 10-24-75	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[2] 64.87	14.73
CI76-216..... A 10-14-75	The Superior Oil Co., P.O. Box 1521, Houstou, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Deep Lake Field, Cameron Parish, La.	[2] 34.0	15.025
CI76-225..... A 10-16-75	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Block 321, Vermilion Block 320 Field, offshore Louisiana.	[2 5] $1.63	15.025
CI76-226..... A 10-20-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Tapacito Field, Rio Arriba County, N. Mex.	56.66	15.025
CI76-227..... B 10-17-75	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., Louisiana State Lease 5905, Well No. 1, offshore Breton, Plaquemines Parish, Sound Block 45 Field, Louisiana.	Depleted	.....
CI76-228..... B 10-21-75	Kent GlasGow, Northeast Cashlon Field, Logan County, Okla.	Champlin Petroleum Co., P.O. Box 32126, Oklahoma City, Okla. 73132.	Low pressure	.....
CI76-229..... B 10-14-75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Co., S.L. 5905, Well No. 1, Breton Sound Block 45, offshore Plaquemines Parish, Louisiana.	Depleted	.....
CI76-230..... A 10-20-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., Parkway-West Field, Eddy County, N. Mex.	[5 6] 91.8665	14.73
CI76-231..... A 10-21-75	Enserch Exploration, Inc., Suite 1206, 1025 Connecticut Ave. NW., Washington, D.C. 20036.	Panhandle Eastern Pipeline Co., Berryman No. 1 Well, Ellis County, Okla.	[2] 55.5855	14.65
CI76-232..... A 10-22-75	Transco Exploration Co., P.O. Box 1396, Houston, Tex.	Transcontinental Gas Pipe Line Corp., Lafourche Crossing Field, Lafourche Parish, La.	[7] 53.527085¢	15.025
CI76-233..... A 10-22-75	Sun Calvert Co., P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[8] 57.8664¢	14.65
CI76-234..... B 10-23-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	Columbia Gas Transmission Corp., South Pecan Lake Field, Cameron La.	Depleted	.....
CI76-235..... A 10-24-75	Helmerich & Payne, Inc., Wheeler Pan-Hunton Field, Wheeler County, Tex.	El Paso Natural Gas Co., 1579 East 21 St., Tulsa, Okla. 74114.	[2] 55.135¢	14.73
CI75-236..... A 10-23-75	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Fort Chafee Field, Sabastian County, Ark.	0.50¢	14.65
CI76-237..... F (G-3894) 10-24-75	Teal Petroleum Co. (successor to Atlantic Richfield, Co.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	20.8536¢	14.65
CI76-238..... A 10-28-75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Texas Eastern Transmission Corp., Block 522, West Cameron Block Field, offshore Louisiana.	[5 6] $1.5366	15.025
CI76-239..... A 10-30-75	Kewanee Oil Co., a division of Kewanee Industries, Inc., P.O. Box 2239, Tulsa, Okla. 74101.	Kansas-Nebraska Natural Gas Co., Inc., South Dombey Field, Beaver County, Okla.	[9] 54.889¢	14.73
CI76-240..... E (CS72-162) 10-30-75	Gulf Oil Corp., (successor, to Nafco Oil & Gas. Inc., P.O. Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Twin and Spearman Fields, Hansford County, Tex.	[10 11] 19.0713¢	14.65
CI76-241..... E (CS72-162) 10-30-75	do.....	Natural Gas Pipeline Co. of America, Spearman (East) Field Hansford County, Tex.	[10 12] 12.0450¢	14.65
CI76-242..... E (CS72-162) 10-30-75	do.....	Natural Gas Pipeline Co. of America, Hansford-Morrow Field, Hansford County, Tex.	[9 13] 18.7470¢	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76-243..... F 10-29-75	Westland Oil Development Corp. (successor to Amoco Production Co.), 6060 Hillcroft, Houston, Tex. 77036.	Natural Gas Pipeline Co. of America, Roquemore Unit, Panola County, Tex.	[3] 30.0¢	14.65
CI76-244..... A 10-29-75	Mitchell Energy Offshore Corp., 3900 One Shell Plaza, Houston, Tex. 77002.	Transcontinental Gas Pipeline Corp., South Timbalier Block 185 Field, offshore Louisiana.	52.02¢	[3] 15.025
CI76-245..... B 10-31-75	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	Columbia Gas Transmission Corp., Midland Field, Acadia Parish, La.	Depleted	.....
CI76-246..... B 10-31-75	do	Columbia Gas Transmission Corp., Little Pecan Lake Field, Cameron Parish, La.	do	.....
CI76-247..... B 10-31-75	Texaco, Inc., P.O. Box 60252, New Orleans, La.	do	do	.....
CI76-248..... A 10-29-75	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northwest Pipeline Corp., Rio Arriba County, N. Mex.	[2 14] 55.31¢	14.73
CI76-249..... A 10-31-75	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line, St. Clair Field, Roberts County, Tex.	[2 5] 65.0¢	14.65
CI76-250..... B 11-3-75	Bill J. Graham, P.O. Box 5321, Midland, Tex. 76701.	Atlantic Richfield Co., Eldorado Canyon, Schleicher County, Tex.	Nonproductive	.....
CI76-251..... F 11-3-75	Monsanto Co. (successor to Reserve Oil & Gas Company), 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027.	Texas Eastern Transmission Commission, Anna Barre Field, De Witt County, Tex.	[3] 50.723¢	14.65
CI76-252..... B 11-3-75	Macpet, 5267 Montecito Dr., Bakersfield, Calif. 93306.	El Paso Natural Gas Co., Farnsworth Field, Ochiltree County, Tex.	Depleted	.....

[1] Includes 1.2485¢ upward British thermal unit adjustment and 0.51¢ for gathering.
[2] Subject to upward and downward British thermal unit adjustment.
[3] Amendment to pending application.
[4] Includes 10.36¢ upward British thermal unit adjustment.
[5] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[6] Includes 7.015¢ tax reimbursement and 8.3515¢ upward British thermal unit adjustment.
[7] Includes 2.548951¢ upward British thermal unit adjustment.
[8] Includes 3.8697¢ tax reimbursement and 3.2755¢ upward British thermal unit adjustment.
[9] Includes 9.36¢ upward British thermal unit adjustment.
[10] Subject to downward British thermal unit adjustment.
[11] Includes 0.0713¢ tax reimbursement.
[12] Includes 0.045¢ tax reimbursement.
[13] Includes 0.5¢ upward British thermal unit adjustment and 0.247¢ tax reimbursement.
[14] Includes 4.31¢ tax reimbursement.

[FR Doc.75-31963 Filed 11-26-75;8:45 am]

[Rate Schedule No. 70, *et al.*]

PENNZOIL PRODUCING CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

NOVEMBER 18, 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. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 28, 1975	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	70	Trunkline Gas Co	Texas Gulf Coast.
Do	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	112	United Gas Pipe Line Co	Other Southwest.
Do	do	238	do	Do.
Do	Burmah Oil & Gas Co., 2800 North Loop West, Houston, Tex. 77018.	14	Lone Star Gas Co	Do.

[FR Doc.75-31964 Filed 11-26-75;8:45 am]

[Docket No. G-14925]

GULF OIL CORP.

Application

NOVEMBER 18, 1975.

Take notice that on October 31, 1975, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. G-14925 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon partially the sale of natural gas to Transwestern Pipeline Company (Transwestern) from Block 27 in the McKee Field in Crane County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order accompanying Opinion No. 328, issued August 10, 1958, the Commission granted a certificate of public convenience and necessity in Docket No. G-14925 to Applicant for the sale of gas in interstate commerce to Transwestern from acreage in Crane County. The contract underlying said sale, dated March 6, 1958, as amended, is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 194, as supplemented.

Applicant states that a part of the gas sold to Transwestern under Applicant's FPC Gas Rate Schedule No. 194 was produced from a portion of the acreage covered by the Waddell leases. Applicant explains that controversy between Applicant and the mineral owners with regard to the termination date of said leases was settled in a decision by the Supreme Court of Texas in *Gulf Oil Corp.* v. *Southland Royalty* 496 S.W. 2d 547 (1973), which held that the term leases would expire July 14, 1975. Since that date Applicant has had no title to the gas produced from the lands covered by said leases, and said gas has been owned by the reversionary mineral owners it is said. Therefore, Applicant states, the portion of its supply of gas sold to Transwestern attributable to gas formerly owned by Applicant under the Waddell leases has, since July 14, 1975, been owned in fee by the reversionary mineral owners; and, to that extent, Applicant's supply has been depleted. Applicant further notes that the contract between itself and Transwestern dated March 6, 1958, expired by its own terms on July 14, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appro-

priate 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32225 Filed 11-26-75;8:45 am]

[Docket Nos. CP75-96, *et al.*]

EL PASO ALASKA CO., ET AL.

Availability of Draft Environmental Impact Statement

Notice is hereby given in the above docket, that on November 28, 1975, as required by Section 2.82(b) of the Commission's General Policy and Interpretations a Draft Environmental Impact Statement prepared by the Staff of the Federal Power Commission was made available. This statement deals with proposals to bring Arctic gas from the Prudhoe Day field in Alaska and from the MacKenzie Delta region of Canada to market areas in the lower 48 states. Two separate natural gas transportation systems have been proposed: The Alaskan Arctice Gas Pipeline system utilizing a land route through Canada and the El Paso Alaska Company system utilizing a land-sea route with liquefied natural gas facilities and tankers.

The Draft Environmental Impact Statement is on file with the Commission and available for public inspection at its Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, and the Commission's regional offices in San Francisco, California; New York, New York; Fort Worth ,Texas; Chicago, Illinois; and Atlanta, Georgia. Copies may be ordered from the Commission's Office of Public Information in Washington, D.C.

Any comments on the Draft Environmental Impact Statement shall be filed with the Commission on or before January 16, 1976, and mailed to the following address:

Secretary, Federal Power Commission, Washington, D.C. 20426, Attn: BNG/SOD—Alaska.

Any comments, conclusions or recommendations which draw upon studies, reports or other working papers for substance should be supported by appropriate documentation.

Extensions of time to file comments will only be given in the most extraordinary circumstance and only for good cause shown. Any request for an extension of time should be filed on or before January 2, 1976.

All parties filing comments with the Commission on the Draft Environmental Statement should transmit ten copies of their comments to the Council on Environmental Quality, Executive Office of the President, 722 Jackson Place, N.W., Washington, D.C. 20006.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32120 Filed 11-26-75;8:45 am]

RESEARCH AND DEVELOPMENT—TECHCAL ADVISORY COMMITTEE

Natural Gas Survey; Meeting

Meeting of Research & Development—Technical Advisory Committee, Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, December 15, 1975, 9:30 A.M.

Presiding: Mr. Daniel G. Lewis, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Daniel G. Lewis.

2. Introduction of the Technical Advisory Committee Chairman—Dr. S. William Gouse, Jr., Reputy Administrator for Fossil Energy, Energy Research & Development Administration, Washington, D.C., and Introduction of Technical Advisory Committee Vice Chairman—Dr. Ernest E. Angino, Chairman, Department of Geology, The University of Kansas, Lawrence, Kansas.

3. Discussion of Committee Work Scope and Goals—Dr. S. William Gouse, Jr.

4. Assignment of Work to Committee Members—Dr. S. William Gouse, Jr.

5. Establishment of Priorities and Completion Dates for Work of the Committee—Dr. S. William Gouse, Jr.

6. Selection of Next Meeting Date.

7. Discussion of Other Matters.

8. Adjournment—Mr. Daniel G. Lewis.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32095 Filed 11-26-75;8:45 am]

COORDINATING COMMITTEE

National Power Survey; Meeting

AGENDA for a meeting of the Coordinating Committee to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., December 18, 1975, 9:30 a.m., Room 5200.

1. Call to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Remarks—Chairman Richard Dunham, FPC.

B. Remarks—Mr. Shearon Harris, Chairman of Executive Advisory Committee, National Power Survey.

C. Review of Technical Advisory Committee Objectives and Accomplishments.

TAC on Power Supply—Mr. M. F. Hebb, Jr.

TAC on Fuels—Mr. Paul Martinka.

TAC on Finance—Mr. Gordon R. Corey.

TAC on Research & Development—Dr. H. Guyford Stever.

TAC on Conservation of Energy—Dr. Bruce Netschert.

TAC on Impact of Inadequate Electric Power Supply—Dr. Irwin M. Stelzer.

D. Other Business.

3. Adjournment by FPC Coordinating Representative.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32096 Filed 11-26-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Crosicana, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Hillsboro State Bank, Hillsboro, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 19, 1975.

Board of Governors of the Federal Reserve System, November 19, 1975.

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

[FR Doc.75-32159 Filed 11-26-75;8:45 am]

LABANCO, INC.

Proposed Acquisition of Burwell Insurance Agency, Inc.

Labanco, Inc., Burwell, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Burwell Insurance Agency, Inc., Burwell, Nebraska, successor to the insurance agency business of Wagner Insurance Agency, Burwell, Nebraska. Notice of the application was published on March 20, 1975 in the Burwell Tribune, a newspaper circulated in Burwell, Nebraska.

Applicant states that the proposed subsidiary would engage in the business of a general insurance agency, offering fire and casualty insurance, crop insurance, health and accident insurance, life insurance, and credit life insurance in Burwell, Nebraska, a town of less than 5,000 population. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 22, 1975.

Board of Governors of the Federal Reserve System, November 20, 1975.

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

[FR Doc.75-32160 Filed 11-26-75;8:45 am]

SWB CORP.

Order Approving Formation of Bank Holding Company

SWB Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 per cent or more of the voting shares of Southwestern Bank & Trust Company, Oklahoma City, Oklahoma ("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. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through acquisition of Bank. The purpose of the transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank (deposits of $20.7 million) [1] is the 28th largest of 69 banks in the relevant banking market [2] and controls approximately .67 of one per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control less than .3 of one per cent of total commercial bank deposits in Oklahoma. One of the principals of Applicant has a voting interest in another one-bank holding company and in three other banks, all of which are located in Oklahoma City. On the basis of the facts of record, it appears that consummation of the proposal would not materially alter the competitive relationship between Bank and the one-bank holding company and three other banks in the market in which this principal of Applicant has interests. Moreover, since Applicant has no present subsidiaries and the proposal involves the transfer of control of Bank from individuals to a corporation owned by the same individuals, consummation of the transaction would not have a significantly adverse effect on existing or potential competition, nor would it increase the concentration of banking resources in any relevant area. Therefore, it is concluded that the competitive considerations are consistent with approval of the application.

The financial considerations relating to the present proposal are consistent with approval of the application. Although Applicant will incur acquisition debt in connection with this proposal, it appears that Applicant will be able to service this debt over a twelve-year period without impairing the financial condition of Bank during that period. Furthermore, it appears that the overall financial condition of Applicant and the one-bank holding company in which a principal of Applicant is presently involved is satisfactory and consistent with approval of the application. Managerial considerations are satisfactory and consistent with approval of the application.

Affiliation with Applicant should enable Bank to expand and improve the banking services offered by it. Accordingly, these considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposed transaction would be in the public interest and that the application should be approved.[3]

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 Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board acting pursuant to delegated authority from the Board of Governors, effective November 19, 1975.

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

[FR Doc.75-32161 Filed 11-26-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by the Oklahoma City SMSA.

[3] Under a trust agreement, shareholders of Bank are the beneficial owners of 20 per cent of the shares of Oklahoma Bankers Life Insurance Company, Oklahoma City, Oklahoma ("OBLIC"). Under sections 2(g)(1) and 2(g)(2) of the Act, control of these shares would be attributed to Applicant upon its acquisition of Bank. The activities of OBLIC have not been determined to be permissible under section 4(c)(8) of the Act, and therefore, the indirect control of these shares by Applicant would be prohibited by section 4 of the Act. Accordingly, upon the acquisition of Bank, Applicant is required to divest itself of its indirect interest in OBLIC within the applicable time period provided in section 4(a)(2) of the Act.

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that meetings of the Advisory Committee for Protection of Archives and Records Centers will be held at 9:00 a.m. on December 11-12, 1975, in the Departmental Auditorium, Conference Room B, 14th and Constitution Avenue, NW., Washington, D.C.

The meetings on both days will be devoted to the further preparation of the formal report of the Committee.

Individuals wishing to offer testimony are requested to submit, in advance, to the Advisory Committee Secretary, a one-page outline of their testimony, and to limit their oral remarks to fifteen minutes. Written statements of any length will be accepted.

Further information with reference to these meetings can be obtained from Mr. D. Peter Lund, Advisory Committee Secretary, c/o Society of Fire Protection

Engineers, 60 Batterymarch Street, Boston, MA 02110 or call (617–482–0686).

Dated: November 19, 1975.

NICHOLAS A. PANUZIO,
Commissioner,
Public Buildings Service.

[FR Doc.75–32214 Filed 11–26–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–TA–18]

MONOLITHIC CATALYTIC CONVERTERS

Notice of Hearing

Notice is hereby given that the United States International Trade Commission, pursuant to the requirements of section 337(c) of the Tariff Act of 1930, as amended (88 Stat. 2053), will hold a public hearing under section 337(e) of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation No. 337–TA–18, monolithic catalytic converters, commencing on Monday, December 8, 1975, at 9 a.m., e.s.t., Interstate Commerce Commission Building, located at 12th and Constitution Avenue, NW., Washington, D.C. 20423. The purpose of the hearing is to determine if there is reason to believe that there is a violation of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), and, if so, whether or not interim relief should be granted during the pendency of the investigation. Notice of institution of the investigation was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30879).

By order of the Presiding Commissioner:

Issued: November 24, 1975.

[SEAL] ITALO H. ABLONDI,
Presiding Commissioner.

[FR Doc.75–32164 Filed 11–26–75;8:45 a.m.]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 75–34]

MARINE CASUALTY REPORT; SAFETY RECOMMENDATION AND RESPONSE

Notice of Availability and Receipt

The National Transportation Safety Board announces the availability of the following documents:

Marine Casualty Report. Ignition of fuel vapors in the pumproom was the probable cause of the violent explosion which killed three crewmen aboard the tankship *Texaco North Dakota* in the Gulf of Mexico, October 3, 1973, the National Transportation Safety Board found in its report released November 20, 1975. The report, No. USCG/NTSB–MAR–75–5, also contains the Marine Board of Investigation report and the action taken by the Commandant, U.S. Coast Guard. The Safety Board on October 10 issued nine safety recommendations to the Coast Guard seeking improved tankship safety in ship design, pumproom operation, and the supervision of handling hazardous materials. (See 40 FR 48553.) The recommendations, Nos. M–75–19 through 27, are under Coast Guard review.

Aviation Safety Recommendation. As a result of investigation of a Western Air Lines B–737 accident at Casper, Wyoming, March 31, 1975, the Board has recommended that the Federal Aviation Administration: "Require air carriers to comply with the provisions of 14 CFR 121.417(c)(4) by the use of accurate and realistic equipment and procedures which accurately simulate emergency conditions, including the forces involved in opening exits in the emergency mode; and require that during each flight attendant's initial and recurrent training he operate emergency exists which duplicate the forces encountered and actions necessary when such exists are opened in the emergency mode." The recommendation, No. A–75–84, was issued November 23.

Response to Safety Recommendations. The U.S. Civil Service Commission, in a letter received by the Board November 13, concurs in recommendation H–75–27 which was contained in the report of an accident involving an Immigration and Naturalization Service Vehicle near El Centro, California, March 8, 1975. (See 40 FR 51692.) CSC will issue a Federal Personnel Manual Bulletin to heads of agencies to bring to their attention the importance of enforcing the requirement that all operators of Government vehicles meet the physical standards for motor vehicle operators.

The marine casualty report is available to the general public. Single copies may be obtained from the Commandant (GMVI–3/83), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Recommendation A–75–84 is available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for the response to recommendation H–75–27, in addition to a charge for 10¢ for reproduction. Requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1960))

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 24, 1975.

[FR Doc.75–32144 Filed 11–26–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–548–A]

OMAHA PUBLIC POWER DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an Application for Licenses and a Preliminary Safety Analysis Report, dated September 11, 1975 in connection with thier plans to construct a pressurized water nuclear reactor in Washington County, Nebraska. The reactor will be known as the Fort Calhoun Station, Unit 2 and will be located on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun. This reactor is designed for an initial output of 3425 megawatts. The September 11, 1975 general information portion of the application added Nebraska Public Power District as a co-owner of the proposed Fort Calhoun Station, Unit 2. The November 15, 1974 filing contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L with Omaha Public Power District as sole owner. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P–556–A on January 23, 1975 (40 FR 4498).

The remaining portion of the application, consisting of an Environmental Report is expected to be filed by about November 15, 1975. Upon receipt of the remaining portion of the application two notices will be published by the Commission, a Notice of Availability of Environmental Report and a Notice of Hearing. A copy of the partial application, application for licenses and the Preliminary Safety Analysis Report are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102, the local public document room. Docket No. 50–548 has been assigned to the application and it should be referenced in any correspondence relating to it. When referring to the antitrust portion of the application, please use Docket No. 50–548–A.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 14, 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30315 Filed 11-13-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment authorizes installation of plugs in the bypass flow holes of the core support plate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1975, supplement dated November 12, 1975, and report number NEDO-21072, (2) Amendment No. 23 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

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 20th day of November, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32081 Filed 11-26-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

This amendment will modify limiting conditions for operation and surveillance requirements for installed filters in the standby gas treatment system and in the control room air treatment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 30, 1975 (2) Amendment No. 22 to License No. DPR-57, with Change No. 22 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, N.W., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia.

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 10th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-32082 Filed 11-26-75;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT CODE OF PRACTICE AND SAFETY GUIDE

Notice of Availability of Drafts for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs. These draft Codes of Practice, with the exception of the draft Code of Practice for Design, have previously been made available for public comment. The draft Code of Practice on Design is now available for public comment, and the NRC staff is soliciting U.S. Practice. Single copies of this draft may be obtained by a written request to the director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments are requested by January 16, 1976.

The IAEA Codes of Practice are developed in the following way. The IAEA has received and collated relevant existing standards used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. (Two Codes of Practice, Design and Quality Assurance, did not need a Working Group because previous IAEA groups, in which AEC Regulatory staff members participated, had already developed preliminary drafts on these matters.) Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. The IAEA Technical Review Committee for Design met in June and October 1975. This draft Code of Practice will be sent to the IAEA Senior Advisory Group, which will review and modify the draft as necessary to reach agreement on the draft and then forward it to the IAEA Secretariat to obtain comments from the Member States. Thus an opportunity for public comment on later drafts will be forthcoming.

An IAEA draft Safety Guide on Basis for Safety Classification of Systems, Components and Structures for BWR, PWR and PTR has just been developed and the NRC staff is soliciting U.S. public comment on it.

An IAEA Working Group, consisting of Mr. J. Webb of Canada, Mr. R. Kiessling of the Federal Republic of Germany, and Mr. J. Noble (Stone & Webster Engineering Corp.) of the United States, developed this draft from an IAEA collation during a meeting in October 1975. An opportunity for public comment exists prior to review of this draft at the next meeting of the IAEA Technical Review Committee on Design and Construction on January 12-17, 1976. Opportunities for public comment on later drafts will also be present as this draft is later sent to the IAEA Senior Advisory Group, then to the Member States.

In order to have them in time for the January 1976 meeting of the Technical Review Committee, comments on this draft Safety Guide are requested by December 31, 1975. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 17th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-32083 Filed 11-26-75;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment will (1) delete the calibration of the Average Power Range Monitor (APRM) when the reactor is in the startup mode; (2) delete the functional test of certain IRM and APRM trip channels before each startup if a successful functional test has been accomplished during the preceding seven days; (3) delete the calibration of the turbine control valve fast closure position trip which was not included in the DAEC design and is not required; (4) add specifications that were inadvertently omitted from the DAEC Technical Specifications; (5) provide clarification to several specifications; and (6) correct typographical errors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 21, 1975 and supplement submitted May 28, 1975, (2) Amendment No. 13 to License No. DPR-49, with Change No. 14, 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 Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa.

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 17th day of November, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32048 Filed 11-26-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the Technical Specifications for the facility to authorize operation (1) with additional 8 x 8 fuel assemblies, (2) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (3) using modified operating limits based on an acceptable evaluation model that conforms with Section 50.46 of 10 CFR Part 50.

The applications for the amendment 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 I which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (1) above was published in the FEDERAL REGISTER on September 22, 1975 (40 FR 43562) and Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (2) and (3) above was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37109). No request for a hearing or petition for leave to intervene was filed following notices of the proposed actions.

For further details with respect to this action, see: (1) the applications for amendment dated June 30, August 18, September 2, September 8, October 31, and November 4, 1975, and supplements dated July 9, July 25, August 8, September 26, October 3, October 29, and October 31, 1975, (2) Amendment No. 5 to License No. DPR-63 with Change No. 5, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated October 3, 1975, (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal. 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 Oswego City Library, 120 E. Second Street, Oswego, New York 13126. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32085 Filed 11-26-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the limiting conditions for operation and surveillance requirements for installed filters in the Emergency Ventilation System and in the Control Room Air Treatment System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 31, 1975, (2) Amendment No. 4 to License No. DPR-63, with Change No. 4 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 Oswego City Library, 120 E. Sesond Street, Oswego, New York, 13126.

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 10th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32087 Filed 1-26-75;8:45 am]

[Docket No. 50-220]

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR-63

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-63. These changes would authorize the Niagara Mohawk Power Corporation (the licensee) to operate the Nine Mile Point Nuclear Station, Unit No. 1, (located in Oswego County New York) with changes to the limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with a core refueling using 8 x 8 fuel.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-63, Nine Mile Point Nuclear Station, Unit No. 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Nine Mile Point Nuclear Station, Unit No. 1, issued in January 1974. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 East Second, Oswego, New York.

Dated at Rockville, Maryland, this 3rd day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-32086 Filed 11-26-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

This amendment allows the stack gas monitoring systems to be removed from service for a period of up to 4 hours provided that the reactor is in cold shutdown and no core alteration or fuel handling is in progress.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 19, 1975, (2) Amendment No. 18 to License No. DPR-21, with Change No. 31, 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

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 20th day of November, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch #3 Division of Reactor Licensing.

[FR Doc.75-32088 Filed 11-26-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment will provide a more realistic and conservative monthly test to assure operability of the gas turbine generator.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 30, 1973, (2) Amendment No. 17 to License No. DPR-21, with Change No. 30 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 Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

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 20th day of November, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc. 75-32089 Filed 11-26-75; 8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1, located in Washington County, Nebraska. The amendment is effective 60 days from the date of issuance.

The amendment incorporates changes related to Administrative Controls into the Technical Specifications for Fort Calhoun Station Unit No. 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 4, 1974, (2)

Amendment No. 9 to License No. DPR–40, with Change No. 15, 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 Blair Public Library, 1665 Lincoln Street, Blair Nebraska 68008.

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 10th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–32090 Filed 11–26–75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to adequate content of emergency plans for nuclear power plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.101 will, however, be particularly useful in evaluating the need for an early revision if received by January 23, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Fracture Toughness Class I Vessels Under Overstress Conditions
Protection Against Postulated Events and Accidents Outside of Containment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Criteria for Heatup and Cooldown Procedures
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies
Design Load Combinations for Component Supports
Interim Guides on Tornado Missiles
Criteria for Plugging Steam Generator Tubes
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors
Overhead Crane Handling Systems for Nuclear Power Plants
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement
Loose Parts Monitoring Program for the Primary System
Guidance for Content of Licensing Applications for Reload Fuel
Nuclear Safety-Related Concrete Structures
ASME Code Case Fiberglass Reinforced Plastic Piping
Protection Against Low Trajectory Turbine Missiles
Floor Design Response Spectra Development for Seismic Design of Floor-Supported Equipment or Components
Design Limits, Loading Combinations, and Supplementary Criteria for Class I Plate and Shell Type Component Supports
Design Limits, Loading Combinations, and Supplementary Criteria for Class I Linear Type Component Supports
Tornado Design Classification
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary
Protective Coatings for Light-Water Reactor Containment Facilities
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Fire Protection Criteria for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants
Seismic Qualification of Class I Electric Equipment
Fuel Oil Systems for Standby Diesel Generators
Quality Assurance Requirements for Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
Containment Isolation Provisions
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room
Periodic Testing of Diesel Generators
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities
Quality Assurance Program Requirements for Nuclear Power Plant Fuels
Testing of Nuclear Air Cleaning Systems
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs
Identification of Materials, Parts, and Components for Nuclear Power Plants
Control Room Manning
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants
Spill Analysis—Dispersion and Dilution in Surface and Ground Water
Design Objectives for LWR Spent Fuel Facilities
Design Objectives for LWR Fuel Handling Systems
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Ssources at Nuclear Plants
Periodic Testing of Class 1E Power and Protection Systems
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure
Design, Testing, and Maintenance Criteria for Exhaust Filtration and Adsorption Units

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 19th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75–32092 Filed 11–26–75;8:45 am]

[Docket No. 50–301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowac County, Wisconsin.

The amendment modifies the Technical Specifications to reduce the requirements for channel checks, calibration and testing of some instrumentation during refueling shutdown and reduce the frequencies of some sampling and equipment tests during periods of refueling shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954,

as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1975, (2) Amendment No. 15 to License No. DPR-27, with Change No. 21 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 Document Department, Library, University of Wisconsin-Stevens Point, Stevens Point, Wisconsin.

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 of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-32091 Filed 11-26-75;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 November 24, 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.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Eastern Blind Rehabilitation Center (EBRC) Patient Satisfaction Questionnaire, Form 10-54, other (see SF-83), blind veterans, Ellett, C. A., 395-5867.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, outlying cabin survey, single-time, visitors to National Forest cabins, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, survey: CETA and vocational education, OE 459, single-time, selected CETA prime sponsors, Joan Turek.

DEPARTMENT OF THE INTERIOR

National Park Service, community survey (questionnaire)—Yosemite, single-time, National Park Service and concessioner employees, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, MARS frequency utilization report, AFCS form 81, quarterly, Military Affiliate Radio System (MARS) members, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Application for Federal assistance (nonconstruction progs) instructions for foreign language & area studies & fellowship, OE 324, annually, Institutes of Higher Education, Caywood, D. P., 395-3443.

Public Television Program Survey: 1976, OE 2368, weekly, 154 public TV broadcasters, Joan Turek.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Approval of Equipment Purchase, Higher Education Facilities Act of 1963, OE 1136, on occasion, institutions of post-secondary education, Marsha Traynham, 395-4529.

Social Security Administration:

Statement of Employer, SSA-1001, on occasion, agricultural employers knowledge of wages, Caywood, D. P., 395-3443.

Medical Report Form (Pneumoconiosis), SSA-2325, on occasion, local physicians who have treated claimants, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, rice stocks in mills and warehouses, quarterly, rice mills and warehouses, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Manpower Administration, Emergency Employment Act Participant Information Record, summary of participant characteristics, project status financial report, MA6-43, MA6-44, and MA6-45, monthly, PEP employees and agents, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-32295 Filed 11-26-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9046; 811-1643]

AMERICA GROUP COMPANIES FUND

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 21, 1975.

Notice is hereby given that The America Group Companies Fund ("Applicant"), 440 Lincoln Street Worcester, Massachusetts 01605, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on January 15, 1975, and an amendment thereto on October 1, 1975, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of Delaware on April 28, 1968, to provide common management for The America Group Companies' ("The America Group") equity investments and to enable members of The America Group to pool orders for large or round lot purchases and sales of equity securities and to secure the benefits of economies of sizes in purchasing securities. It registered under the Act on May 1, 1968.

The America Group is comprised of State Mutual Life Assurance Company of America ("State Mutual") and companies related to State Mutual through stock ownership or, in the case of mutual companies by agreements regarding joint marketing efforts and common procedures for effecting management and operational economies. Applicant's only shareholders are State Mutual and five other members of The America Group.

The application indicates that Applicant's Board of Directors re-examined Applicant's objectives and purposes and concluded that the reason for establishing and continuing Applicant no longer are present. On November 26, 1974, the Board of Directors adopted a resolution providing for the liquidation of Applicant and on December 16, 1974, its shareholders approved such liquidation. Applicant's assets were distributed prorata to shareholders as a liquidating dividend and certificates for Applicant's dissolution have been filed with the State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any person may, not later than December 17, 1975, at 5:30 p.m., submit to the Commission

in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32103 Filed 11-26-75;8:45 am]

COMBINED SHARES, INC.

Proposal To Terminate Registration

[Rel. No. 9047; 811-1893]

NOVEMBER 21, 1975.

Notice is hereby given that the Commission proposes, pursuant to Section 8 (f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Combined Shares, Inc. ("Combined"), Fidelity Mutual Life Bldg., South Penn Square, Philadelphia, Pennsylvania 19101, registered as an open-end diversified management investment company, has ceased to be an investment company as defined in the Act.

Combined was organized as a Delaware corporation on March 12, 1969, under the name FML Income Fund, Inc. It registered under the Act of June 25, 1969, and its Registration Statement under the Securities Act of 1933 became effective on December 4, 1969.

Combined changed its name to FML Equity Income Fund, Inc., on September 4, 1969. On March 7, 1974, after a merger with FML Growth Fund, Inc., it changed its name to Combined Shares, Inc.

Pursuant to approval by vote of shareholders at the annual meeting held on May 20, 1975, Combined was merged into Massachusetts Investors Trust ("MIT") at the close of business on June 4, 1975. MIT shares were issued in exchange for substantially all of Combined's assets on the basis of MIT's net asset value, and such MIT shares were then transferred to Combined's shareholders.

Combined has retained $5,000.00 to defray the costs of winding up its business and to pay certain accrued expenses. Combined presently has no shareholders and has ceased to conduct any business as an investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Combined at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-32104 Filed 11-26-75; 8:45 am]

[Rel. No. 9044; 811-1665]

FIDUCIARY EQUITY SHARES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 21, 1975.

Notice is hereby given that Fiduciary Equity Shares, Inc. ("Applicant"), 33 North High Street, Columbus, Ohio 43215 an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 1, 1975, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, organized as a corporation under the laws of Ohio, registered under the Act on June 5, 1968. On October 5, 1973, Applicant's shareholders unanimously passed a resolution to cease operation on October 30, 1973, and to wind up completely Applicant's affairs by January 31, 1974, by conversion of all assets into cash and distribution of said cash to the shareholders on a pro rata basis. Applicant represents that this distribution was completed in January, 1974, and that Applicant's Certificate of Dissolution was accepted by the Secretary of State of Ohio on December 5, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of any attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32105 Filed 11-26-75;8:45 am]

[Rel. No. 9045; 811-1669]

FIDUCIARY INCOME SHARES, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 21, 1975.

Notice is hereby given that Fiduciary Income Shares, Inc. ("Applicant"), 33 North High Street, Columbus, Ohio 43215, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 1, 1975, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, organized under the laws of Ohio, registered under the Act on June 6, 1968. On October 5, 1973, Applicant's shareholders unanimously passed a resolution to cease operation on October 30, 1973, and to wind up completely Applicant's affairs by January 31, 1974, by conversion of all assets into cash and distribution of said cash to the shareholders on a pro rata basis. Applicant represents that this distribution was completed in January, 1974, and that Applicant's Certificate of Dissolution was accepted by the Secretary of State of Ohio on December 5, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32106 Filed 11-26-75;8:45 am]

[Rel. No. 9041; (811-1603)]

INVERNESS FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 20, 1975.

Notice is hereby given that The Inverness Fund, Inc. ("Applicant"), 345 Park Avenue, New York, New York 10022, Maryland corporation operating as an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application on September 16, 1975, for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on September 12, 1974, pursuant to Articles of Sale and Transfer and Plan of Reorganization ("Plan") approved by its stockholders, it transferred substantially all of its property and assets to Inverness Growth Fund, Inc. ("Growth"), an open-end diversified, management company registered under the Act. Applicant further states that said Plan was approved by an order of the Commission dated July 17, 1974 (Investment Company Act Release No. 8429).

Applicant represents that pursuant to the Plan it received 27,336 of shares of voting common stock of Growth; which shares were distributed to shareholders of Applicant in the ratio of 1.14549 shares of Growth for each share of Applicant in redemption and cancellation of Applicant's shares.

Applicant further represents that it was dissolved under the provisions of the laws of Maryland on July 31, 1975. Applicant states that it is not presently conducting any business and no longer has any shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 15, 1975 at 5:30 p.m., submit to the Commission in writting a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personnally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32107 Filed 11-26-75;8:45 am]

[Release No. 19256; 70-5757]

LOUISIANA POWER & LIGHT CO.

Notice of Proposal for Sale of Electric Utility Facilities

NOVEMBER 21, 1975.

Notice is hereby given that Louisiana Power & Light Company ("LP&L"), 142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12 (d) of the Act and Rule 44 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Since 1971, LP&L has been supplying electric service to a plant owned and operated by Georgia-Pacific Corporation ("Georgia-Pacific") in the manufacture of methanol, phenol and acetone. To provide for Georgia-Pacific's electric power needs of 7½ megawatts at 4.16 kv, LP&L constructed and placed in operation on the plant site a 34.5/4.16 kv substation and certain electric transmission lines.

Georgia-Pacific has now placed in operation additional manufacturing facilities at its plant site, which has increased its power requirements to 150 megawatts, served at a new point of service, at 34.5 kv. As a result, the LP&L substation and certain of the electric lines have been severed from LP&L's facilities. They are

now unnecessary in LP&L's operations and of value only to the extent salvageable.

Accordingly, LP&L proposes to sell to Georgia-Pacific portions of the substation facility, and electric lines for a total price of $136,106.02 in cash. The assets proposed to be sold had an original cost of $121,667.47 to LP&L and a depreciated original cost of $104,476.47. It is stated that the sales proceeds are greater than the salvage value of these assets.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that the fees, commissions and expenses incurred in connection with the proposed transaction will not exceed $1,500.

Notice is further given that any interested person may, not later than December 15, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of any attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32108 Filed 11-26-75;8:45 am]

[Rel. No. 9040; 812-3540]

PATHE INDUSTRIES, INC.

Filing of Application

NOVEMBER 20, 1975.

Notice is hereby given that Pathe Industries, Inc. ("Pathe"), c/o Samuel H. Sagett, Esq., Stassen Kostos and Mason, 2300 Two Girard Plaza, Philadelphia, Pennsylvania 19102, a closed-end nondiversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 25, 1973, and amendments thereto on April 16, 1974, June 13, 1974, October 2, 1974, June 16, 1975, October 28, 1975, and November 4, 1975, pursuant to Section 6(c) of the Act, for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed agreement dated October 31, 1972 (the "1972 Agreement") designed to settle all outstanding disputes between Pathe, its wholly-owned subsidiary Theta Enterprises, Inc. ("Theta"), Pathe Laboratories, Inc. ("Laboratories") a wholly-owned subsidiary of Theta, (collectively referred to as the "Companies"), and Cadence Industries Corporation ("Cadence") resulting from the sale of substantially all of the assets of Laboratories to Cadence in 1967. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

In June of 1967, Cadence, at that time called Perfect Film and Chemical Corporation, obtained control of Pathe by acquiring 9.5% of Pathe's common stock. Subsequent to obtaining control of Pathe, Cadence entered into an agreement, dated October 27, 1967 (the "1967 Agreement"), whereby Cadence acquired the principal assets of Laboratories, independently valued by Standard Research Consultants, Incorporated, at $9,729,000, for $3,025,000 in cash, 45,000 shares of Cadence Convertible $3.50 Cumulative Preferred Stock, Series B (the "Preferred Stock"), 40,000 shares of Cadence common stock (the "Common Stock"), warrants to purchase 209,220 shares of Cadence common stock, (the "1967 Warrants") and the assumption by Cadence of substantially all the recorded liabilities of Laboratories.

As a consequence of this transaction, Pathe registered under the Act as a closed-end investment company on April 11, 1968 and Cadence, as the owner of 9.5% of the outstanding common stock of Pathe, became an affiliated person of a registered investment company.

Pursuant to the 1967 Agreement, Cadence also issued to Laboratories two put options designated as a Five-Year Put Option and a Continuing Put Option. Under the Five-Year Put Option, Cadence was required to purchase up to an aggregate of 2,000 shares of the Preferred Stock during each of the five calendar years commencing January 1, 1968 at a purchase price of $100 per share, provided all such funds were used for payment of maturing contingent liabilities of Pathe not assumed by Cadence. The Continuing Put Option required Cadence to purchase up to an aggregate of 2,000 shares of the Preferred Stock at a purchase price of $100 per share during each calendar year commencing January 1, 1973, without any limitation on the use of such funds.

Martin Ackerman ("Ackerman"), who had served as Chairman of the Board and President and Chief Executive Officer of both Cadence and Pathe from July 1967 until June 9, 1969, resigned as President and Chief Executive Officer of Cadence on that latter date and ceased to serve as Chairman of the Board of Directors of Cadence on September 15, 1969. Samuel Shapiro ("Shapiro"), who had served as a director and as secretary for both Cadence and Pathe from June 1967 until September 15, 1969, ceased to serve Cadence in those capacities on that latter date. Ackerman is not presently either an officer or a director of Pathe. Shapiro is the present Chairman of the Board of Directors of Pathe. At the present time, neither Pathe nor Cadence have any common officers or directors. It is stated that both Ackerman and Shapiro are involved in disputes with the present management of Cadence concerning employment contracts between Cadence and such individuals entered into prior to their departures. It is represented that such disputes have not been settled and do not have any connection with the 1972 Agreement. Cadence is appealing a lower court decision favorable to Shapiro on his employment contract with Cadence.

It was contemplated by the 1967 Agreement that the 1967 Warrants would be distributed to Pathe's stockholders as a dividend upon their effective registration under the Securities Act of 1933 (the "1933 Act") and would be exercisable for a period of 14 months from the effective date of registration or until December 31, 1969, whichever occurred first, at $48 per share of Cadence common stock or, if lower, the average market price of such stock on the New York Stock Exchange on the day preceding the effective date. When the processing of Cadence's registration statement was substantially delayed and it became evident that the 1967 Warrants would expire before their distribution to Pathe stockholders, an agreement, dated September 15, 1969, was entered into by Pathe and Cadence modifying the terms of the 1967 Warrants to provide for their expiration fourteen months after their distribution to Pathe stockholders without reference to a day certain. Such a modification constituted a purchase and sale under Section 17(a) of the Act and Pathe applied, pursuant to Section 17(b) of the Act, for an order of the Commission exempting the modification of the warrants from Section 17(a) of the Act. On April 13, 1972, the Commission issued an opinion and order (Investment Company Act Release No. 7054) granting, pursuant to Section 17(b) of the Act, an exemption from the provisions of Section 17(a) of the Act in connection with the modification of the 1967 Warrants.

Cadence and Pathe have been involved in a continuing dispute over the 1967 Agreement ever since the management change on September 15, 1969. In October 1970, Cadence filed suit against Pathe and Ackerman, among others, alleging damages amounting to several million dollars resulting from the 1967 Agreement.

Cadence has continually refused (1) to purchase the Preferred Stock tendered by Pathe under the Five-Year Put Option, (2) to convert shares of the Preferred Stock into shares of Cadence common stock, (3) to list on the New York Stock Exchange the 40,000 shares of Common Stock held by Pathe or issue official certificates representing such shares, or (4) to register, under the 1933 Act, the 1967 Warrants and the common stock issuable on exercise thereof. In addition, since February 1, 1971, Cadence has issued, but attached and placed in escrow, dividends totalling $159,750 on the Preferred Stock held by Pathe.

Pathe's inability to derive any benefit from the 1967 Agreement due to the continuing dispute with Cadence, the existence of contingent liabilities of Pathe and Laboratories not assumed by Cadence, a $233,302 judgment obtained by one of Pathe's creditors, and other financial pressure caused by other outstanding claims and pending litigation resulted in Pathe's filing for arrangement under Chapter XI of the Bankruptcy Act.

The Plan of Arrangement (the "Plan") presently pending before the bankruptcy court has been approved by the creditors of Pathe, the shareholders of Pathe, the bankruptcy court and the federal district court. An integral part of the Plan is the 1972 Agreement. Pathe asserts that the ability to implement the Plan is dependent on Commission approval of the 1972 Agreement.

The 1972 Agreement provides for Cadence to use its best efforts to have 40,000 shares of its common stock (the "Common Shares") listed on the New York Stock Exchange, and, if successful, the Common Shares would then be registered in the name of and delivered to Laboratories upon delivery by Laboratories of the certificate for 40,000 shares of the Common Stock received by Laboratories under the 1967 Agreement. Laboratories would be permitted, if it chooses, to sell such stock and any funds derived from such sale or sales of the Common Shares would be placed in an escrow fund pending a closing under the 1972 Agreement (the "Closing"). Laboratories would be entitled to withdraw sufficient monies from such escrow fund to pay all necessary and proper expenses in connection with the holding of a meeting of Pathe shareholders called for the purpose of approving the 1972 Agreement. Pathe and the court appointed receiver for Pathe notified Cadence on September 19, 1975, that they intended to sell such shares at the then market price of $2 a share. Cadence thereafter elected to exercise its option under the 1972 Agreement to repurchase such shares at the market price obtainable by Pathe. The proceeds of this sale, less the expenses incurred in connection with a special meeting of Pathe shareholders held on September 12, 1975, have been deposited in the account of the receiver.

With respect to the 1967 Warrants, the 1972 Agreement provides for Cadence to issue warrants to purchase 209,220 shares of Cadence common stock (the "1972 Warrants") in exchange for the 1967 Warrants held by Pathe. Cadence would be obligated to use its best efforts to have a registration statement under the 1933 Act (the "Registration Statement") declared effective covering the 1972 Warrants and sufficient shares of its common stock to permit the exercise of such warrants. The 1972 Warrants would be exercisable within fourteen months after their transmittal to Pathe stockholders at the lower of $8 per share or 100% of the market price of Cadence common stock on the New York Stock Exchange during the 30 consecutive trading days ending 5 days prior to the effective date of the Registration Statement.

The 1972 Agreement provides for Cadence to purchase from Laboratories at $22 per share all the Preferred stock to which it has clear title free of any claims of third parties. At the Closing, Cadence is to pay Laboratories $500,000 in cash and give an installment promissory judgment note for $490,000 payable in two equal installments within 180 days of the Closing. The amount payable will be reduced by $22 per share for each share Laboratories is unable to deliver.

Cadence has further agreed to pay the $159,750 in dividends on the Preferred Stock which it has issued and attached, together with interest at 6% per annum from the date of each dividend payment to the Closing.

As a condition for entering into the 1972 Agreement, Cadence requested that Pathe purchase for $80,000 the 401,220 shares of Pathe common stock which Cadence owns. Pathe's Board of Directors determined that any available funds which Pathe may receive should not be expended for this purpose. Consequently, E. Eugene Mason ("Mason"), counsel for Pathe and a holder of 6,000 shares of Pathe, has undertaken to locate interested investors for such stock or to acquire it himself for the negotiated purchase price of $80,000.

Cadence and Pathe, by reason of Cadence's ownership of 9.5% of Pathe's common stock and Pathe's subsequent registration under the Act in April 1968, are affiliated persons of each other within the meaning of Section 2(a)(3) of the Act. Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to Section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

It is asserted that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned since all negotiations resulting in the 1972 Agreement were held at arms length. It is further asserted that any inference of an inability to deal at arms length created by Cadence's ownership of Pathe securities is negated by the long period of differences between Cadence and Pathe and by the failure to have any interrelationship between managements. The 1972 Agreement was negotiated by Mason and the court appointed receiver of Pathe, subject to the approval of Pathe's directors. Ackerman and Shapiro did not take part in the negotiations leading to the 1972 Agreement. It is stated that no relationship exists between Cadence and Mason, Mason, however, is a general creditor of Pathe in the amount of $75,000 for legal services performed while a member of the firm of Mason & Ringe. The law firm of Stassen, Kostos and Mason, which act as legal counsel for Pathe, except to receive a fee in an amount determinable by the bankruptcy court for services rendered in connection with the administration of the bankruptcy proceedings.

It is represented that the 1972 Agreement is in all respects identical to the 1967 Agreement, with the exception of the redemption price of the Preferred Stock and the exercise price of the 1972 Warrants which reflect the present value of the Preferred Stock and Cadence common stock. It is anticipated that the 1972 Agreement will yield $1,500,000 in cash for Pathe of which amount approximately $1,153,675 will go to pay the costs of administration, and the general creditor, the other priority creditors, tax claims, and the general creditors in accordance with the Plan. The Pathe shareholders will receive the 1972 Warrants.

It is stated that the 1972 Agreement has been approved by the creditors and shareholders of Pathe and, as part of the Plan under the bankruptcy proceedings, by the bankruptcy court, and the federal district court. It is further stated that the bankruptcy court has specifically found and declared that the terms of the 1972 Agreement, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of the parties thereto. Granting of the requested exemption, the Companies assert, will provide a basis for the resolution of their financial obligations and the settling of litigation and all outstanding disputes with Cadence. It is submitted that the proposed transaction is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions

of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 11, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 11, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32109 Filed 11-26-75;8:45 am]

[Release No. 9043; 811-2408]

SIXTY-SEVEN TWENTY FUND, INC.

Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

NOVEMBER 20, 1975.

Notice is hereby given that the Sixty-Seven Twenty Fund, Inc. ("Applicant"), 2324 First Financial Tower, Tampa, Florida 33602, an open-end, diversified management investment company registered with the Commission under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was organized as a Florida corporation on June 20, 1973, and registered under the Act by filing a Form N–8A Notification of Registration on August 3, 1973 and a Form N–8B–1 Registration Statement on August 24, 1973.

Applicant states that on April 11, 1975, its shareholders voted to dissolve Applicant and wind up its business. Applicant represents that it is not in the business of issuing, nor does it intend to issue or offer for sale, any security of which it is the issuer. Applicant further states that it is not engaged in, nor does it propose to acquire, any investment securities.

Applicant further represents that it has made provision for distribution to its shareholders all of its assets except for the sum of $5,000 representing a reserve established for the purpose of meeting the expenses of dissolution and winding up. Applicant states that assets remaining after payment of all liquidation expenses will be distributed proportionately to shareholders of record of Applicant as of March 1, 1975.

Applicant further states that it will file a Certificate of Dissolution with the Secretary of State of Florida and that, subject to final settlement of its affairs, it intends to terminate its existence.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 15, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or of law proposed to be controverted, or such person may request a notification if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-32110 Filed 11-26-75;8:45 am]

[Release No. 34–11855; File No. SR CSE–1975–3]

CINCINNATI STOCK EXCHANGE

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 7, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Cincinnati Stock Exchange's Statement of the Terms of Substance of the Proposed Rule Change.

Section 15.—(a) (The dues of all members shall be four hundred ($400) dollars per annum payable semi-annually, in advance, on January 1st and July 1st.) *The Board of Trustees may determine the amount of dues payable by all members semi-annually, in advance, on January 1 and July 1. The dues of each member, however, shall not exceed four hundred ($400) dollars per annum.*

The Cincinnati Stock Exchange's Statement of Basis and Purpose.

The basis and purpose of the foregoing proposed rule change is as follows:

The above amendment to the By-Laws was approved to give the Board of Trustees the authority to reduce or suspend payment of dues by regular members as circumstances warrant.

No comments were received from members on the proposed rule change.

Rule change imposes no burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 20, 1975.

[FR Doc.75-32111 Filed 11-26-75;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

NOVEMBER 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 23, 1975 through December 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32121 Filed 11–26–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

NOVEMBER 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 23, 1975 through December 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32122 Filed 11–26–75;8:45 am]

[File No. 500–1]

TRANSJERSEY BANCORP

Suspension of Trading

NOVEMBER 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transjersey Bancorp being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from midnight (EST) on November 23, 1975 and continuing through midnight (EST) on December 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–32123 Filed 11–26–75;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

NOVEMBER 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 23, 1975 through December 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc. 75–32124 Filed 11–26–75; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

SOUTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated August 13, 1975, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Assistant Regional Director, and incorporated as a part of the plan, the State submitted the following amended State standards comparable to OSHA amended standards 29 CFR Part 1910; amendment to § 1910.94 dated June 9, 1975; amendments to § 1910.179, § 1910.190, and new § 1910.184 dated June 27, 1975; and correction to § 1910.184 dated July 28, 1975.

These standards were promulgated after public hearings held on August 11, 1975, and by filing with the South Carolina Secretary of State on August 11, 1975, respectively, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the comparable Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Assistant Regional Director, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR Part 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective November 28, 1975.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 22nd day of October, 1975.

DONALD E. MACKENZIE, *Assistant Regional Director.*

[FR Doc.75–32145 Filed 11–26–75;8:45 am]

Office of the Secretary

[TA–W–149]

ABSOCOLD, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of La-

bor herein presents the results of TA–W–149: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by the United Furniture Workers of America, AFL–CIO, on behalf of workers formerly producing compact refrigerators at the Ionia, Michigan plant of Absocold, Incorporated, Ionia, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44208) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Absocold, Incorporated, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision theerof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 20.7 percent from the first quarter of 1975 to the second quarter of 1975, and 14.1 percent from the second quarter of 1975 to the third quarter of 1975. Average weekly hours declined 55.1 percent in second quarter of 1975 compared with the first quarter of 1975 and then increased 107.8 percent in the third quarter of 1975 compared with second quarter of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales and production of compact refrigerators at the Ionia plant began in the third quarter of 1974. From the third quarter of 1974 to the third quarter of 1975 sales and production increased in each quarter over the prior quarter except for the second quarter of 1975. Sales and production reached their highest levels in the third quarter of 1975.

Increased Imports Contributed Importantly. Prior to 1972, no compact refrigerators were manufactured in the United States. Domestic production began in 1972, when U.S. output amounted to 1.6 percent of the domestic market. Domestic production has increased in each year since 1972, with production in the first half of 1975 surpassing the U.S. output for the entire year of 1974. The ratio of imports to domestic production and consumption has fallen continuously from 1972 through the first half of 1975.

Imports of compact refrigerators declined from 408.1 thousand units in 1972 to 252.0 thousand units in 1973, and then to 198.2 thousand units in 1974. Imports totaled 158.1 thousand units in the first half of 1975 compared to 81.9 thousand units in the first half of 1974. While imports increased during the first half of 1975 compared to the first half of 1974, U.S. manufacturers increased their share of the market during this period as domestic production more than doubled compared to the first half of 1974.

Absocold began production of compact refrigerators in the third quarter of 1974. Since then, Absocold has increased sales and production in each quarter over the preceding quarter except for the second quarter of 1975. Absocold's sales and production reached all-time record levels in the third quarter of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with compact refrigerators produced at the Ionia, Michigan plant of Absocold, Incorporated, Ionia, Michigan did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 14th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-32153 Filed 11-26-75:8:45 am]

[TA–W–166]

BERGMAN KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–166; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union (AFL–CIO) on behalf of workers and former workers producing men's, women's, and boys' sweaters at Bergman Knitting Mills, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44638) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bergman Knitting Mills, Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Hourly employment declined 7 percent between 1973 and 1974. Hourly employment declined by 18 percent in the first six months of 1975 compared to the first six months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Company sales declined by about 10 percent between 1973 and 1974. Compared to the first eight months of 1974, sales for the first eight months of 1975 declined by over 40 percent.

Increased Imports Contributed Importantly. The market for knit sweaters has been adversely affected by both the economic recession and increased import competition. Bergman Knitting Mills produced primarily men's and boys' sweaters during the 1973–1975 period. With the exception of one year in the 1970–1974 period imports of men's and boys' sweaters increased in both absolute and relative terms. Imports for the first six months of 1975 weer almost 60 percent greater than imports for the first six months of 1975 were almost 60 percentage of domestic production were about 24 percent in 1970; 33 percent in 1972 and 39 percent in 1974. Company customers indicated that they had reduced purchases from Bergman because imported knit sweaters of the same quality and better styling were available at lower prices.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the knit sweaters produced at Bergman Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of the company. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of

the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers of Bergman Knitting Mills, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32146 Filed 11-26-75;8:45 am]

[TA-W-168]

CLOVER KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-168; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers (AFL-CIO) on behalf of workers formerly producing men's and boys' sweaters and sweater shirts at Clover Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44369) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clover Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production,

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of hourly workers at Clover declined four percent in 1974 from 1973 and declined 30 percent in the first eight months of 1975 compared to the first eight months of 1974. Average weekly hours for hourly workers at Clover declined 12 percent in the fourth quarter of 1974 compared to the same period in 1973.

Sales or Production, or Both, Have Decreased Absolutely. Sales declined 16 percent in 1974 from 1973, and declined 26 percent in the first eight months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Customers of Clover indicated that their purchases from domestic manufacturers such as Clover have been affected by the increased availability of full fashion imported knitwear of comparable or superior quality at a lower price. Major U.S. retailers have significantly increased purchases of imported men's and boys' knit sweaters while their purchases of these items from domestic sources has remained relatively stable during the first half of 1975 as compared to the same period in 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Clover Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Clover Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32147 Filed 11-26-75;8:45 am]

[TA-W-156]

SOOWAL KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-156; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union (AFL-CIO) on behalf of workers and former workers producing men's and boys' sweaters and sweater shirts at Soowal Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44642) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Soowal Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Soowal, after remaining stable in 1974, declined 60 percent in the first half of 1975 compared to the first half of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Over ninety-five percent of all production at Soowal was men's sweaters and sweater shirts. Production declined six percent between 1973 and 1974 and declined 77 percent in the first half of 1975 compared to the same period in 1974. Production at Soowal was terminated in June 1975.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and in-

creased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were 60 percent greater than during the same period in 1974. Imports relative to domestic production were 24 percent in 1974, 33 percent in 1972, and 39 percent in 1974.

Former customers of Soowal indicated that imports were a factor in their decisions to reduce purchases from Soowal. One major customer has significantly increased its own purchases abroad; another has reduced its purchases from Soowal due to its declining sales resulting from the decision of several retail chains to begin importing directly.

Conclusions. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters and sweater shirts produced by Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Soowal Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32148 Filed 11-26-75;8:45 am]

[TA-W-145]

STILLWATER ASSOCIATES

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-145; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by workers formerly producing stainless steel fasteners at the E. Freetown, Massachusetts plant of Stillwater Associates, a division of Pneumo Corporation, Boston, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44211) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stillwater Associates, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 16 percent in the first half of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the E. Freetown plant declined 45 percent in the first half of 1975 compared to the first half of 1974. Production declined 58 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with stainless steel fasteners produced at Stillwater increased from 4.0 million pounds in 1972 to 6.6 million pounds in 1974. Imports increased from 2.7 million pounds in the first half of 1974 to 2.8 million pounds in the first half of 1975.

The ratios of imports to domestic consumption and production increased from 20 percent and 23 percent, respectively in 1972 to 28 percent and 36 percent in 1974. The ratios further increased to 30 percent and 39 percent, respectively in the first half of 1975.

The evidence developed by the Department's investigation indicates that imports of stainless steel fasteners contributed importantly to the total or partial separations of workers engaged in employment related to the production of stainless steel fasteners. U.S. domestic production of stainless steel fasteners remained the same in 1974 as 1973 and then declined by 24 percent in the first six months of 1975 compared to the first six months of 1974. At the same time imports increased by 12 percent in 1974 compared to 1973 and continued to increase in the first six months of 1975 compared to the first six months of 1974.

Prices of imported stainless steel fasteners of the "stock" item type that Stillwater produces in bulk declined sharply beginning in early 1975. As a result major customers of Stillwater purchased increased amounts of imported stainless steel fasteners in the first six months of 1975. Because of these drastically reduced prices affecting high volume "stock" items, Stillwater became unable to compete for sales of such items.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel fasteners produced at the E. Freetown plant contributed importantly the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of stainless steel fasteners at the E. Freetown plant of Stillwater Associates who became totally or partially separated from employment on or after December 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-32149 Filed 11-26-75;8:45 am]

[TA-W-158]

SURREY KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-158; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union (AFL-CIO) on behalf of workers and former workers producing men's sweaters at Surrey Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44642) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Surrey Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause:

Significant Total or Partial Separations.—Employment of production workers at Surrey, after increasing five percent in 1974 from 1973, declined 47 percent in the first eight months of 1975 compared to the first eight months of 1974. Average weekly hours per worker declined three percent in 1974 and nine percent in the first eight months of 1975 compared to the same period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of sweaters by Surrey declined 14 percent in 1974 from 1973 and declined 49 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were almost 60 percent greater than imports in the first six months of 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Surrey Knitting Mills produces men's knit sweaters on a contractual basis using its own materials and according to the customers specifications. Customers of Surrey indicated that increased import competition is a significant factor in the market for sweaters. Major U.S. retailers have increased import purchases while reducing domestic purchases in the first six months of 1975 compared to the like period in 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Surrey Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Surrey Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after December 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32150 Filed 11-26-75;8:45 am]

[TA-W-159]

WEXLER KNITTING MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-159; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union (AFL-CIO) on behalf of workers and former workers producing men's sweaters at Wexler Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44643) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wexler Knitting Mills, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment of production workers at Wexler declined five percent in 1974 from 1973 and declined 24 percent in the first seven months of 1975 compared to the first seven months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of sweaters by Wexler declined eight percent in 1974 from 1973 and declined 23 percent in the first seven months of 1975 compared to the first seven months of 1974. The company produces on order and does not maintain inventories thus sales equal production.

Increased Imports Contributed Importantly. Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970–1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first six months of 1975 were almost 60 percent greater than imports in the first six months of 1974. Imports relative to domestic production were 24 percent in 1970, 33 percent in 1972, and 39 percent in 1974.

Wexler Knitting Mills produces men's knit sweaters on a contractual basis using its customers' own materials and according to the customers specifications. Customers of Wexler indicated that their purchases from Wexler and other contractors have declined as a result of increased availability of imports of comparable or superior quality at a lower price. One customer, which already purchases 65 percent of its sweaters overseas, expects to increase its purchases of imports in the near future because it is unable to obtain sweaters of a comparable quality and price domestically to the sweaters it can obtain from foreign sources.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit sweaters produced by Wexler Knitting Mills, Inc., Philadelphia, Pennsylvania contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried employees of Wexler Knitting Mills, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance unter Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32151 Filed 11-26-75;8:45 am]

[TA-W-146]

WILSON SPORTING GOODS CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-146; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 16, 1975 in response to a worker petition received on September 15, 1975 which was filed by the United Shoe Workers of America on behalf of workers formerly producing athletic footwear at the Milwaukee, Wisconsin plant of Wilson Sporting Goods Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44211) on September 25, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wilson Sporting Goods, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 26.6 percent in the first seven months of 1975 compared to the like period in 1974. Average production employment declined in four consecutive quarters, beginning in the third quarter of 1974. All production employees were terminated in August 1975.

Average weekly hours declined 24 percent in the first seven months of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales declined 2.9 percent from 1973 to 1974. Sales for the first eight accounting periods in 1975 declined 21.9 percent compared to the first eight periods in 1974.

Production at the Milwaukee plant declined 9.5 percent from 1973 to 1974. Production for the last six periods in 1974 declined 33.7 percent compared to the like period in 1973. Production for the first eight periods of 1975 declined 17.9 percent compared to the like period in 1974. All production was terminated on July 29, 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at Milwaukee increased from 6.2 million pairs in 1972 to 8.3 million pairs in 1974. The ratios of imports to domestic consumption and production increased from 39.2 percent and 64.4 percent, respectively in 1973 to 45.7 percent and 84.3 percent in 1974. The I/C and I/P ratios increased from 40.9 percent and 69.2 percent, respectively, in the first half of 1974 to 57.8 percent and 137.1 percent in the first half of 1975.

Customers of Wilson are shifting to imported athletic footwear to accommodate retail customer preferences. High quality imports, priced competitively with domestic athletic footwear, have gained in public popularity. The Milwaukee plant produced footwear utilizing a two-piece construction method which is inferior cost-wise to the injection molding process used by foreign manufacturers.

Wilson plans to continue accepting orders for athletic footwear, but will maintain an inventory through outside sources. These sources produce injection molded footwear that is more competitive with imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with athletic footwear produced at the Milwaukee plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of athletic footwear at the Milwaukee plant of Wilson Sporting Goods Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of November 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-32152 Filed 11-26-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 921]

ASSIGNMENT OF HEARINGS

NOVEMBER 24, 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 105461 Sup 92, Herr's Motor Express, Inc., now assigned December 4, 1975, at Washington, D.C., is canceled and transferred to Modified Procedure.

MC 2900 Sub 276, Ryder Truck Lines, Inc., application dismissed.

MC 139539 Sub 4, Afro-Urban Transportation, Inc., now assigned December 3, 1975, at New York, N.Y., is postponed Indefinitely.

MC 140202, Sea & Shore Enterprises, Inc., now assigned December 4, 1975, at Washington, D.C., is canceled and application dismissed.

MC 106920, Sub 58, Riggs Food Express, Inc., now assigned December 15, 1975, at New York, N.Y., is canceled and transferred to Modified Procedure.

MC 114789 Sub 47, Nationwide Carriers, Inc., now assigned December 2, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-F-12510, Imperial Van Lines, Inc.-Purchase-Martin Van Lines, Inc., now assigned December 8, 1975, at Los Angeles, Calif., is postponed, to March 8, 1976, at Los Angeles, Calif., (2 weeks), in a hearing room to be later designated.

MC 111729 Sub 519, Purolator Courier Corp.; MC 10761 Subs 240, 246, 247, 249, 253, 254, 256, 257, 259, and 260, Transamerican Freight Lines, Inc.; MC 113843 Sub 220, Refrigerated Food Express, Inc.

MC 134022 Sub 15, Richard A. Zima d.b.a. Zipco; MC 138144 Sub 6, Fred Olson Co., Inc.; and MC 139741 Sub 2, D & D Disposal Services Limited, now assigned December 1, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 110420 Sub 734, Quality Carriers, Inc., now assigned December 4, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 116273 Sub 193, D & L Transport, Inc., now assigned December 9, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114632 Sub 81, Apple Lines, Inc., now assigned December 11, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 128543 Sub 10, Cresco Lines, Inc., now assigned December 8, 1975, at Chicago, Illinois, will be held in Room 1614, Everett McKinley Dirksen Building, 219 South Dearborn Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32173 Filed 11-26-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43079—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 20), for itself and interested rail carriers. Rates on general commodities, between ports in (1) France, Italy, Israel and Spain (2) Sri Lanka, The Federation of Malaysia, Republic of Singapore, India, Indonesia and Pakistan (3) Thailand, and rail stations on the U.S. Atlantic and Gulf coasts.

Grounds for relief—Water competition.

Tariffs—American President Lines, Ltd., tariffs I.C.C. Nos. 3, 5, and 14. Rates are published to become effective on December 14, 1975.

FSA No. 43080—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A., (No. WEE-13), for itself and interested rail carriers. Rates on general commodities, between rail terminals in Brownsville and Corpus Christi, Texas, on the one hand, and European ports and terminals, on the other.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13, and 14. Rates are published to become effective on December 21, 1975.

FSA No. 43081—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by Williams Pipe Line Company, (No. 4), for interested rail carriers. Rates on petroleum products, as described in the application, from specified points in Kansas and Oklahoma, to specified points in Missouri, Illinois, and Iowa.

Grounds for relief—Market and carrier competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32174 Filed 11-26-75;8:45 am]

[Notice No. 128]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 17, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76051. By order of November 24, 1975 the Motor Carrier Board approved the transfer to Whitey's Automotive Service, Inc., Fremont, Ohio, of Certificate No. MC-133596 (Sub-No. 3), issued July 28, 1971, to Donald M. Fairall, Doing Business As Whitey's Automotive Service, Fremont, Ohio, authorizing the transportation of (1) wrecked, disabled, and repossessed motor vehicles (except trailers designed to be drawn by passenger automobiles), and (2) replacement vehicles for wrecked or disabled motor vehicles (except trailers designed to be drawn by passenger automobiles), by use of wrecker equipment only, between points in that part of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending east along U.S. Highway 224 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 30-N, thence east along U.S. Highway 30-N to junction Ohio Highway 4, thence north along Ohio Highway 4 to Sandusky, Ohio (except Toledo and points in Fulton, and Williams Counties, Ohio), on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Pennsylvania. Donald M. Fairal, Whitey's Automotive Service, Inc., 215 Ohio Avenue, Fremont, Ohio 43420. Representative of applicants.

No. MC-FC-76168. By order entered November 24, 1975, the Motor Carrier Board approved the control by Peter F. Roland, Roberta Schmidt and William P. Schmidt, through the purchase of stock, of Green Mountain Tours, Inc., Maywood, N.J., which is authorized to engage in operations as broker, at Maywood, N.J., under License No. MC-1330092, issued February 1, 1971, in connection with the transportation of passengers and their baggage, in all-expense ski tours, beginning at points in Bergen County, N.J., and extending to points in New York, and Vermont. Morton E. Keil, Suite 6193, 5 World Trade Center, New York, N.Y 10048.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32175 Filed 11-26-75;8:45 am]

[Notice No. 134]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20793 (Sub-No. 47TA), filed November 13, 1975. Applicant: WAGNER TRUCKING CO., INC., 164 Mercer St., Hightstown, N.J. 08520. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Block*, on vehicles equipped with Boom-Unloaders, from the plantsite of Anchor Cement Products, Inc., located in Brick Township, Ocean County, N.J., to points in Pennsylvania east of the Susquehanna River, and those in that part of New York on and east of U.S. Highway Route 209, from the New York-New Jersey State Line to the Hudson River at or near Kingston and east of the Hudson River to Hudson Falls and east of New York State Line and U.S. Highway Route 4 from Hudson Falls to the New York State Line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anchor Cement Products, Inc., 975 Burnt Tavern Road, Bricktown, N.J. 08723. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 52460 (Sub-No. 179TA), filed November 6, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1240 West 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, in cans and bottles, in packages, from Yoo-ho of Florida Corp., Facilities, Hialeah, Fla., to points in Texas, for 180 days. Supporting shipper: Southeastern Distributors, Inc., W. A. Dunn. V.P. & G.M., 3115 West Loop South, Suite 53, Houston, Tex. 77027. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 107403 (Sub-No. 956TA), filed November 17, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicle, from Milliken Station, N.Y., to Crooked Creek Dam Site, at or near Tioga, Pa., for 180 days. Supporting shipper: S. J. Groves & Sons Company, Box 387, Tioga, Pa. 16946. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 109692 (Sub-No. 34TA), filed November 14, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum slag*, from Jones Mill, Magnolia, Arkadelphia, Russellville and Newport, Ark., and Rockwall and Plano, Tex., to Kansas City, Kans., for 180 days. Supporting shipper: S & G Metals Industries, Inc., Second and Riverview, Kansas City, Kans. 66118. Send protests to: Vernon V. Boble, District Supervisor, Interstate Commerce Commission, 911 Walnut St., 600 Federal Bldg., Kansas City, Kans. 64106.

No. MC 115092 (Sub-No. 39TA), filed November 13, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bags, from Be le Fourche, S. Dak., to points in Texas, for 180 days. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 115931 (Sub-No. 33TA), filed November 13, 1975. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, Mont. 59313. Applicant's representative: William Grimshaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Casual wooden furniture*, knocked down, in cartons, from the plantsite and storage facilities of Halvorsen Lumber, located at or near Eureka, Calif., to points in Alabama, Arizona, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, South Dakota, Texas and Wisconsin; and (2) *Upholstered cushions* for casual wooden furniture, from the plantsite and storage facilities of the Sherwood Corporation, located at or near Spring City, Tenn., to Minneapolis, Minn.; Dallas, Tex., and Eureka, Calif., for 180 days. Supporting shipper: Eric P. Canton, Vice President, Canton Redwood Yard, Inc., 221 West 78th St., Minneapolis, Minn. 55420. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 116273 (Sub-No. 199TA), filed November 13, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: Charles T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbonized ink*, in bulk, in tank vehicles, from Sycamore, Ill., to Goshen, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Duplex Products, Inc., Fred A. Pierce, Corp. Traffic Manager, 228 Page St., Sycamore, Ill. 60178. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 119974 (Sub-No. 51TA), filed November 13, 1975. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of Jeno's, Inc., located at or near Sodus, Mich., to points in Illinois, Iowa, Kentucky, Missouri, Nebraska and Ohio, for 180 days. Supporting shipper: Jeno's Inc., 525 Lake Avenue, South, Duluth, Minn. 55802. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 123639 (Sub-No. 160TA), filed November 10, 1975. Applicant: J. B. MONTGOMERY, INC., 5565 E. 52nd Ave., Commerce City, Colo. 80022. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, New Hampshire, Maryland, Rhode Island, and the District of Columbia, for 180 days. Applicant has also filed an underlying seeking up to 90 days of operating authority. Supporting shippers: United Packing Co., 5000 Clarkson St., Denver, Colo. Pepper Packing Co., 901 E. 46th Ave., Denver, Colo. Wilson & Co., Inc., P.O. Box 16384, Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 124078 (Sub-No. 662TA), filed November 13, 1975. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53315. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oils and fats*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio to Fayetteville and Greensboro, N.C., for 180 days. Supporting shipper: Carolina By-Products Company Inc., P.O. Box Drawer 20687, Greensboro, N.C. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125023 (Sub-No. 31TA), filed November 12, 1975. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Chicago, Ill., to points in Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter Hand Brewing Company, 1000 W. North Ave., Chicago, Ill. 60622. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 126436 (Sub-No. 8TA), filed November 12, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric Motors and welders and parts and accessories thereof, welding supplies and hand truck parts*, from the plantsite and warehouse facilities of the Lincoln Electric Company, in Cuyahoga County, Ohio, to points in Arizona, California, Kansas, New Mexico, Oklahoma and Texas, under a continuing contract with Lincoln Electric Company, for 180 days. Supporting shipper: The Lincoln Electric Company, 22801 St. Clair Ave., Cleveland, Ohio 44117. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 127647 (Sub-No. 2TA), filed November 13, 1975. Applicant: RALPH H. LARSEN, 195 Roundtoft Drive, Salt Lake City, Utah 84103. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and fresh fruits and vegetables* in mixed loads, in the same vehicle, from Salinas and Indio, Calif., to points in Montana, for 180 days. Supporting Shipper: Buttery Food Stores, 601 6th St., S.W., Great Falls, Mont. 59403. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 127651 (Sub-No. 31TA), filed November 13, 1975. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from Marsfield, Wis., to Waterloo, Cedar Rapids, Dubuque, Iowa; Minneapolis, St. Paul, Montevideo, Minn.; Cleveland, Medina, Columbus and Hamilton, Ohio, for 180 days. Supporting shipper: Graham Manufacturing Corp., 1920 East 26th St., Marshfield, Wis. 54449. Send protests to: District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 127848 (Sub-No. 7TA), filed November 10, 1975. Applicant: WAYNE W. SELL CORPORATION, 236 Winfield Road, Sarver, Pa. 16055. Applicant's representative: Jerome Solomon, 3131 U.S. Steel Bldg., 600 Grant St., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Pittsburgh, Pa., to points in Long Island and Schenectady, N.Y.; Elizabeth and Jersey City, N.J.; Boston, Mass.; Stanford, Conn., and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Herr's Island Packing Co., t/a Western Packers, Herr's Island, Pittsburg, Pa. 15222. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 129401 (Sub-No. 5TA), filed November 12, 1975. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Ephraim and Polydroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane seats*, from Winston-Salem, N.C., to points in Washington and California, under a continuing contract with Fairchild-Burns Company, Division of Fairchild Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairchild-Burns Company, Division of Fairchild Industries, 1455 Fairchild Drive, Winston-Salem, N.C. 27105. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 135950 (Sub-No. 3TA), filed November 13, 1975. Applicant: KERN TRUCKING, INC., R.R. 1, Box 162, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized lime*, in bulk and in bags, from Irvington, Ky., to points in Alabama, Arkansas, Connecticut, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia, under a continuing contract with American Palletizing Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Palletizing Corp., P.O. Box 446, Dayton, Ohio 45459. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 138104 (Sub-No. 28TA), filed November 12, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76106. 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: *Hides*, from points in Texas and New Mexico, to Los Angeles, Long Beach, Santa Cruz, and San Francisco, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Southwestern Trading Company, P.O. Box 12307, Houston, Tex. 77017. Hitex Corporation, 3700 N. Grove St., Fort Worth, Tex. 76106. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 138411 (Sub-No. 3TA), filed November 7, 1975. Applicant: SPRUCE RIVER TRANSPORT, INC.,** 345 Madeline St., Thunder Bay, Ontario, Canada. Applicant's representative: Thomas Friday (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, (1) from the port of entry on the International Boundary Line between the United States and Canada, located at International Falls., Minn., to Moorhead, Minn.; (2) from the port of entry on the International Boundary Line between the United States and Canada, located at Pigeon River, Minn., to the Minneapolis, Minn., Commercial Zone and (3) from the port of entry on the International Boundary Line, between the United States and Canada, located at Sault Ste. Marie, Mich., to Grand Rapids, Mich., and Detroit, Mich., Commercial Zone. Restriction: The operations authorized herein are restricted to traffic originating at Longlac, Ontario, Canada, and to a transportation service to be performed under a continuing contract or contracts with Weldwood of Canada, Limited, for 180 days. Supporting shipper: Weldwood of Canada, Limited, 1055 West Hastings, Vancouver, British Columbia, Canada. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139495 (Sub-No. 108TA), filed November 13, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James E. McCarthy, 1501 East 8th, Liberal, Kans. 67901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Intravenous solutions and related disposable equipment* in mixed shipments in mechanically refrigerated trailers moving under protective service, from Chattanooga, Tenn., to Ogden, Utah; City of Industry, Berkeley and San Lorenzo, Calif., and Tukwilla, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cutter Laboratories, Inc., Berkeley, Calif. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140033 (Sub-No. 10TA), filed November 14, 1975. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water closet bowls and tanks, sheet steel sinks and bathtubs*, from Hearne, and Dallas, Tex., to points in Arizona, California, Colorado, Florida, and New Mexico, for 180 days. Supporting shipper: Verson Allsteel Press Company, 8300 S. Central Expressway, Dallas, Tex. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32176 Filed 11-26-75;8:45 am]

[Notice No. 94]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 21, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by jonider, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2900 (Sub-No. 281), filed October 30, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *Common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site of Amoco Chemicals Corp., located at or near Chocolate Bayou, Tex., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 10223 (Sub-No. 12), filed October 23, 1975. Applicant: ROBERT E. MACK, II, EDWARD S. MACK, JR., ESTELLE M. FUNK, ALBERT R. FUNK, AND CARL BROWN doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Ave., Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*,

**NOTE.—Due to Canadian mail embargo applicant requests that all mail be addressed to Spruce River Transport, Inc., P.O. Box 358, Grand Portage, Minn. 55605.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by hardware stores, between the plantsite or facilities of Cotter & Company, located at or near Fogelsville, Pa., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 21455 (Sub-No. 39), filed November 6, 1975. Applicant GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast polyester resin building panels*, from the plant site and facilities of Babcock Co., at or near Williamsburg, Iowa, to points in the United States (except Alaska and Hawaii), (2) *architectural crushed rock*, in packages and containers, from points in the United States (except Alaska and Hawaii), to the plant site and facilities of Babcock Co., at or near Williamsburg, Iowa, (3) *potato products* in packages and containers, from East Grand Forks, Minn., to points in the United States (except Alaska and Hawaii), and (4) *soy flour, soy protein and soy specialties* (except in bulk), from Gladbrook, Iowa, to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearings is deemed necessary, applicant requests it be held at Chicago, Ill. or Kansas City, Mo.

No. MC 30844 (Sub-No. 555), filed October 10, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B poisonous liquids and solids, corrosive materials, oxidizing materials, flammable liquids*, and *chemicals* (except in bulk); and *chemical lab apparatus, mineral oil, plastic cups*, and *articles* used by medical laboratories requiring protective service, in vehicles equipped with mechanical temperature control, from South Plainfield, N.J., to Cleveland, Ohio, Chicago, Ill., Boston, Mass., Dallas, Tex., and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not request a location.

No. MC 37918 (Sub-No. 13), filed October 31, 1975. Applicant: DIRECT WINTERS TRANSPORT LIMITED, a Corporation, 890 Caladonia Road, Toronto 19, Ontario, Canada. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th & H Sts, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, and commodities in bulk), Between the ports of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich., on the one hand, and, on the other, Port Huron, Mich. for the purpose of interchanging traffic with connecting carriers, restricted to the transportation of shipments originating at or destined to points in Canada.

NOTE.—Common control may be involved If a hearing is deemed necessary, the applicant requests it be held at either Port Huron or Detroit, Mich.

No. MC 46280 (Sub-No. 78), filed October 30, 1975. Applicant: KEY LINE FREIGHT, INC., 15 Andre' Street, SE, Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities of Jeno's, Inc. located at or near Sodus, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 49368 (Sub-No. 93), filed October 30, 1975. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, (1) from Janesville, Wis., to points in Michigan and Ohio; and (2) from Janesville, Wis., to points in Indiana, Kentucky, North Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts with General Motors Corporation, restricted in paragraph (2) to the transportation of traffic moving through Norwood, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52022 (Sub-No. 9), filed October 21, 1975. Applicant: SANTINI BROS., INC., doing business as, SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, 1405 Jerome Avenue, New York, N.Y. 10452. 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 Panola, Rusk, Cherokee, Anderson, Freestone, Limestone, Falls, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, Refugio, Goliard, Calhoun, Victoria, DeWitt, Gonzales, Caldwell, Bastrop, Lee, Milam, Fayette, Lavaca, Jackson, Wharton, Matagorda, Colorado, Austin, Washington, Burleson, Waller, Grimes, Brazos, Robertson, Leon, Houston, Nacogdoches, Shelby, San Augustine, Sabine, Newton, Jasper, Tyler, Angelina, Trinity, Walker, Montgomery, San Jacinto, Polk, Hardin, Liberty, Jefferson, Aransas, Chambers, Galveston, Harris, Orange, Brazoria, and Fort Bend Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 52657 (Sub-No. 732), filed October 30, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used trailers* (except those designed to be drawn by passenger automobiles), *new and used trailer chassis* (except those designed to be drawn by passenger automobiles) in truckaway service, between Morgantown, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; and (2) *motor vehicle bodies, empty cargo containers, and materials, supplies and parts* (except commodities in bulk), used in the manufacture, assembly and servicing of such commodities named in (a) and (b) above when moving in mixed shipments and on the same load with such commodities, between Morgantown, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Harrisburg, Pa.

No. MC 59223 (Sub-No. 9), filed October 24, 1975. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, N.Y. 10018. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, accessories and dry goods*, (1) between points in the New York N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and Keasby, N.J., on the one hand, and, on the other, Allentown, Pa.,

restricted to the transportation of traffic to or from the facilities of Bamberger's, Division of R. H. Macy & Co., Inc., located at the above-specified points; and (2) between Cherry Hill, East Brunswick, Livingston, Menlo Park, Eatontown, Morristown, Newark, Bloomfield, Edison, Paramus, Plainfield, Wayne, Deptford, Toms River and Lawrence, N.J., and Nanuet, N.Y.; Langhorne, Springfield, Montgomeryville, Allentown, and King of Prussia, Pa., restricted to the transportation of traffic between the facilities of Bamberger's, Division of R. H. Macy & Co., Inc., located at the above-specified points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 59583 (Sub-No. 153), filed October 30, 1975. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Ronald R. Tiller, P.O. Box 343, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, viz: aluminum-manganese-silicon, calcium-aluminum-silicon, calcium-maganese-silicon, ferro-alloys, NOI, ferro-chrome, ferro-chrome-silicon, ferro-manganese, ferro-manganese-silicon, ferro-molybdenum, ferro-phosphorus, ferro-silicon, ferro-silicon-aluminum, ferro-silicon-chrome, ferro-titanium, ferro-tungsten, ferro-vanadium, manganese metal, silicon-manganese, silicon* (silicon metal), *silicon-calcium, silicon-zirconium, zirconium-ferro-silicon,* from the plant sites of Ohio Ferro Alloys located at Mt. Meigs, Montgomery County, Ala., to points in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiand; and (2) *materials, equipment and supplies* used in manufacture and sale of the commodities described above from the destination territory named in (1) above, to the plant site of Ohio Ferro-Alloys at Mt. Meigs, Montgomery County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necesary, the applicant requests it be held at either Cleveland, Ohio or Montgomery, Ala.

No. MC 59856 (Sub-No. 65), filed October 24, 1975. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Room 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment and Classes A and B explosives), between Great Falls, Mont., and Missoula, Mont.: From Great Falls over Interstate Highway 15 to Vaughn, Mont., thence over U.S. Highway 89 to junction of Montana Highway 21, thence over Montana Highway 21 to junction of Interstate Highway 90, and return over the same routes, serving all intermediate points (except Simms, Ft. Shaw, Sun River and Vaughn, Mont.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Great Falls, or Missoula, Mont.

No. MC 61592 (Sub-No. 377), filed November 5, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles* (except commodities in bulk), from the facilities of Givens, Inc., at Chesapeake, Va., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 75320 (correction) (Sub-No. 183), filed October 15, 1975, published in the FEDERAL REGISTER issue of November 6, 1975, republished as corrected this issue. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, Post Office Box 22567, Jackson, Miss. 39205. 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): (1) Serving the junction of U.S. Highway 69 and Oklahoma Highway 51 at or near Wagoner, Okla. for purposes of joinder only; and (2) Serving the junction of Arkansas Highway 244 and Arkansas Highway 59 located approximately 3 miles north of Evansville, Ark. for purposes of joinder only.

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 76266 (Sub-No. 129), filed October 24, 1975. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, Minn. 55403. Applicant's representative: Cecil L. Goettsch, 11th Floor Des Moines Bldg., Des Moines, Iowa 50309. 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 by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and other facilities of Minnesota Mining and Manufacturing Company, at or near Knoxville, Iowa, as an off-route point in connection with applicant's otherwise authorized operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 78118 (Sub-No. 27), filed October 31, 1975. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies, and equipment* used in the production and distribution of foodstuffs, between the plantsite and warehouses of Kellogg Company in East Hempfield Township, Lancaster County, Pa., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 82492 (Sub-No. 127), filed October 28, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plant site and warehouse facilities of Jeno's, Inc. at or near Sodus, Mich., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Washington, D.C.

No. MC 103051 (Sub-No. 356), filed October 30, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends containing corn products*, in bulk, from the plantsite or warehouse facilities of Cargill, Incorporated, at or near Memphis, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 358), filed October 30, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from Atlanta, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106088 (Sub-No. 7), filed October 28, 1975. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, Ind. 47978. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fertilizer*, from points in Illinois and Ohio and Henderson, Ky., to points in Jasper, Benton, Newton, Lake, Porter, La Porte, Pulaski, and White Counties, Ind., restricted against the transportation of liquid fertilizer, in bulk, in tank vehicles, from Peoria, Pekin, East St. Louis, Granite City, Joliet, and Danville Ill.; and (B) *Feed*, from points in Illinois, and Cedar Rapids, Iowa, and Cochrane, Wis., to points in Jasper, Benton, Newton, Lake, Porter, La Porte, Pulaski, and White Counties, Ind.

NOTE:.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 217), filed October 24, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, N.W., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Zinc and zinc products, and materials and supplies* used in the manufacture and distribution of zinc and zinc products (except in bulk, in tank vehicles), between the plantsite and storage facilities of ASARCO Incorporated, located at Corpus Christi, Tex., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Texas).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 106674 (Sub-No. 178), filed October 31, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden and metal beams, and materials and accessories*, used in the installation thereof, from Delaware, Ohio, to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 177), filed November 3, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except commodities in bulk), from Mounds, Ill., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107107 (Sub-No. 444), filed October 30, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, including wrapping paper, sealing tape, bags and pulp board, from St. Marys, Ga., to points in Florida, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado, and New Mexico.

NOTES.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 107515 (Sub-No. 992) (Correction), filed October 3, 1975, and published in the FEDERAL REGISTER issue of October 31, 1975, and republished as corrected, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite and warehouse facilities of Tennessee Doughnut Co., in Davidson County, Tenn., to points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE.—The purpose of this republication is to correct the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 995), filed October 29, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30005. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., located in Sodus, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., Chicago, Ill., or Minneapolis, Minn.

No. MC 108188 (Sub-No. 15), filed November 3, 1975. Applicant: ROLLO TRUCKING CORPORATION, INC., 295 Broadway, Keyport, N.J. 07735. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk in tank vehicles, from Lodi, N.J., to Glen Burnie, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 108676 (Sub-No. 86), filed October 28, 1975. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, used, or returned shipments* of signs, and sign parts, from points in the United States (except Alaska and Hawaii), to Knoxville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Louisville, Ky.

No. MC 109692 (Sub-No. 33), filed October 30, 1975. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, 625 Livestock Exchange Building, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, trasporting: (1) *Lumber and lumber products, posts, poles, timber* (all treated or untreated), from Hugo, Okla., to points in Texas, Colorado, Minnesota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Illinois, Wisconsin, and Arkansas and (2) *chemicals and preservatives*, from Wichita, Kans., to Hugo, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 110567 (Sub.No. 9), filed October 22, 1975. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50304. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wynnewood, Okla., to points in Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Kansas City Mo.

No. MC 111729 (Sub-No. 584), filed October 31, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, 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) *Blood, blood components, and related accessories*, between Little Rock, Ark., on the one hand, and, on the other, Memphis, Tenn.; Greenville, Hollandale, Indianola, Leland, and Ruleville, Miss.; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* (except motion picture film

used primarily for commercial theatre and television exhibition), between Springfield, Mo., on the one hand, and, on the other, Fayetteville, Fort Smith, Rogers, and Springdale, Ark., and points in Oklahoma; and (3) (a) *proofs, cuts, copy, artwork, and advertising material;* (b) *daily telephone listings and addenda;* and (c) *business papers, records, and audit and accounting media of all kinds,* between St. Louis, Mo., on the one hand, and, on the other, points in Kansas.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Little Rock, Ark.

No. MC 113267 (Sub-No. 322) (Amendment), filed October 9, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, and republished as amended this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tuland Rd., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs,* from Sevierville, Newport, Jefferson City, and Tellico Plains, Tenn., to points in Mississippi.

NOTE.—The purpose of this republication is to include canned foodstuffs in applicant's commodity request. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or Memphis, Tenn.

No. MC 113622 (Sub-No. 15), filed October 16, 1975. Applicant: SAMPSON HAULING CORP., 10973 Starr Road, Pavilion, N.Y. 14525. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand and gravel,* in dump vehicles, (a) from Freedom and Yorkshire (Cattaraugus County), N.Y., to points in Erie, Crawford, Venango, Clarion, Jefferson, Clearfield, Lycoming, Cameron, Forest, Clinton, and Tioga Counties, Pa. and (b) from the plant site of Buffalo Slag Co., Inc., located at or near Alfred Station (Allegany County), N.Y., to points in Clearfield, Jefferson, Clarion, Lycoming, Warren, Cameron, Forest, Elk, and Clinton Counties, Pa.

NOTE.—Common control may be involved, If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113678 (Sub-No. 607), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food products,* from the plantsite and storage facilities of Fields, Inc., located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above named plantsite and storage facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Oklahoma City, Okla.

No. MC 113678 (Sub-No. 608), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Prepared frankfurters,* from Dallas, Tex., to points in Arizona, California, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahome, Oregon, Utah, and Washington and (2) *envelopes,* from Dallas, Tex., to Boulder, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 113678 (Sub-No. 609), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulators, electric wire* or *wiring, pottery or pottery and iron* combined, and *parts,* from Sandersville, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 113828 (Sub-No. 233), filed October 28, 1975. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, between points in York County, S.C., on the one hand, and, on the other, points in Tennessee and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 223), filed October 31, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Salem, Ohio, to points in Massachusetts, New York, New Jersey, Pennsylvania, Maryland, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113908 (Sub-No. 356, filed October 24, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whithead (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Neutral spirits, distilled spirits, alcohol, beverages and beverage spirits,* in bulk, from Atchison, Kans., to points in Connecticut, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114028 (Sub-No. 21), filed November 7, 1975. Applicant: ROWLEY INTERSTATE TRANSPORTATION, COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, inedible skins and pieces thereof, and commodities in bulk, in tank vehicles), from Wichita, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Minnesota, Wisconsin, Illinois, Missouri, Iowa, Indiana, Michigan, Ohio, North Carolina, Kentucky, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 114028 (Sub-No. 22), filed Nov. 7, 1975. Applicant: ROWLEY INTERSTATE TRANSPORTATION, COMPANY INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (ercept hides, inedible skins, and pieces thereof, and commodities in bulk, in tank vehicles), from Mankato, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Delaware, Maryland, Virginia, West Virginia, Minnesota, Wisconsin, Illinois,

Missouri, Iowa, Indiana, Michigan, Ohio, North Carolina, Kentucky, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 114273 (Sub-No. 241), filed October 30, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2730 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Lincoln, Nebr., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at or destined to the facilities of Acme Markets, Inc., and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 247), filed Oct. 28, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products* (except commodities in bulk), from Mounds, Ill., to points in the United States (except Alaska, Hawaii, and Illinois); and (2) *animal litter, animal and bird feed and pet supplies* (except commodities in bulk), from the plantsites and storage facilities of Alfa-Pet, Inc., at St. Louis, Mo., to points in the United States (except Alaska, Hawaii, and Illinois).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Paul, Minn.

No. MC 115730 (Sub-No. 8), filed October 28, 1975. Applicant: THE MICKOW CORPORATION, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment*, used in the manufacturing of irrigation systems and related equipment and supplies (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to Lindsay, Nebr., and Amarillo, Tex., restricted to traffic destined to the plantsite of Lindsay Manufacturing Company, at Lindsay, Nebr., of Amarillo, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 115917 (Sub-No. 30), filed October 29, 1975. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 805 McLachen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of Cargill Incorporated at or near Baldwin and Anse La Butte, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115967 (Sub-No. 9), filed November 3, 1975. Applicant: WILLIE T. HIRES, INC., P.O. Box 138, Cayuga, Ind. 47928. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and related by-products, and fruit drinks and juices*, from the plantsites of Borden, Inc., located at or near Pekin, Ill., and Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 24 and on and west of U.S. Highway 31 (except South Bend, Ind.), and points in Fulton County, Ind. east of U.S. Highway 31; and (2) *large empty metal racks* in which the dairy products are initially transported, from points in Indiana on and north of U.S. Highway 24 and on and west of U.S. Highway 31 (except South Bend, Ind.) and points in Fulton County, Ind., to Pekin, Ill., under a continuing contract or contracts with Borden, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 116063 (Sub-No. 142), filed November 5, 1975. Applicant: WESTERN COMMERCIAL TRANSPORT, INC., 2929 West Fifth Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and products of animal fats and vegetable oils*, in bulk, in tank vehicles, from the facilities of Wilson & Co., Inc., located at Oklahoma City, Okla., to points in Connecticut, Delaware, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin, restricted to the transportation of traffic originating at the above named facilities and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., Fort Worth or Dallas, Tex.

No. MC 117119 (Sub-No. 558), filed October 30, 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: *Plastic materials*, other than foam, cellular, expanded or sponge, NOI flakes, granules, pellets, powder (except in bulk), from the manufacturing and warehouse facilities of the B. F. Goodrich Chemical Company located at or near Pedricktown, N.J., to Omaha, Nebr.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 117589 (Sub-No. 31), filed October 30, 1975. Applicant PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue So., Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and cheese*, from Seattle, Wash., to Colorado Springs, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 118142 (Sub-No. 106), filed October 24, 1975. Applicant. M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Partially cured rubber* (except in bulk), moving in specialized temperature controlled equipment, from the plantsite of Bandag, Inc., located at or near Oxford, N.C., to Chino, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118142 (Sub-No. 107), filed Oct. 28, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets* (except in bulk), (1) (a) from Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (b) from points in the United States (except Alaska and Hawaii), to Jacksonville, Tex.; and (2) (a) from Paris, Ark., to points in the United States (except Alaska and Hawaii); and (b) from points in the United States (except Alaska and Hawaii), to Paris, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118959 (Sub-No. 127), filed November 3, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street,

Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except in bulk), from the facilities of Bird & Son, Inc., at or near Bardstown, Ky., to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* used in the manufacture of building materials (except in bulk), from points in the United States (except Alaska and Hawaii), to the facilities of Bird & Son, Inc., at or near Bardstown, Ky.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119118 (Sub-No. 42), filed October 30, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising materials* moving therewith, from Latrobe, Pa., to points in Connecticut, Georgia, Indiana, Maryland, Massachusetts, New York (except Westchester, Rockland, Bronx, Kings, Queens, New York, Richmond, Nassau, and Suffolk Counties, N.Y., and points in the Commercial Zone of Hornell, N.Y., as defined by the Commission), North Carolina, Ohio, Rhode Island, South Carolina, Virginia, Sussex County, Del., Wilmington, Del., and the District of Columbia; and (2) *empty used malt beverage containers*, from points in (1) above, to Latrobe, Pa.

NOTE.—Applicant holds contract carrier authority in MC 116564 and sub 22 thereunder, therefore dual operations may be involved. Applicant seeks by this application to convert contract carrier authority in MC 116564 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 119765 (Sub-No. 35), filed November 3, 1975. Applicant: HENRY G. NELSEN, INC., 5402 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Illinois, Indiana, and Kansas, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 270), filed November 3, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or manufactured by Emerson Electric Co., and *materials, equipment, and supplies*, used in the manufacture and distribution thereof, between Hazelhurst, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 121745 (Sub-No. 2), filed November 4, 1975. Applicant: J. T. SPAIN AND C. D. SPAIN, a Partnership, doing business as, SPAIN'S TRANSFER, 1600 Valley Street (P.O. Box 68), Minot, N. Dak. 58701. Applicant's representative: C. D. Spain (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, petroleum products, in bulk, in tank vehicles and commodities requiring special equipment), between Minot, N. Dak. and Rugby, N. Dak.: From Minot, N. Dak. over U.S. Highway 2 to Rugby, N. Dak., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rugby, Towner or Minot, N. Dak.

No. MC 123407 (Sub-No. 271), filed October 24, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters, storage type and hydro-pneumatic tanks*, from Chicago, Ill., and Montgomery, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Chicago, Ill., and Montgomery, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123670 (Sub-No. 14), filed October 24, 1975. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, Mich. 48003. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used in the manufacture and distribution of mobile and modular homes and recreational vehicles (except commodities in bulk), between points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plant sites or storage facilities of Champion Home Builders Co., under a continuing contract with Champion Home Builders Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 124109 (Sub-No. 11), filed November 6, 1975. Applicant: B. F. C. TRANSPORTATION, INC., 950 Shaver Road, Cedar Rapids, Iowa 52406. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expandable polystyrene resin*, in containers, from points in Illinois and Indiana, to Gilman, Iowa and (2) *expanded polystyrene foam*, from Gilman, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, under a continuing contract or contracts, with Holland Plastics Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124489 (Sub-No. 9), filed November 5, 1975. Applicant: NIELSON BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Ill. 60639. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by and dealt in by manufacturers and distributors of snack foods, between points in Illinois, Indiana, Michigan, and Wisconsin, under a continuing contract with Jays Foods, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124878 (Sub-No. 7), filed October 28, 1975. Applicant: LAPADULA AIR FREIGHT TRANSFER, INC., 149–04 New York Blvd., Jamaica, N.Y. 11434. Applicant's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk), between Philadelphia, Pa., on the one hand, and, on the other, Newark Municipal Airport, Newark, N.J.; J. F. Kennedy International Airport, New York, N.Y.; Boston, Mass., Syracuse, N.Y., Hartford and Windsor Locks, Conn., and New York, N.Y., restricted to the transportation of shipments moving in substituted motor for air service or moving on airline or air freight forwarder bills of lading.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Philadelphia, Pa.

No. MC 125433 (Sub-No. 61), filed October 28, 1975. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Ap-

plicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Ex Parte MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, from Houston, Tex., and its commercial zone, to the plantsite of Bucyrus-Erie Company, located at or near Pocatello, Idaho, restricted to traffic originating at the named origin point and destined to the plantsite of Bucyrus-Erie Company, located at or near Pocatello, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Omaha, Nebr.

No. MC 126899 (Sub-No. 87), filed October 28, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and related rubber materials and valve hardware and accessories*, from Findlay, Ohio, to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Paducah or Louisville, Ky.

No. MC 128273 (Sub-No. 207), filed October 30, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquets, hickory chips and lighter fluid*, from Paris, Ark., and Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (2) *lighter fluid, materials, equipment and supplies* used in the manufacture and distribution of charcoal and charcoal briquets, from points in the United States (except Alaska and Hawaii), to Paris, Ark., and Jacksonville, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 128273 (Sub-No. 208), filed October 30, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk, in tank vehicles), from points in Marion County, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 129326 (Sub-No. 17), filed November 3, 1975. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Mulberry, Fla. 33860. Applicant's representative: L. Agnew Myers, Jr., 734 15th St NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, in bulk, in tank vehicles, having an immediate prior movement by rail, from points in Polk County, Fla., to points in Florida; and (2) *phosphatic feed supplements*, (a) from the plantsite of Borden Chemical, Borden, Inc., at Coronet, Fla., to points in Arkansas, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (b) from the plantsite of International Minerals & Chemicals Corporation, at or near Noralyn and Bonnie, Fla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 129994 (Sub-No. 11), filed November 3, 1975. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray Avenue, Murray, Utah 84107. Applicant's representative: Marilyn McNeil, 176 West Central Avenue, Murray, Utah 84107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing materials and supplies*, from points in Contra Costa County, Calif., to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 133119 (Sub-No. 78), filed October 31, 1975. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, Iowa 51001. Applicant's representaive: A. J. Swanson, 521 So. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, and commodities* otherwise exempt under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with canned goods, from Salem and Eugene, Oreg., Seattle, Wash., and points in California, to ports of entry on the International Boundary line between the United States and Canada, located at or near Champlain, Buffalo, and Niagara Falls, N.Y., Detroit, Port Huron, and Sault Sainte Marie, Mich., Grand Portage and Noyes, Minn., Pembina and Portal, N. Dak., and Raymond and Sweetgrass, Mont., restricted to the transportation of traffic destined to points in the Provinces of Quebec, Ontario, Manitoba, Saskatchewan, and Alberta.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or San Francisco, Calif.

No. MC 133415 (Sub-No. 6), filed October 24, 1975. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, 913 McKinley Street, Peekskill, N.Y. 10566. Applicant's representative: John L. Alfano and Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, new and used, *supplies and accessories*, between New York City and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, Westchester County, N.Y., and points in Connecticut, under a continuing contract or contracts with E. I. du Pont de Nemours & Co.; Eastern Warehouse Service, Inc., R M Friction Materials Company-Stratford, Tri-State Whse. Distributors, Inc., and Vehicle Parts Warehouse Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 133689 (Sub-No. 66), filed November 6, 1975. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Elk Grove Village, Northbrook, Barrington, and Palatine, Ill., to LaCrosse and Superior, Wisc.; points in Minnesota; and points in North Dakota and South Dakota on and east of U.S. Highway 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Chicago, Ill.

No. MC 135170 (Sub-No. 10), filed October 31, 1975. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from Paterson, N.J., to Princeton, W. Va., under contract with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135425 (Sub-No. 9), filed October 23, 1975. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of power tools, *and materials supplies and equipment* (except commodities in bulk), used in the conduct of such business, between Hampstead and Easton, Md.; Tarboro and Fayetteville, N.C., and Lancaster, Pa., on the one hand, and, on the other, points in Oregon, Colorado, and Washington, under contract with Black and Decker Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135425 (Sub-No. 10), filed Oct. 23, 1975. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of power tools, and *materials, supplies and equipment* (except commodities in bulk), used in the conduct of such business, between points on the International Boundary line between Canada and the United States, in Michigan and New York, on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington, under contract with Black and Decker Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135518 (Sub-No. 4), filed October 20, 1975. Applicant: EVERETT TRUCKING, INC., 1718 Tease Road, Burlington, Wash. 98273. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foods*, when moving in vehicles equipped with mechanical refrigeration, from points in California on and north of California Highway 198, to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 135684 (Sub-No. 17), filed October 31, 1975. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail and chain grocery, hardware, and drug stores, in containers (except furniture), from Cranford, N.J., to points in New York, Delaware, Maryland, New Jersey, and Connecticut, that part of Pennsylvania on and east of U.S. Highway 219, that part of Virginia on and north of U.S. Highway 60, and the District of Columbia; (2) *materials and supplies* (in containers) used in the manufacture and distribution of the commodities specified in (1) above, from the destination points named in (1) above to, Cranford, N.J.; (3)(a) *such commodities* as are dealt in by retail and chain grocery, hardware, and drug stores, in containers, and (b) *materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities described in (3)(b) above, between Cranford, N.J., points in that portion of the New York, N.Y., Commercial Zone as defined in *Commercial Zone and Terminal* Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), Canton, Ohio, and Chicago, Ill.; and (4) *foodstuffs*, from Milton, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—By instant application, applicant seeks to convert its contract carrier authority in MC 87720 (Sub-No. 2) and subs thereunder to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Flemington or Trenton, N.J.

No. MC 135732 (Sub-No. 13), filed October 31, 1975. Applicant: AUBREY FREIGHT LINES, INC., 629 Grove St., P.O. Box 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in containers and *empty containers*, between the rail and port facilities located at Jacksonville, Pensacola, Miami, Port Everglades, and Tampa, Fla., restricted to shipments having prior or subsequent movement by railroad or water carrier.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington D.C.

No. MC 136267 (Sub-No. 4), filed November 3, 1975. Applicant: BELS PRODUCE CO., INC., 11357 Vienna Road, P.O. Box 348, Montrose, Mich. 48459. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat*, in boxes, from the ports of entry on the International Boundary line between the United States and Canada, located in Michigan, to points in Wisconsin; and (2) *raw materials*, for the manufacture of calf feed and finished calf feed products, and calf feed supplements, from Watertown, Wisc., to ports of entry on the International Boundary line between the United States and Canada, located in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 136512 (Sub-No. 9), filed October 30, 1975. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and turf care equipment and snow throwers*, from Tomah, Wis., to points in Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 138104 (Sub-No. 27), filed October 31, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. 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: *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), and *parts, equipment and accessories therefor*, in initial movements, from the plantsite and facilities of Tramco, Inc., at or near Carrollton, and Houston, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 138345 (Sub-No. 5), filed October 29, 1975. Applicant: BASIL B. GORDON, doing business as VALLEY SPREADER COMPANY, P.O. Box 673, 260 North Street, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and equipment, used irrigation systems and irrigation pipe*, between points in Imperial County, Calif., on the one hand, and, on the other, points in Arizona (except Yuma and Mohave Counties), restricted to the transportation of traffic originating at and destined to points in the above-described territory; and (2) *sulfuric acid*, liquid, in bulk, from Pima and Pinal Counties, Ariz., to points in Imperial, Riverside, and San Bernardino Counties, Calif.

NOTE. If a hearing is deemed necessary, the applicant requests it be held at either Yuma, Ariz., or Los Angeles, Calif.

No. MC 138512 (Sub-No. 12), filed October 16, 1975. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, d/b/a WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison, Cudahy, Wis. 53110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese foods, and cheese spreads* (except commodities in bulk), and *refused and rejected shipments*, from Monett, Mo., to points in Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, under contract with L. D. Schreiber Cheese Co., Inc., restricted to traffic originating at the plantsite or storage facilities of L. D. Schreiber Cheese Co., Inc., at Monett, Mo.

NOTE. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138741 (Sub-No. 18), filed November 19, 1975. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Whiting and East Chicago, Ind., to the plantsite and warehouse facilities of GAF Corporation located at Joliet, Ill.

NOTE.—The purpose of this filing is to convert applicant's wholly duplicative Permit in No. MC 107129 (Sub-No. 11) to common carrier certificated authority. This filing contains all of applicant's initial verified statements. Applicant indicates it does not seek duplicating authority. Common control was approved in MC-F-12101. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138875 (Sub-No. 26), filed October 29, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, composition board, treated or untreated poles, pilings, and cross ties*, from points in Idaho south of the southern boundary of Idaho County, to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise or Meridian, Idaho.

No. MC 138884 (Sub-No. 3), filed October 28, 1975. Applicant: CONDOR CORPORATION, R.F.D. No. 2, Dixfield, Maine 04224. 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: (1) *Wood furniture stock*, uncrated, from the plantsites of Andover Wood Products, located at or near So. Paris, and Andover, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and North Carolina; and (2) from points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and North Carolina to the plantsites of Andover Wood Products, located at or near So. Paris and Andover, Maine, under a continuing contract with Andover Wood Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine or Boston, Mass.

No. MC 138941 (Sub-No. 10), filed October 29, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Lowell, Mass., and Stratford, Conn., to points in California, Washington, Oregon, Texas, and Georgia, under a continuing contract or contracts, with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 138941 (Sub-No. 11), filed November 3, 1975. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from Temple, Tex., to points in Illinois, under contract with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138946 (Sub-No. 8), filed October 30, 1975. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Rd., Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Fairfield, Calif. to Portland and Beaverton, Oreg.; and (2) *empty malt beverage containers*, from Portland and Beaverton, Oreg., to Fairfield, Calif., under a continuing contract or contracts, with Columbia Distributing Co., Portland Distributing Company, and Maletis, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 139110 (Sub-No. 4), filed November 3, 1975. Applicant: MINN CAL, INC., P.O. Box 657, 104-3rd Avenue SW., Mandan, N. Dak. 58554. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and *materials and supplies* used in conducting such business, between the facilities of the Fingerhut Corporation, located at St. Cloud, Minn., on the one hand, and, on the other, points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii), under a continuing contract with Fingerhut Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn., or Fargo, N. Dak.

No. MC 139263 (Sub-No. 4), filed November 3, 1975. Applicant: MINUTEMAN EXPRESS, INC., P.O. Box 458, Lexington, Nebr. 68850. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood shutters, wood shelves, louvered doors, and cafe doors*; (2) *hardware*, for items named in (1) above; and (3) *materials, equipment and supplies* utilized in the production and distribution of wood shutters, wood shelves, cafe doors, fabric frames, louvered doors, and window blinds, from the plantsite and facilities of Flair-Fold, Inc., located at or near Farmingdale, N.Y., to points in Ohio and the facilities of Flair-Fold, Inc., located at or near Hiawatha, Kans., restricted to traffic orginating at the named origin and destined to the named destinations, under a continuing contract, or contracts, with Flair-Fold, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y., or Lincoln, Nebr.

No. MC 139876 (Sub-No. 1), filed October 28, 1975. Applicant: A B C TRANSIT CO., INC., 11440 West Center Road, Omaha, Nebr. 68144. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Omaha, Nebr., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Nevada, Utah, Idaho, Washington, Oregon, and California, under a continuing contract, or contracts, with Nashua Corporation.

NOTE.—Applicant holds common carrier authority in MC 139686, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140030 (Sub-No. 2), filed November 6, 1975. Applicant: RAY KURTZ AND LINDA FARLEY, a partnership doing business as, PLASTIC EXPRESS, 11452 Eckhoff Street, Orange, Calif. 92668. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resin pellets*, from Orange, Calif., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington; and (2) *materials* used in the manufacture of resin pellets, from points in Los Angeles and Orange County, Calif., to Orange, Calif., under contract with Sterling Plastics Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orange or Los Angeles, Calif.

No. MC 140643 (Sub-No. 1), filed November 4, 1975. Applicant: HOWARD N. CHILD, doing business as EIGHT BALL LINE TRUCKING, 2717 Goodrick Ave., Richmond, Calif. 94804. Applicant's representative: H. Ronald Child (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, from the plantsites of Certain-teed Products, Inc., at La Mirada and Union City, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under contract with Certain-teed Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 140827 (Sub-No. 1), filed October 30, 1975. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield

Rd., Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* and *commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., to points in Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 138946 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 140888 (Sub-No. 2), filed October 31, 1975. Applicant: CONTAINER SERVICE (NIAGARA REGION) LTD., P.O. Box 26, Wellandport, Ontario, Canada. Applicant's representative: James R. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk, from ports of entry on the International Boundary line between the United States and Canada, located on the Niagara River to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates Counties, N.Y., and the City of North East, Pa., restricted to traffic moving in foreign commerce, under a continuing contract with Skyway Fertilizers Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141101 (Sub-No. 2), filed November 3, 1975. Applicant: ROBERT E. WARNE, doing business as WARNE TRUCKING COMPANY, a Corporation, 121 Rosewood Drive, Zanesville, Ohio 43701. Applicant's representative: Thomas J. Burke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware pots and racks* for earthenware pots, (1) from Marshall and Houston, Tex., El Monte, Van Nuys, Fullerton, La Verne and Long Beach, Calif., to Denver, Colo., (2) from Marshall, Tex., to points in California, and (3) from Marshall, Tex., to points in Michigan, under contract with Denver Pottery Co., Inc. and Marshall Pottery Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141266 (Sub-No. 2), filed November 3, 1975. Applicant: WILLIAM T. AMERSON, doing business as, BILL AMERSON TRUCKING, Route 1, Box 305, Georgetown, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and supplies*, between the plantsites of Oneita Knitting Mills, located at or near Andrews, S.C., on the one hand, and, on the other, the plantsites of Oneita Knitting Mills, located at or near Salt Lake City, Utah, under a continuing contract with Oneita Knitting Mills.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 141352 (Correction), filed September 15, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished. Applicant: LAMUSTA'S AUTO SERVICE, INC., 4 Rice Square, Worcester, Mass. 01604. Applicant's representative: Thomas K. Langella, 340 Main Street, Worcester, Mass. 01608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, between points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, New York and New Jersey.

NOTE.—The purpose of this republication is to correct the requested authority. If a hearing is deemed necessary, the applicant requests it be held at Worcester, Mass.

No. MC 141433 (Sub-No. 2), filed October 28, 1975. Applicant: M. V. MERCURIO, INC., 59–71 59th Street, Maspeth, N.Y. 11378. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* (except in bulk), and *materials and supplies*, used in the manufacture of adhesives (except in bulk), between Edison, N.J., and Maspeth, N.Y., on the one hand, and, on the other, points in the Commercial Zone of New York, N.Y., as defined by the Commission, and points in Nassau and Suffolk Counties, N.Y., under contract with HB Fuller Company, at Edison, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 141436 (Correction), filed Oct. 16, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, republished as corrected this issue. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, Iowa 51031. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from LeMars, Iowa, to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky; and (2) *commodities named in (1) above, and materials, supplies and equipment*, utilized in the manufacture, production and distribution of the commodities named in (1) above, from points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Colorado, Wyoming, Idaho, Montana, Utah and Kentucky, to Sioux City, Marshalltown, Orange City and LeMars, Iowa, under contract with Harker's Wholesale Meat, Inc., restricted (1) against the transportation of commodities in bulk, in tank vehicles; (2) to traffic originating at the named origins and destined to the named destinations, and (3) to a transportation service to be performed under a continuing contract or contracts with Harker's Wholesale Meat, Inc.

NOTE.—The purpose of this republication is to indicate the destination points in part (2) which was previously omitted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 141457 filed, October 21, 1975. Applicant: RELIABLE AUTO WRECKERS, INC., 2500 East Monroe, Yuma, Ariz. 85364. Applicant's representative: Earh H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dried sugar beet pulp, and dried citrus pulp*, in bulk, from points in Imperial and San Bernardino Counties, Calif., to points in Yuma County, Ariz., under contract with McElhaney Cattle Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Phoenix or Yuma, Ariz.

No. MC 141476, filed October 23, 1975. Applicant: C. T. TRANSPORTATION COMPANY, 2301 Bridgeport Drive, P.O. Box 1410, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, antennas, materials, supplies and equipment* used in the manufacture, sale, distribution and erection of towers and antennas and reflectors, redomes, pylons, and *buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, construction, and erection of buildings, building panels and building parts, from the plant site and storage facilities of Advance Industries of Sioux City, Iowa, to points in the United States (except Hawaii); (2) *towers, antennas and materials, supplies and equipment* used in the manufacture, sale, distribution, and erection of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Advance Industries located at Sioux City, Iowa, the commodities in (1) and (2) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Advance Industries; (3) *trenching machines*, from the plant site and storage facilities of Digz-All, Inc., located at Merrill, Iowa, to points in the United States (except Hawaii); and (4) *materials, supplies and equipment* used in the manufacture, sale and distribution of trenching machines, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Digz-All, Inc. located at Merrill, Iowa, the commodities

in (3) and (4) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Digz-All, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa, or Omaha, Nebr., or Chicago, Ill.

No. MC 141478 (Sub-No. 1), filed November 6, 1975. Applicant: RIGHTER TRUCKING COMPANY, INCORPORATED, 1238 Meadow Brook Lane, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord sets, plastic materials, and materials, equipment and supplies used in the conduct of such business, between the plants and warehouses of Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc., at Sikeston, Mo., San Francisco, Calif., Los Angeles, Calif., and Portland, Oreg., under a continuing contract or contracts with Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 75281 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Louis, Mo.

PASSENGER APPLICATIONS

No. MC 121684 (Sub-No. 2), filed October 28, 1975. Applicant: ORLANDO TRANSIT COMPANY, a Corporation, 46 Weber Street, Orlando, Fla. 32802. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Orange, Seminole, Osceola, Brevard, Volusia, and Lake Counties, Fla., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla.

No. MC 123126 (Sub-No. 4), filed November 11, 1975. Applicant: FRANKLIN BUS SERVICE, INCORPORATED, 309 Roosevelt Street, Franklin, Va. 23851. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at Franklin and Suffolk, Va., and points in Brunswick, Greensville, Isle of Wight, Southampton, Surry, and Sussex Counties, Va., and Hertford County, N.C., and extending to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Courtland or Norfolk, Va.

BROKER APPLICATIONS

No. MC 130347, filed October 23, 1975. Applicant: HAWAIIAN HOLIDAYS, INC., 500 Fifth Avenue, New York, N.Y. 10036. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., Chicago, Ill., San Francisco and Los Angeles, Calif., and Honolulu, Hawaii, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor carriers, between points in the United States, including Alaska and Hawaii, restricted to passengers having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 130349, filed November 3, 1975. Applicant: MARVIN R. STEWART, doing business as, STEWART'S TRAVEL AGENCY, 210 Tenth Street, Carrollton, Ky. 41008. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Carrollton, Ky., to sell or offer to sell the transportation of *passengers*, as individuals and in groups, and *their baggage*, in special, charter trips and tours, by motor, air, water and rail carriers, between points in Grant, Henry, Owen, Carroll, Trimble and Boone Counties, Ky., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Frankfort or Louisville, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-32031 Filed 11-26-75;8:45 am]