federal register

WEDNESDAY, JANUARY 15, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 10

Pages 2673–2790

PART I

January 15, 1975—Pages 2763–2790

HIGHLIGHTS OF THIS ISSUE

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

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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.

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EXECUTIVE ORDER 11833

Withholding of City Income or Employment Taxes By Federal Agencies

By virtue of the authority vested in me by section 5520 of title 5 of the United States Code (as added by the first section of the act of July 10, 1974, 88 Stat. 294), section 301 of title 3 of the United States Code, and as President of the United States, I hereby prescribe the following regulations governing agreements entered into by the Secretary of the Treasury and any city, pursuant to the provisions of section 5520 of title 5 of the United States Code, relative to the withholding of city income or employment taxes from the compensation of employees of the United States:

Section 1. As used in this order or in agreements:

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

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

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

(d) the term "city" means a city which is duly incorporated under the laws of a State, and, on the date of the agreement with the Secretary of the Treasury, has within its political boundaries 500 or more employees who are regularly employed by agencies of the Federal Government;

(e) the term "city income or employment taxes" means any form of tax whose collection is provided in accordance with an ordinance of a city by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of the sums to

the city. This is regardless of whether the tax is described as an income, wage, payroll, earnings, occupational license tax, or otherwise;

(f) the term "regular place of Federal employment" means the official duty station where an employee regularly reports for duty to perform his services. It is irrespective of his residence, except when such services are performed in a travel or temporary duty status, in which case his "regular place of Federal employment" will be the official duty station to which he will normally be expected to proceed for the purpose of performing further services in connection with his Federal employment on ending travel or temporary duty status;

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

Sec. 2. Each agreement shall be consistent with the provisions of section 5520 of title 5 of the United States Code, and the rules and regulations (including this executive order) issued there. Each shall be subject to any amendments of any such provisions, including amendments occurring after the effective date of any such agreement.

Sec. 3. Each agreement (a) shall specify when the withholding of the tax shall begin, (b) shall provide that the head of each agency may withhold a city tax following the signing of a withholding certificate by the employee, (c) shall provide that the amount withheld shall at a minimum produce approximately the tax withheld by the city ordinance, and (d) shall provide that the withholding, the filing of returns, and the payment of the withheld taxes to the city shall conform to the usual fiscal practices of agencies of the United States. No agreement shall require the collection by agencies of the United States of delinquent tax liabilities of Federal employees.

Sec. 4. The head of each agency shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct the payment of withheld taxes. This shall be in accordance with (a) any rules or regulations prescribed by the Secretary of the Treasury, and (b) the terms of the agreements entered into between the Secretary and the cities.

Sec. 5. Nothing in this order, or in rules or regulations issued here, or in any agreement entered into after this, shall be considered an agreement by the United States to the application of an ordinance which (a) imposes more burdensome requirements on the United States than it

imposes on other employers, or [(b) subjects the United States or any of its officers or employees to any penalty or liability.

Sec. 6. I hereby delegate to the Secretary of the Treasury authority to prescribe such rules and regulations consistent and necessary to further effectuate the provisions of section 5520 of title 5 of the United States Code, and this order.

Gerald R. Ford

THE WHITE HOUSE,
January 13, 1975.

[FR Doc.75-1456 Filed 1-13-75;2:12 pm]

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[Avocado Regulation 16, Amdt. 6]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment to Avocado Regulation 16 reduces the currently specified minimum weight requirements for individual fruit of the Brookslate variety of avocados during the period January 13 through February 2, 1975. Weights and picking dates are indices used at harvest to assure that avocados will ripen satisfactorily after picking. Recent studies have indicated that Brookslate avocados are maturing at lower weights this season. This amendment permits shipments of fruit meeting such weight specifications.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, 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 recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 16 (39 FR 20801; 30105; 33505; 36319; 37631; 38888) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1975. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on January 8, 1975; such meeting was held to consider recommendations for regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; and it relieves restrictions by permitting shipment of smaller Brookslate avocados during the period January 13 through February 2, 1975.

The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area, particularly earlier during the growing season, included unseasonal temperatures and lower than normal amounts of rainfall. Some avocado varieties are, therefore, maturing at a smaller size than in prior seasons. Maturity studies on the Brookslate variety completed recently indicate that avocados of such variety are maturing at lower weights than those currently specified in Avacado Regulation 16. Brookslate avocados of the specified weights for the periods hereinafter set forth will be mature, and, fruit meeting such specification is acceptable in the markets.

Order. The provisions of § 915.316(a)(2) (Avocado Regulation 16; 39 FR 20801; 30105; 33505; 36319; 37631; 38888) are amended by changing in Table I the dates and minimum weights applicable to the Brookslate variety, so that after such changes the portion of Table I relating to the Brookslate variety reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Brookslate	1-13-75	12 oz	1-27-75	10 oz	2-2-75	8 oz	2-24-75

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

Dated, January 10, 1975, to become effective January 13, 1975.

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

[FR Doc.75-1358 Filed 1-14-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Approval of Divestiture Plan

By Order of October 15, 1973, the Board of Governors of the Federal Reserve System issued a final determination that, by virtue of its ownership of more than 24 percent of the voting shares of Florida National Banks of Florida ("Florida National"), and other factors, the Alfred I. duPont Testamentary Trust ("Trust") continued to exercise control and/or a controlling influence over Florida National and its subsidiary banks (38 FR 29365). That Order required the Trust to submit a plan for the divestiture of its shares of Florida National to the Board for approval. Such divestiture proposal was submitted by the Trust in final form on October 1, 1974.

On December 7, 1974, the Board approved the Trust's divestiture plan. That plan provides for the transfer of all of the Trust's shares in Florida National to an independent bank trustee. A group of officers and directors of Florida National and its subsidiary banks has organized a corporation, Florida National Associates, Inc., and under the Trust's divestiture plan, this corporation is given three years to qualify and purchase the Trust's shares of Florida National that will be held by the bank trustee during the three year period.

Below is the text of the letter sent by the Board of Governors to the Estate of Alfred I. duPont providing official notice of the Board's approval of the Trust's divestiture plan and the understandings, conditions and modifications made a part of the Board's approval determination. The Trust's divestiture plan may be inspected at the office of the Board of Governors, Washington, D.C., or at the Federal Reserve Bank of Atlanta, Atlanta, Georgia.

Mr. EDWARD BALL,
Estate of Alfred I. duPont,
803 Florida National Bank Building,
P.O. Box 1380,
Jacksonville, Florida 32201

DECEMBER 10, 1974.

DEAR MR. BALL: Subject to the understandings, conditions and modifications set forth herein, the Board of Governors has approved the plan of the Alfred I. duPont Testamentary Trust ("Trust") for divestiture of all stock owned by it in the Florida National Banks of Florida, Inc. ("Florida National"), dated July 25, 1974, with subsequent amendments filed with the Board on October 1, 1974, a copy of which is attached and made a part hereof.

The plan provides for immediate transfer of custody of and title and voting rights in 2,330,638 shares of stock of Florida National, now held by the Trust, to the Peoples First National Bank of Miami Shores, Miami Shores, Florida ("Peoples Bank"), to be held by said Peoples Bank and sold in accordance with the provisions of an Irrevocable Living Trust Agreement to be executed by the parties, and to be filed with the Board as soon as it has been executed. In response to the Trust's request for an extension of the time within which to divest its shares of Florida National, the transfer of the stock to Peoples Bank is to be effected not later than February 28, 1975.

The stock is to be sold to Florida National Associates, Inc. ("FNA"), a corporation to be organized by officers and directors of Florida National and its subsidiary banks, providing FNA qualifies as purchaser no later than 33 months after the transfer and consummates purchase no later than 36 months from the transfer of shares to Peoples Bank. If FNA qualifies, but fails to consummate the purchase, the stock is to be sold by Peoples Bank at a public sale; if FNA fails, or elects not to qualify as purchaser, the stock shall be sold in a private placement to a purchaser designated by FNA with Board approval, otherwise at a public sale.

Peoples Bank will execute an irrevocable proxy agreement giving two individuals the right to vote the Florida National stock jointly, until sale of the stock is consummated. One individual will be a director of FNA, designated by FNA. The other individual, and any successor required to be appointed, will be designated by Peoples Bank and such appointments must be approved in advance by the Board of Governors. In the event these individuals fail to agree as to how the Florida National stock shall be voted on a particular question or issue, the individual designated by Peoples Bank, and approved by the Board shall have the sole right to vote all of the Florida National stock on that particular question or issue; provided further that if FNA elects not to qualify to purchase, or fails to qualify, or defaults in payment of the purchase price, the individual approved by the Board shall thereafter have sole voting rights with respect to the stock until sale has been effected. Peoples Bank shall forward to the Board, as soon as possible, after the Irrevocable Living Trust Agreement has been executed, the name of the individual it intends to appoint to vote the shares of Florida National, together with a statement of its understanding and supporting reasons and evidence as to that person's independence from and lack of affiliation and association with the Trust and its subsidiaries, Florida National and its subsidiary banks and FNA.

Article VI of the proposed draft of the Irrevocable Living Trust Agreement submitted with the plan (Page 8a) sets forth conditions and/or restrictions to be applicable upon public sale of the FNA stock by Peoples Bank. These conditions and/or restrictions are also to be incorporated in the Agreement for Purchase and Sale of the Stock (Exhibit 6 of the plan) to be executed by the trustees, as sellers, and FNA, as purchaser, and to be filed with the Board as soon as it has been executed.

The Articles of Incorporation of FNA are to conform to Exhibit 7 of the approved plan, and a certified copy of said Articles of Incorporation is to be filed with the Board as soon as they have been issued.

The FNA Trustee has informed the Board it will accept the trust and enter into the Irrevocable Living Trust Agreement as provided for in the Plan. It has further agreed to continue to retain, for purposes of administering the Trust Agreement, a law firm and CPA firm satisfactory to the Board.

FNA and Peoples Bank will make timely applications to the Securities and Exchange Commission, Washington, D.C., for rulings with respect to registration requirements which may be applicable in connection with sale of the Florida National and/or FNA stock, and will comply with any ruling or rulings obtained. Copies of any such applications for rulings and responses thereto shall be forwarded to the Board. FNA and Peoples Bank will also comply with any applicable provisions of the Bank Holding Company Act.

It is further understood that at any public sale of Florida National shares by the Estate of Jessie Ball duPont, the restrictions as to ineligible purchasers and percentage limitation contained in the plan and applicable to the sale of stock now owned by the Trust (as set out in Article VI of the Irrevocable Living Trust Agreement) will be applicable to such disposition of Florida National shares by that estate.

The Board's approval of the Trust's divestiture plan in no way constitutes a decision on or an approval of the Trust's relationship with the Charter Company or Charter Bankshares, both of Jacksonville, Florida. The Board is concerned, in approving the subject plan, that the Trust's status as a bank holding company may not have been terminated. This concern relates to the fact that the Trust, through its subsidiary, the St. Joe Paper Company, presently owns more than 20 per cent of the voting shares of the Charter Company, a one bank holding company.

In the interest of not delaying further the Trust's divestiture of its holdings of Florida National, the Board has determined not to include in its consideration of the Plan, a determination as to whether the Trust controls or exercises a controlling influence over Charter or Charter Bankshares. The Board will continue to review the relevant information regarding these relationships with the view toward making a determination as to the permissibility of these relationships under the Act.

Finally, it should be understood that the Board's action as described herein is not based upon and should not be understood as its acceptance of or acquiescence in the Trust's arguments, interpretations or assertions contained in the information submitted to the Board by the Trust relating to such matters as the legal effect of the Board's control determinations regarding the Trust or the continuing bank holding company status of the Trust, the Charter Company, Charter Bankshares or any other company.

Should the circumstances change from those underlying Board approval, or should additional information come to the Board's attention indicating that the Trust continues to control or exercise a controlling influence over Florida National, the Board may modify or withdraw its approval of the plan. The Board will require, from time to time, periodic reports as to progress in effecting the disposition called for in the plan.

Very truly yours,

THEODORE E. ALLISON,
Secretary of the Board.

Board of Governors of the Federal Reserve System.

Dated: January 8, 1975.

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

[FR Doc.75-1255 Filed 1-14-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5551, 34-11150, 35-18723, AS-166]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

FINANCIAL REPORTING

Disclosure of Unusual Risks and Uncertainties

In recent months, the Commission has noted with considerable concern a number of situations in which significant and increasing business uncertainties have not been fully reflected in the financial reporting of registrants. These have included cases in which unique or special circumstances have arisen which affect an enterprise's ability to measure current results, cases in which changing economic circumstances have substantially changed the risk characteristics of certain assets and cases in which assumptions which underlie the use of certain accounting principles in certain situations have become subject to substantial uncertainty.

The Commission recognizes that a large number of estimates are required in the preparation of all financial statements. Management must estimate the economic life of assets, the magnitude of mineral resources, the outcome and timing of long-term contracting activities, the outcome of legal and regulatory matters, the collectibility of receivables and many others. Since investors are aware of the need for such estimates, in the normal case it is not necessary for management to point out that they have been made and to indicate that some uncertainty exists as a result. Indeed, such disclosure would amount to little more than "boiler plate" which would not be useful to investors.

On the other hand, when unusual circumstances arise or where there are significant changes in the degree of business uncertainty existing in a reporting entity, a registrant has the responsibility of communicating these items in its financial statements. It is not sufficient to assume that the numbers shown in conventional fashion on the face of the financial statements will adequately inform investors. The basic accounting model is by its very nature a single valued one in which a single best estimate is reflected in the face of the statements. While in most cases this presentation effectively communicates business financial position and results of operations, under some conditions of major uncertainty it may not adequately inform investors of the realities of a business being reported. In such cases, registrants must consider the need for substantial and specific disclosure of such uncertainties and, in extreme cases, the need for deviation from the conventional reporting model. In addition, independent public accountants must consider the need for disclosure of such uncertainties in their report.

A number of examples of such uncertainties and the kinds of disclosures which may be appropriate are discussed below for illustrative purposes. This list is not intended to be all inclusive and could not be since changing conditions produce new uncertainties and resolve old ones on a continuing basis.

Loans and Loan Loss Reserves of Financial Institutions

In several industries, severe economic problems have developed in 1974. This has been particularly true in the real estate area where high interest rates, increasing construction costs and difficulties in renting or selling completed projects have threatened the survival of many enterprises. Companies with substantial equity investments in or credit extensions to such enterprises have therefore had to face the problem of determining the value of such assets, and in most cases a very wide range of possible values exist depending upon various assumptions about the future.

Companies, such as real estate investment trusts, which find themselves in such a position should make disclosures beyond the actual amount of loan loss reserve provided to enable investors to obtain a more complete picture of uncertainties involved. For example, in addition to the disclosures required under Rules 12–42 and 12–43 of Regulation S–X [17 CFR 210.12–42 and 210.12–43], narrative disclosures might be made of the adequacy of any security interest held in terms of current realizable value, the amount of loans delinquent and the extent of the delinquencies, the concentration of the portfolio in particular markets and the economic conditions in those markets, the sensitivity of the portfolio to specific economic variables such as changing interest rates and local employment conditions and the extent to which income continues to be accrued on various assets in the portfolio. To the extent possible, these disclosures should be specific, not general. They should describe both positive and negative factors.

While the real estate industry has been a particular problem area, loan loss reserve problems of financial institutions are by no means limited to this area. Surveys of loan losses of banks, for example, have indicated that during the period 1969–1973 loan losses as a percentage of loans outstanding have doubled while the valuation portion of the reserve for loan losses has declined substantially. In addition, current economic conditions have resulted in a substantial increase in borrowers who are experiencing financial difficulties.

A significant factor contributing to the decline in reserves is apparently the sole reliance by some registrants on the minimum provision for loan losses resulting from applying regulatory formulae for minimum provisions described in the regulations of banking authorities. It should be emphasized that such formulae can only be viewed as a starting point in determining the necessary provisions to absorb future loan losses. As set forth in Regulation F [12 CFR Part 206] of the Federal Reserve Board, an estimated amount for loan losses in excess of the minimum amount should be provided when judged appropriate. If, as may be the case with many registrants in 1974, the minimum provision results in a valuation reserve balance less than an amount adequate to reflect the risks in the year-end loan portfolio, registrants must provide the amount necessary to insure the adequacy of the reserve.

In addition to the adequacy of valuation reserves, it is important that financial institutions make appropriate financial statement disclosures to enable investors to understand the nature and current status of their portfolios. This should encompass a sufficient breakdown of assets to give the investor insight into investment policies, lending practices and portfolio concentration. Banks, for example, have generally disclosed "loans" as a single item in the balance sheet, even though the item frequently amounts to more than 50 percent of earning assets. In such cases, it would seem desirable to furnish in the balance sheet or the notes thereto an additional analysis of loan categories, perhaps such as that required by Schedule III of Form F–9 [12 CFR 206.71] of Regulation F of the Federal Reserve Board.

Additional disclosures should also be considered in cases where there have been substantial changes in the risk characteristics of portfolio, even when increased provisions for losses have been made. Where, for example, loans which are considered doubtful as to collectibility have materially increased, or where there have been large increases in delinquencies, loans extended or renegotiated under adverse circumstances, or other evidences of changed risk, registrants should expand on normal disclosures to highlight such factors.

Marketable Securities

The substantial decline in the market value of common stocks which has occurred in 1974 has resulted in many companies holding portfolios where the year-end market value is below cost and hence where the risk of investment loss has materially increased. Generally accepted accounting principles require that write downs to market be made by a charge in the income statement in cases where market declines are not due to a temporary condition. Registrants and their independent accountants must carefully review investment portfolios to determine whether evidence indicates that a provision for loss is necessary.

If registrants and their independent accountants conclude that no provision for loss is required in the case of a portfolio where market value is below cost at the balance sheet date, it is particularly important that full disclosure of the market decline and the potential for loss on the basis of year-end market values be made. In such case, consideration should be given to including disclosure on the face of the balance sheet (in the investment section) and the income statement (in the investment income section). In addition, comments on market value changes should be included in "Management's Discussion and Analysis of the Summary of Earnings" described in Accounting Series Release No. 159 (39 FR 31894).

Declines in the market value of common stocks are particularly significant in the insurance industry. In this industry, current practice permits common stock portfolios to be carried on the balance sheet at market values with cost disclosed parenthetically even though gains and losses are reflected in the income statement on a realized basis. Under current market conditions, it would appear desirable for all insurance companies to consider adopting this approach.

By making these comments the Commission does not intend to prejudge the many complex accounting issues in connection with marketable securities which must be addressed in a systematic way by the Financial Accounting Standards Board.

Deferral of Fuel Costs by Public Utilities

During the past year, there have been substantial increases in the fuel costs of public utilities. In many cases, public utility commissions have permitted these increased costs to be passed on to users through a "fuel adjustment clause" under which increased costs paid in one period may be directly billed to users in a subsequent period. These costs have in some cases been deferred as assets by utilities and matched against revenues in the period when they are billed. While such an accounting approach may not be inappropriate in circumstances where a direct right of pass through exists, uncertainties exist in some cases as to whether public utility commissions will permit the recovery of these deferred

costs at a time when full new rate schedules are adopted. In cases where public utility commission orders do not assure such recovery, registrants should make disclosure of the uncertainty as to recovery which may exist and the effect on the financial statements of a failure to recover these costs.

COST OF RAW MATERIALS WHERE PRICE IS STILL UNDER NEGOTIATION

During the past year, companies in the petroleum industry whose source crude oil in foreign countries have had to deal with problems of unusual uncertainties. Because of uncompleted negotiations concerning the takeover of ownership by foreign governments and because crude oil acquired in 1974 was expected to be subject to the price determinations of the finally negotiated agreement, such companies have had to estimate the cost of crude oil currently being used in reporting results.

Where such unusual circumstances exist and where changes in estimates would have a significant impact upon reported results, expanded disclosure should be provided to enable investors to appraise the magnitude of the risks involved. Such disclosure should be highlighted in presentations of financial information.

The disclosure should include a description of the unusual circumstances involved, a description of the types of assumptions made by management when preparing financial reports, and an indication of the sensitivity of current and prospective earnings to changes in such assumptions caused either by changing circumstances or the final determination of the uncertainties involved.

It would be appropriate to set forth such narrative discussions as part of the statement of accounting policies, as a separate note to financial statements or by a parenthetical statement on the face of the statements.

SMALL NUMBER OF PROJECTS WITH DOMINANT EFFECT ON RESULTS

In some circumstances, registrants are in a position where the outcome of one or a very small number of projects will have a dominant effect in determining the company's success or failure. These projects are frequently subject to substantial uncertainties. Examples are major aircraft projects by airframe manufacturers, major construction projects by a contractor, or major mineral exploration projects by an extractive industries company. In each case, the individual project is of an extremely large size relative to the size of the company.

In such cases, estimates of future success may be necessary in order to present financial statements on a going concern basis, and the degree of that future success may have to be predicted to some explicit degree in order to present an income statement covering current operations. In a major aircraft project, for example, accounting for the present will require some estimate of the total number of units to be sold over the life of the project and the length of time over which those units will be sold, since aggregate costs must be spread over the units in the program. In addition, estimates must be made of changing levels of cost taking into account production experience (the learning curve) and inflationary effects.

While the Commission has recently amended its financial disclosure requirements (in Accounting Series Release No. 164 39 FR 43621) to obtain better disclosure of long-term contract activities in all cases, those situations in which one or a few estimates subject to substantial uncertainty will have a dominant effect must be additionally considered. In such cases, disclosure of the sensitivity of results to estimates must be emphasized. This may be done in the face of the financial statements by modifying appropriate captions. Another possible approach to be considered in unusual circumstances is revising the basic format of conventional financial statements to reflect a range of outcomes. In addition, substantial footnote discussion of results under alternative assumptions should be considered.

The Commission believes that the most appropriate presentation in such cases will depend upon the facts of the particular case, but feels that it should emphasize the need for comprehensive and fully highlighted disclosure.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 23, 1974.

[FR Doc.75-1216 Filed 1-14-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-12; Order No. 521]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Rates Charged for Nonjurisdictional Sales of Natural Gas; Data Collection System

JANUARY 9, 1975.

On January 30, 1974, we issued a notice of proposed rulemaking, 39 FR 4671 (February 6, 1974) pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1970) and sections 5, 8, 10, 14, 15, and 16 of the Natural Gas Act, 15 U.S.C. 717, et seq. (1970) for the purpose of establishing a data collection system designed to investigate rates charged by jurisdictional natural gas companies for sales of natural gas which were not subject to Commission jurisdiction made pursuant to contracts executed on or after January 1, 1974.

PROCEDURAL ISSUES

The comments filed in response to the notice of proposed rulemaking, along with the special concurrence of Commissioner Moody to that notice, were generally related to questions in three principal areas: (1) Whether the Commission has the legal authority to compel the reporting of nonjurisdictional sales by jurisdictional companies, (2) if such authority does exist, whether the exclusion of certain classes of companies from the reporting requirement, as outlined in the notice of proposed rulemaking, fulfills the purposes the Commission expressed as the reason for instituting the investigation, and (3) whether the data gathered as a result of the investigation will be useful to the Commission in the performance of its statutory duty?

(A) LEGAL AUTHORITY

The rulemaking, as proposed, includes only those companies which are subject to the jurisdiction of the Commission pursuant to section 1(b) of the Natural Gas Act,[1] as delineated by the Supreme Court in Phillips Petroleum Company v. Wisconsin.[2] There is no argument by the respondents on this point. Certain respondents do, however, contest the authority of the Commission to require admittedly jurisdictional companies to submit to the Commission information relating to sales which are exempt from Commission regulation by the provision of section 1(b) of the Act[3] which states that only interstate sales for resale come within the purview of the Commission authority.

Despite the allegations made by some respondents that the Commission has no authority to obtain the data described in the notice, the plain meaning of sections 5, 8, 10, 14, 15 and 16 of the Act clearly vests this right in the Commission. To state otherwise is to misinterpret the reasons underlying the proposed investigation.

Section 1(a) of the Act represents the finding of the Congress that the interstate sale and transportation of natural gas is affected with a public interest that requires federal regulation. Subsequent sections, particularly 4, 5 and 7, set forth the specific methods by which this regulation will be accomplished. The basic reason for the promulgation of this investigation is to assist the Commission in the performance of its duties with regard to this regulation of interstate sales and transportation, and not to attempt the regulation of matters which are outside the scope of the authority conferred upon the Commission by the Act. The development which has made this investigation necessary at this time is the natural gas shortage, with its concomitant rise in demand, thereby fueling the growth of an ever-expanding intrastate market in the producing states.

The existence of the gas shortage has been recognized both by the Commission[4] and the Supreme Court.[5] In addi-

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[1] 15 U.S.C. 717b.
[2] 347 U.S. 672 (1954).
[3] 15 U.S.C. 717b.
[4] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, Docket No. R-441, Order No. 455, 48 F.P.C. 218 (1972), as amended, Order No. 455-A, 48 F.P.C. 477 (1972), aff'd in part, John E. Moss, et al. v. F.P.C., ____ F. 2d ____ (D.C. Cir., August 15, 1974).

tion, it has been established that in ratemaking the Commission must look beyond the costs involved to also consider various noncost factors, such as supply considerations and intrastate rates.[6] The interrelationship of the interstate regulated market with the unregulated intrastate market was repeatedly brought to the Commission's attention recently when most of the respondents to Opinion No. 699,[7] the nationwide ratemaking, petitioned the Commission to reinstitute the emergency and limited term procedures which had been eliminated by Opinion No. 699. The purpose of this proposed change, and one of the principal reasons that we acceded to this request,[8] was that the emergency and limited term procedures provided a viable method whereby gas that would otherwise go to the intrastate market could be obtained for the interstate market.[9] Obviously, when we make our statutorily required review of the rates proposed for emergency or limited term sales, accurate information on the relevant intrastate market is not only helpful but vital. And in a more general sense, with respect to all our ratemaking duties, and considering the widespread effects of the gas shortage, such data as is required herein is essential to satisfy the responsibilities placed upon us by the Natural Gas Act.

In order to carry out the duties imposed on this Commission by Section 1 of the Act, certain subsequent sections grant the Commission the powers necessary to effectuate these responsibilities. For example, section 14(a)[10] provides that:

> [T]he Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order * * * *aid in the enforcement of the provisions of this act* or in prescribing rules or regulations thereunder * * * (italics added)

Subsection (c) of section 14[11] gives the Commission the power through subpoena to compel the submission of information deemed relevant or material to the inquiry. Similarly, section 5(b)[12] states:

> [T]he Commission upon its own motion * * * may investigate and determine the cost of the production or transportation of natural gas by a natural gas company in cases where the Commission has no authority to establish a rate governing the transportation or sale of such natural gas.

Since, as we have perviously stated, the cost of production and transportation of gas now sold in the intrastate market has a direct effect upon the availability of supply and the cost to the consumer of gas for the interstate market, the provisions of section 5(b) permitting the investigation of nonregulated activities, when read together with section 14(a), provide an unassailable legal basis upon which to rest the reporting requirements stated herein. Sections 8, 10, 15, and 16 of the Act supply additional and complementary authority to that set forth previously.

In addition, as noted in the comments filed by Exxon Corporation, similar data to that requested herein was required and submitted pursuant to the Notice Expanding Notice of Investigation issued July 17, 1970 in Docket No. R-389A, and on two subsequent occasions.

(B) CLASSIFICATION AND EXEMPTION

The notice of proposed rulemaking issued in this proceeding applied only to companies which are within the jurisdiction of the Commission and which sell more than one Bcf of gas per year. Small producers, those companies which sell less than one Bcf annually, were exempted. Those producers which had an annual sales volume between one and ten Bcf would report quarterly by submitting a verified copy of all nonjurisdictional contracts executed during the applicable period. Those producers, pipeline producing affiliates, and jurisdictional pipelines producing and selling in excess of ten Bcf annually would be required to report monthly on FPC Form No. 45.[12a]

The exemption of both small producers subject to Commission jurisdiction, and of all nonjurisdictional producers should not materially detract from the reliability and accuracy of the data obtained since those producers which are subject to Commission regulation comprise the major domestic natural gas producers. Without conceding that the Natural Gas Act does not vest in this Commission the power to require the information requested herein from nonjurisdictional producers, we do not, at this time, seek to attempt such an action since it would surely result in protracted litigation which would delay the gathering of vital information necessary to our current ratemaking policies.

The reports filed by the jurisdictional and nonexempt companies pursuant to this order will be placed in the public file and open to inspection by the public. Several parties that filed comments to our notice of proposed rulemaking herein objected to this policy because the contract information to be submitted is claimed to be confidential.

Arguments similar to these assertions were made to and rejected by this Commission in Opinion Nos. 687 and 687A,[13] which required jurisdictional producers to submit to the Commission certain reserve data which would be placed in the public file. Since the issue presented herein closely resembles that in Opinion Nos. 687 and 687A, we adopt the reasoning stated therein for the purposes of this order. In summary, the extent of the natural gas shortage requires that the information obtained through this investigation of nonjurisdictional sales be available to the public since the Commission's need for the data, as expressed previously, requires public disclosure, and the value to the public of this information far outweighs the claimed pecuniary interest of the producers in confidentiality.[14]

(C) USEFULNESS OF THE DATA

We have already stated that information with regard to nonjurisdictional sales is vital to the effective administration of the Natural Gas Act, especially concerning our ratemaking responsibilities. Specifically, applications submitted pursuant to Order No. 455[15] and the recently reinstated emergency and limited term procedures[16] must be judged, in part, through a comparison of the proposed rate with the prevailing intrastate prices.[17] The data collected as a result of this investigation will, where relevant, provide a standard against which we can analyze: (1) the accuracy and content of the applicants' assertions as to the price level of the local intrastate market, (2) the effect our pricing policies have on the dedication of new reserves to the interstate market, and (3) the justness and reasonableness of the price proposed in the application.

The establishment of such a standard is only one reason why even a portion of the total data base on nonjurisdictional

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[6] F.P.C. v. Louisiana Power & Light Co., 406 U.S. 621, 626 (1972).

[6] Southern Louisiana Area Rate Cases (Austral Oil Co.) v. F.P.C., 428 F. 2d 407, 441-42 (5th Cir. 1970), cert. denied, Municipal Distributors Group v. F.P.C., 400 U.S. 950 (1970).

[7] Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, Docket No. R-389-B, ---- F.P.C. ---- (issued June 21, 1974), as amended, Opinion No. 699-A, ---- F.P.C. ---- (issued August 2, 1974), rehearing granted, ---- F.P.C. ---- (issued August 2, 1974).

[8] Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of Section 157.29 (18 CFR 157.29) And The Limited Term Certificate Authority Of § 2.70(b)(3) (18 CFR 2.70(b)(3)) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration, Opinion No. 699-B, Docket No. R-389-B, ---- F.P.C. ---- (issued September 9, 1974).

[9] Id. at 4.

[10] 15 U.S.C. § 717m.

[11] 15 U.S.C. §717m.

[12] 15 U.S.C. § 717d.

[12a] Form No. 45 filed as part of original document.

[13] Opinion and Order Requiring Production of Gas Reserve Data, Opinion No. 687, Docket No. R-405-A, ---- F.P.C. ---- (issued February 4, 1974), as amended, Opinion and Order Denying Rehearing, Opinion No. 687-A, Docket No. R-405-A, ---- F.P.C. ---- (issued April 3, 1974).

[14] F.C.C. v. Schreiber, 381 U.S. 279, 298 (1965).

[15] Supra, n. 4.

[16] Supra, n. 8.

[17] Opinion And Order Granting Certificates For Pipeline Construction And For Sales Of Natural Gas, Opinion No. 693, Stingray Pipeline Company, et al., Docket Nos. CP73-27, et al., ---- F.P.C. ---- (issued May 6, 1974), Opinion And Order Granting In Part Applications For Rehearing, ---- F.P.C. ---- (issued June 13, 1974); Opinion And Order Issuing Certificates Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., 49 F.P.C. ---- (issued July 20, 1973), appeal pending sub nom., Consumers Union of United States v. F.P.C., No. 73-192, D.C. Cir., July 20, 1973.

sales is better than no knowledge at all. However, several respondents to our notice claim that part of the total information is worse than no information at all. The effect of this argument, if carried to its logical conclusion, would be to keep the Commission in the dark as much as possible about all matters relating to the natural gas industry not sponsored by the industry itself. To admit to the efficacy of such an argument would be for this Commission to shirk its regulatory responsibiliites as stated in the Natural Gas Act.

Another argument presented in opposition to the investigation was that the information desired was available through the various state regulatory agencies. This Commission has no authority to compel a state agency to submit its records for inspection by the Federal Power Commission. Therefore, any information that could possibly be obtained from such a state agency would have to be given voluntarily, and which could be withdrawn at any time, or limited in its use. Also, the gas producing states differ widely in the type and manner of regulation. As a result, each state makes its own distinctive requirements for reports and these differences would have to be resolved through considerable effort by our staff before the data could be used in a meaningful way. Also, by going through a state agency rather than dealing directly with jurisdictional companies, the enforcement provisions of the Natural Gas Act would be unavailable to us.

Contrary to the assertions of some respondents, the information requested in this investigation is not available in the form required for our purposes from state administrative agencies whose agreement, if given, to submit the intrastate sales information needed by this Commission could be refused, conditioned, limited, or withdrawn at any time. This is not to say, however, that we may not find it helpful in the future to request that the relevant state agencies submit to this Commission such data as is available to them with regard to intrastate sales of natural gas.

FINDINGS AND CONCLUSIONS

Because of the existing natural gas shortage[18] and the current national energy crisis, it is imperative that the Commission have current information concerning sales of natural gas which are not subject to its ratemaking jurisdiction in order that it may formulate adequate policies concerning sales of natural gas in interstate commerce and for other regulatory purposes. The collection of information concerning intrastate and other nonjurisdictional sales by companies subject to the jurisdiction of the Commission will provide a useful sample of the price charged for new sales of natural gas which are not within the scope of the Commission's jurisdiction. Since the Commission's immediate concern herein is in obtaining data and information concerning new sales of natural gas, the scope of this rulemaking is being restricted to those sales made pursuant to contracts executed on or after January 1, 1974.[19] This information would be collected through the adoption of the rules and regulations proposed herein.

Information gained in recent area rate proceedings,[20] in many limited term certificate proceedings,[21] and in optional certificate proceedings[22] indicates that rates charged for new sales of natural gas not subject to this Commission's jurisdiction have increased rapidly and significantly in recent years and that these increases make it extremely difficult for interstate pipelines to contract for new supplies of natural gas in onshore areas.[23] This inability to obtain new supplies of gas to replace existing supplies as they are exhausted intensified curtailment of deliveries by various interstate pipelines. It is anticipated that these curtailments will increase in the future.[24]

Current information on sales which are not regulated by this Commission are not reported by any government agency, federal or state, on a comprehensive basis. Furthermore, it is not possible to determine whether prices established by this Commission for sales in interstate commerce are sufficient for interstate pipelines to acquire new gas supplies in competition with purchasers in intrastate markets. The rules and regulations established herein are designed to provide the Commission with a continuing source of information concerning the prices and other conditions attached to sales of natural gas not otherwise subject to the Commission's jurisdiction.

The section of the Commission's Rules promulgated herein applies only to those producers that sell annually in interstate commerce more than one Bcf of gas. Producers which sell less than one Bcf annually, those that qualify for the exemption granted to small producers by § 154.40[25] of the Commission's Rules and Regulations, are exempt from the provisions set forth herein for the reason that the regulatory burden imposed would exceed the value of the information obtained.[26] Producers that have annual sales between one and ten Bcf will report quarterly on the twentieth day of the month following the end of each calendar quarter by the submission of a verified copy of any applicable contract entered into during the subject time period. Sellers of gas in excess of ten Bcf per year will report monthly on or before the fifteenth day of the month following the last day of the preceding month for which the report is submitted using the FPC Form No. 45 attached to this order.

FPC Form No. 45 includes the following information:

(1) The producers; (2) the purchaser; (3) the date of the contract; (4) the volume sold during the applicable reporting period (month or quarter); (5) the initial price; (6) contract termination date; (7) the pressure base; (8) periodic escalation provisions; (9) Btu adjustments and the base Btu content for such adjustments; (10) tax reimbursement provisions; (11) other price terms such as so-called "price redetermination clauses"; and (12) the location of the sale by State and county, or parish, or block (for offshore sales within the domains of the several States).

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. § 553.

(2) Good cause exists that the amendment herein adopted become effective upon issuance of this order.

(3) Adoption of the amendment hereinafter set forth is necessary and appropriate for carrying out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 5, 8, 10, 14, 15 and 16,[27] *orders*:

(A) Effective upon issuance of this order, Part 260 of Subchapter, Chapter I, Title 18 of the Code of Federal Regulations is amended to add a new § 260.20 as follows:

§ 260.20 Reporting of New Nonjurisdictional Sales of Natural Gas (Form No. 45)

(a) All independent producers having annual jurisdictional sales in excess of 1.0 Bcf (1,000,000 Mcf), pipeline producing affiliates, and pipelines making wellhead sales shall verify and report all new sales of natural gas not subject to the rate regulation of the Federal Power Commission made pursuant to contracts executed on or after January 1, 1974.

(b) The sales required to be reported by paragraph (a) are all sales made by

[18] Supra, n. 5.

[19] The Commission may at some future date institute an investigation concerning nonjurisdictional sales made pursuant to contracts executed prior to January 1, 1974.

[20] See Area Rate Proceeding (Permian Basin Area), Docket No. AR70-1 (Phase I), Initial Decision Of The Presiding Administrative Law Judge On Permian Basin Area Rates, 50 F.P.C. —— (issued December 20, 1973), mimeo pp. 8-12, 13-15.

[21] 18 CFR 2.70; Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended, Order No. 431-A, 48 F.P.C. 193 (1972).

[22] Supra, n.4.

[23] The term "onshore" also refers to areas underlying the seas within the domains of the several states. All natural gas found within the "offshore" federal domain is by location subject to the jurisdiction of the Commission.

[24] Nation-wide Fuel Emergency, Docket No. RM74-8, Order No. 498, 50 F.P.C. ---- (issued December 21, 1973), mimeo p. 1.

[25] 18 CFR 157.40.

[26] Texaco Inc. v. F.P.C., ---- U.S. ---- (June 10, 1974).

[27] 15 U.S.C. 717d, 717g, 717l, 717m, 717n, 717o (1970).

the named classes of natural gas companies which are not subject to the rate-making regulatory authority of the Federal Power Commission pursuant to Sections 4, 5 and 7 of the Natural Gas Act.

(c) The reports required by this section shall be made on FPC Form No. 45 and shall contain the following information with respect to all new nonjurisdictional sales made during the applicable reporting period:

(1) The name of the seller;
(2) The name of the purchaser;
(3) The location of the sale by state and county, or parish, or block (for sale made from offshore areas within the domains of the several states);
(4) The date of the contract;
(5) Expiration date of the contract;
(6) The volume to be sold on an annual basis;
(7) Initial base price;
(8) Tax reimbursement;
(9) Other adjustments to base price;
(10) Total price;
(11) The pressure base (psia);
(12) Escalation provisions.

(d) The applicable reporting period shall be (1) the calendar quarter ending on the last day of the months of March, June, September, and December for all independent producers having annual jurisdictional sales in excess of 1.0 Bcf but less than 10.0 Bcf; or (2) the calendar month for all other independent producers, all pipeline affiliates, and all pipelines subject to the jurisdiction of the Federal Power Commission.

(e) The reports required by this section shall be completed, verified, and filed as follows:

(1) For all independent producers filing on a quarterly basis, FPC Form No. 45 shall be completed, verified, and filed by the twentieth day of the month following the end of the applicable calendar quarter; or

(2) For all other natural gas companies required to file FPC Form No. 45, the report for the applicable calendar month shall be completed, verified, and filed by the fifteenth day of the month following the applicable reporting period.

(f) In lieu of filing FPC Form No. 45 all independent producers reporting on a quarterly basis may file verified copies of the contracts for all new nonjurisdictional sales executed during the applicable calendar quarter by the same date prescribed in paragraph (e) of this section.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[28]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1251 Filed 1-14-75;8:45 am]

[28] Commissioner Moody, dissenting, joined by Commissioner Brooke, filed a separate statement appended hereto.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulation No. 4, further amended]

PART 404—FEDERAL OLD-AGE SURVIVORS, DISABILITY INSURANCE (1950-)

Changes in Yearly Earnings Base for Granting of Quarters of Coverage—Reduced Quarters of Coverage Required for Fully Insured Status for Men

Correction

In FR Doc. 74-30285, appearing at page 44744 in the issue for Friday, December 27, 1974, in the table on page 44746, footnote no. 1 should be referenced to "1957", the first date in column III(a).

Title 21—Food and Drug

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Acrylonitrile/Butadiene/Styrene/Methyl Methacrylate Copolymers

Correction

In FR Doc. 74-28686, appearing at page 43057 in the issue of Tuesday, December 10, 1974, in the middle column, first full paragraph, fourth line of the authority citation, the U.S.C. cite which now reads "21 U.S.C. 34(c)(1)", should read "21 U.S.C. 348(c)(1)".

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R-75-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended to delete a name from the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by deleting the following name from the current list of attorneys-in-fact:

Name	*Region*
Oliver J. McCarron	Philadelphia, Pa.

Effective date. This amendment will be effective January 15, 1975.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.75-1320 Filed 1-14-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7344]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Carryover of Inventories and Accounting Methods in Certain Corporate Acquisitions

By a notice of proposed rule making appearing in the FEDERAL REGISTER for August 23, 1972 (37 FR 16947), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to prescribe regulations under section 381(c)(5) of the Internal Revenue Code of 1954. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

The amendments provide generally that in a transaction to which section 381(a) of the Code applies (relating to carryovers in certain corporate acquisitions), the acquiring corporation shall use the same inventory method used by the distributor or transferor corporation, unless different inventory methods were being used by the several parties to the transaction. The amendments generally provide that if different inventory methods were used, the acquiring corporation shall normally use the principal inventory method used for each particular type of goods on the date of the transaction. The principal inventory method shall be determined by comparing the fair market value of each type of goods held by each of the several corporations.

Rules are also prescribed for integrating the inventories of the several parties to the section 381 (a) transaction.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Based upon the foregoing, the amendments to the Income Tax Regulations (26 CFR Part 1) as set forth in paragraph 2 of the appendix to the notice of proposed rule making are hereby adopted subject to the changes set forth below. The amendments to § 1.381(c)(4)-1 as set forth in paragraph 1 of the appendix to the notice of proposed rule making are not adopted and remain outstanding.

PARAGRAPH 1. Section 1.381(c)(5)-1 is changed by revising paragraphs (a)(2) and (b)(1)(i) as set forth below:

PAR. 3. Section 381(c)(5)-1 as set forth in paragraph 2 of the notice of proposed rule making is further changed by deleting paragraph (d)(1)(iii), by deleting paragraph (e), by redesignating paragraph (f) as paragraph (e) and revising the redesignated paragraph (e) to read as follows:

PAR. 4. Section 381(c)(5)-1 as set forth in paragraph 2 of the notice of proposed rule making is changed by redesignating paragraphs (g), (h), and (i) as paragraphs (f), (g), and (h) respectively, and by revising the redesignated paragraph (h) as set forth below:

(This Treasury decision is issued under the authority contained in se ctions 381(c)(5) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 381(c)(5) and 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 7, 1975.
FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

§ 1.381(c)(5) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; inventories.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(5) *Inventories.* In any case in which inventories are received by the acquiring corporation, such inventories shall be taken by such corporation (in determining its income) on the same basis on which such inventories were taken by the distributor or transferor corporation, unless different methods were used by several distributor or transferor corporations or by a distributor or transferor corporation and the acquiring corporation. If different methods were used, the acquiring corporation shall use the method or combination of methods of taking inventory adopted pursuant to regulations prescribed by the Secretary or his delegate.

§ 1.381(c)(5)–1 Inventories.

(a) *Carryover requirement*—(1) *General rule.* Section 381(c)(5) provides that in a transaction to which section 381(a) applies and in which inventories are received by the acquiring corporation (as defined in § 1.381(a)–1(b)(2)) such inventories shall be taken by the acquiring corporation (in determining its income) on the same basis on which such inventories were taken by the distributor or tranferor corporation on the date of distribution or transfer unless different inventory methods were used on that date by several distributor or transferor corporations or by a distributor or transferor corporation and the acquiring corporation. If different methods were used, the acquiring corporation shall use the method or combination of methods of taking inventories adopted pursuant to the provisions of this section.

(2) *Rules of application.* Reference in this section to a method or methods of taking inventories are to be construed as referring to both the method or methods of identifying the goods and the method or methods of valuing the goods. The method or methods of taking inventories shall be determined on the date of distribution or transfer, and any corporation, a party to a section 381(a) transaction whose taxable year does not end on such date shall be considered as using the method or methods of taking inventories that it would have employed had its taxable year ended on such date. The amount of the adjustments necessary to reflect the change in method of taking inventories pursuant to this section, the manner in which they are to be taken into account by the acquiring corporation, and the tax attributable thereto shall be determined and computed under section 481 and the regulations thereunder, subject to the rules provided in paragraphs (c) and (d) of this section. However, in the case of any party to a section 381(a) transaction which changes its method of taking inventories to the last-in, first-out method of indentification, the adjustments required by section 472(d) shall be applicable. See paragraph (e) of this section. This section shall not be construed as preventing any party to a section 381(a) transaction from adopting an inventory method which, under the provisions of section 471 or 472, and the regulations thereunder, may be adopted without the consent of the Commissioner. For provisions defining the date of distribution or transfer, see paragraph (b) of § 1.381(b)–1.

(b) *Conditions for continuation of methods of taking inventories*—(1) *No difference in method of taking inventories.* (i) If all the parties to a section 381(a) transaction used the same method of taking inventories on the date of distribution or transfer, the acquiring corporation, whether or not immediately after the date of distribution or transfer it operates separate or integrated trades or businesses, shall continue to use such method of taking inventories, unless the acquiring corporation has, in accordance with paragraph (e) of § 1.446–1, obtained the consent of the Commissioner to use a different method of taking inventories. For purposes of this determination, a corporation shall be deemed to be using the last-in, first-out method of taking inventories with respect to a particular type of goods on the date of the distribution or transfer, if such corporation elects, under the provisions of section 472, to adopt the last-in, first-out method with respect to such goods for its taxable year within which or with which the date of distribution or transfer occurs.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. O and P corporations are manufacturing companies which compute their entire inventories by the use of the last-in, first-out method of identification and the cost basis of valuation. In applying the last-in, first-out method both corporations use the dollar-value method, use the double-extension method, pool under the natural business unit method, and value annual inventory increases by reference to the actual cost of goods most recently purchased. P corporation acquires the assets of O corporation in a transaction to which section 381(a) applies. Under the provisions of this subparagraph, on and after the date of distribution or transfer P corporation must continue to use the last-in, first-out method of identification, the cost basis of valuation, and, in applying the last-in, first-out method, must continue to use the dollar-value method, use the double-extension method, pool under the natural business unit method, and value annual inventory increases by reference to the actual cost of goods most recently purchased, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Comissioner is obtained to change the method of taking inventories.

(2) *Separate businesses.* (i) If, immediately after the date of distribution or transfer, any of the trades or businesses of the parties to a section 381(a) transaction are operated as separate and distinct trades or businesses within the meaning of paragraph (d) of § 1.446–1, then the method or methods of taking inventories employed by such parties to the transaction on the date of distribution or transfer with respect to such trades or businesses shall be used by the acquiring corporation, unless the acquiring corporation has, in accordance with paragraph (e) of § 1.446–1, obtained the consent of the Commissioner to use a different method of taking inventories. This subparagraph shall not be construed as precluding the Commissioner under section 471 or 472, and the regulations thereunder, from requiring that the method of taking inventories used in a particular trade or business be used in another trade or business with respect to similar types of goods, if, in the opinion of the Commissioner, the use of such method of taking inventories is necessary for a clear reflection of income.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. R corporation is engaged in the production of radios and television sets and S corporation is engaged in the production of washers and driers. In computing their inventories both corporations use the cost basis of valuation. R corporation uses the last-in, first-out method of identification, whereas S corporation uses the first-in, first-out method. T corporation acquires the assets of R corporation and S corporation in a transaction to which section 381(a) applies. T corporation operates as a separate and distinct trade or business, within the meaning of paragraph (d) of § 1.446–1, each of the businesses formerly operated by R corporation and S corporation. Under the provisions of this subparagraph, T corporation is required to continue to use the method of taking inventories previously used by R corporation and S corporation, respectively, with respect to each trade or business, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the methods of taking inventories, on and after the dates of transfer. However, the Commissioner may require T corporation, in accordance with § 1.472–2, to use the last-in, first-out method with respect to that portion of the goods in the trades or businesses formerly operated by S corporation and T corporation which are similar to goods in the trade or business formerly operated by R corporation, if, in his opinion, the use of the last-in, first-out method with respect to such similar goods is necessary for a clear reflection of income.

(3) *Integrated businesses*—(i) *Same inventory method.* If, immediately after the date of distribution or transfer, any of the trades or businesses of the parties to a section 381(a) transaction are not operated as separate and distinct trades or businesses within the meaning of paragraph (d) of § 1.446–1, then, to the extent that the same methods of taking

inventories for particular types of goods were employed on the date of distribution or transfer by the parties to the transaction with respect to any trades or businesses which are integrated or are required to be integrated in accordance with paragraph (d) of § 1.446–1, the acquiring corporation shall continue to employ such methods of taking inventories for such types of goods, unless, in accordance with paragraph (e) of § 1.446–1, the acquiring corporation has obtained the consent of the Commissioner to use a different method of taking inventories. This subdivision shall not be construed as precluding the Commissioner under section 471 or 472, and the regulations thereunder, from requiring that the method of taking inventories used with respect to particular types of goods in a particular trade or business operated by the acquiring corporation after the date of distribution or transfer be used with respect to similar types of goods in another trade or business operated by it after such date if, in the opinion of the Commissioner, the use of such method of taking inventories is necessary for a clear reflection of income.

(ii) *Different inventory methods.* If, immediately after the date of distribution or transfer, any of the trades or businesses of the parties to a section 381(a) transaction are not operated as separate and distinct trades or businesses within the meaning of paragraph (d) of § 1.446–1, then, to the extent that different methods of taking inventories for particular types of goods were employed on the date of distribution or transfer by the parties to the transaction with respect to any trades or businesses which are integrated or required to be integrated in accordance with paragraph (d) of § 1.446–1, the acquiring corporation shall not be permitted to continue to use such different methods of taking inventories, and shall adopt the method of taking inventories described in paragraph (c) of this section for such types of goods unless, in accordance with paragraph (d) of this section, consent of the Commissioner is obtained to use a different method of taking inventories.

(iii) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). O and P corporations are manufacturing companies which compute their entire inventories by the use of the last-in, first-out method of identification and the cost basis of valuation. In applying the last-in, first-out method both corporations use the dollar-value method and the double-extension method. However, O corporation pools under the natural business unit method while P corporation pools under the multiple pool method. In addition, O corporation determines the cost of its annual inventory increase by reference to the actual cost of goods most recently purchased, whereas P corporation determines the cost of such increase by reference to the actual cost of the goods purchased during the taxable year in the order of acquisition. P corporation acquires the assets of O corporation in a transaction to which section 381(a) applies and integrates the business formerly operated by O corporation into the business which was operated by P corporation before the date of distribution or transfer. Under the provisions of subdivision (i) of this subparagraph (relating to the same inventory methods in an integrated trade or business), P corporation shall continue to use the last-in, first-out method of identification, the cost basis of valuation, and in applying the last-in, first-out method, shall continue to use the dollar-value method and the double-extension method, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of taking inventories. However, under the provisions of subdivision (ii) of this subparagraph (relating to different inventory methods in an integrated trade or business), P corporation shall use the method of taking inventories described in paragraph (c) of this section with respect to the method of pooling and the method of determining the cost of annual inventory increases, unless, in accordance with paragraph (d) of this section, consent of the Commissioner is obtained to use a different method of taking inventories.

Example (2). Y and Z corporations are engaged in the manufacture of cereal products. Y corporation uses the first-in, first-out method of identification and the cost or market, whichever is lower, method of valuing its inventories, including oats. Z corporation uses the first-in, first-out method of identification and the cost or market, whichever is lower, method of valuing its inventories, except oats which are valued on the cost method. Y corporation acquires all of the assets of Z corporation in a transaction to which section 381(a) applies and integrates the business formerly operated by Z corporation into the business which was operated by Y corporation before the date of distribution or transfer. Under the provisions of subdivision (i) of this subparagraph (relating to the same inventory methods in an integrated trade or business), Y corporation must continue to use the first-in, first-out method with respect to all of its inventories and must continue to use the cost or market, whichever is lower, method of valuing all inventories except oats, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of taking inventories. In addition, under the provisions of subdivision (ii) of this subparagraph (relating to different inventory methods in an integrated trade or business), Y corporation shall use the method described in paragraph (c) of this section in valuing its inventory of oats, unless, in accordance with paragraph (d) of this section, consent of the Commissioner is obtained to use a different method of valuing its oats.

(4) *Rules of application.* (i) In any case where the method of taking inventories employed on the date of distribution or transfer is continued, it will be unnecessary for the acquiring corporation to renew any election previously made by it or by any distributor or transferor corporation with respect to such method of taking inventories, and the acquiring corporation is bound by any such elections. If, on the date of distribution or transfer, any party to a section 381(a) transaction had no inventories of a particular type of goods, or such party came into existence as a result of the transaction, such party shall not be considered to be using a method of taking inventories for the particular type of goods different from that used by the other parties to the transaction. If, on the date of distribution or transfer, any one of the parties to the transaction is using the cash receipts and disbursements method of accounting and is not required to take inventories, the determination as to whether such method of accounting is to be continued by the acquiring corporation shall be made in accordance with section 381(c)(4) and the regulations thereunder.

(ii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). M corporation is engaged in manufacturing and computes its inventories under the first-in, first-out method of identification and the cost or market, whichever is lower, method of valuation. N corporation is also engaged in manufacturing and computes its inventories under the first-in, first-out method of identification and the cost method of valuation. M corporation acquires the assets of N corporation in a transaction to which section 381(a) applies and M corporation integrates the business formerly operated by N corporation into the business which was operated by M corporation before the date of distribution or transfer. On the date of distribution or transfer, N corporation has inventories of sheet steel while M corporation has no inventories of this particular type of goods. In all other respects the inventories of the two corporations consist of similar types of goods. Under the provisions of this subparagraph, M corporation must use the first-in, first-out method of identification and the cost method of valuation of inventories of sheet steel, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of taking such inventories. For other goods in its inventories M corporation must use the first-in, first-out method of identification (as required by subparagraph (3)(i) of this paragraph), and, with respect to the method of valuation, must use the method of taking inventories described in paragraph (c) of this section, unless, in accordance with paragraph (d) of this section, consent of the Commissioner is obtained to use a different method of taking inventories.

Example (2). W corporation is engaged in the business of raising cattle and uses the cash receipts and disbursements method of computing taxable income. Inventories, therefore, are not required. X corporation is also engaged in the business of raising cattle and uses the accrual method of computing taxable income under which it has elected to use the "farm-price method" of valuing inventories. The assets of W corporation are acquired by X corporation in a transaction to which section 381(a) applies and X corporation integrates the business formerly operated by W corporation into the business which was operated by X corporation before the date of distribution or transfer. Under the provisions of this subparagraph, whether X corporation is required to take inventories will depend upon which method of accounting is used by X corporation after the date of distribution or transfer, in accordance with the provisions of section 381(c)(4) and the regulations thereunder. Therefore, if X corporation uses the cash receipts and disbursements method, it will not be required to take inventories into account in computing its taxable income. However, if X corporation uses the accrual method, it must use the "farm-price method" of taking inventories, unless, in accordance with paragraph (d) of this section, consent of the Commissioner is obtained to use a different method of taking inventories.

(c) *Change of method of taking inventories without consent of Commissioner*—(1) *General rule.* If, under the

provisions of paragraph (b) of this section, the acquiring corporation is not permitted to continue to use the method of taking inventories used by it or by the distributor or transferor corporation or corporations on the date of distribution or transfer, the acquiring corporation shall use the principal method of taking inventories for each particular type of goods of such corporations, as determined under subparagraph (2) of this paragraph: *Provided*, That:

(i) Such method clearly reflects the income of the acquiring corporation after the distribution or transfer as provided by sections 446(a) and 471 and the regulations thereunder, and

(ii) The use of such method is not inconsistent with the provisions of any closing agreement entered into under section 7121 and the regulations thereunder.

If the principal method does not satisfy the requirements of subdivisions (i) and (ii) of this subparagraph, or if the acquiring corporation wishes to use a method other than the principal method, see paragraph (d)(1) of this section. If the principal method of taking inventories is adopted under this paragraph, it will not be necessary for the acquiring corporation or corporations to renew any election previously made by it or by the distributor or transferor corporation with respect to such principal method of taking inventories, and the acquiring corporation is bound by any such election.

(2) *Principal method of taking inventories.* The determination of the principal method of taking inventories shall be made with respect to each particular type of goods of each integrated trade or business operated by the acquiring corporation immediately after the date of distribution or transfer. Such determination for each integrated trade or business shall be made by reference to the methods of taking inventories previously used in the component trades or businesses for such types of goods which constitute the subsequent integrated trade or business of the acquiring corporation. For purposes of this determination, a corporation shall be deemed to be using the last-in, first-out method of taking inventories with respect to a particular type of goods on the date of the distribution or transfer, if such corporation elects, under the provisions of section 472, to adopt the last-in, first-out method with respect to such goods for its taxable year within which or with which the date of distribution or transfer occurs. The fair market value of the particular types of goods of each group of component trades or businesses with respect to which one method of taking inventories common to all was employed shall be compared with the fair market value of comparable types of goods of other groups of component trades or businesses with respect to which another method of taking inventories common to all was employed. For purposes of the above comparison and to the extent that particular types of goods are included in inventory by grouping or pooling, then such group or pool shall be considered as a single unit. The total fair market value of such group or pool shall be the basis for comparison in determining the principal method of taking inventories. The method of taking inventories of the group of component trades or businesses having the larget fair market value of such inventories shall be the principal method of taking inventories. For purposes of this subparagraph, the fair market value of the inventories of a component trade or business shall be determined immediately after the date of distribution or transfer.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) X, Y, and Z corporations are all engaged in the manufacture of sheet metal. In addition, Y and Z corporations are engaged in the manufacture of paper containers. X and Y corporations use the first-in, first-out method of idenifying goods and the cost method of valuing all inventories, while Z corporation uses the first-in, first-out method of identifying goods and the cost or market, whichever is lower, method of valuing all inventories. X, Y, and Z corporations enter into a transaction to which section 381 (a) applies, and the acqiuring corporation integrates the sheet metal businesses formerly operated by X, Y, and Z corporations and also integrates the paper container businesses formerly operated by Y and Z corporations. Each corporation has the same types of goods in the inventories of its sheet metal business and Y and Z corporations have the same types of goods in the inventories of their paper container businesses. Immediately after the date of distribution or transfer the fair market values of the respective inventories are as follows:

	X	Y	Z
Sheet metal	$10,000	$7,000	$15,000
Paper container		6,000	7,000

(ii) Since X, Y, and Z corporations all used the first-in, first-out method of identifying their inventories as of the date of distribution or transfer, then, under the provisions of paragraph (b)(3)(i) of this section, the acquiring corporation shall continue to use the first-in, first-out method of identifying all goods unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of accounting.

(iii) Since the acquired corporations used different methods of valuing inventories in their sheet metal business and their paper container business, when the businesses were integrated the acquiring corporation must, under the provisions of this paragraph, determine which method of inventory valuation used by the acquired corporations on the date of distribution or transfer is the principal method of inventory valuation for each of such businesses.

(*a*) In determining which is the principal method of valuing inventories for the sheet metal business pursuant to subparagraph (2) of this paragraph, the total fair market value of the sheet metal inventories of X and Y corporations, $17,000 (i.e., $10,000 + $7,000 = $17,000), is compared with the fair market value of the sheet metal inventory of Z corporation, $15,000. Since the total fair market value of the sheet metal inventories of X and Y corporations ($17,000) exceeds the fair market value of the sheet metal inventory of Z corporation ($15,000), the cost method of valuation used by X and Y corporations is the principal method of taking such inventories, and must be used by the acquiring corporation in valuing such inventories, if the conditions set forth in subparagraph (1) of this paragraph are satisfied.

(*b*) In determining which is the principal method of valuing inventories for the paper container business pursuant to subparagraph (2) of this paragraph, the fair market value of the paper container inventory of Y corporation ($6,000) is compared with the fair market value of the paper container inventory of Z corporation ($7,000). Since the fair market value of the paper container inventory of Z corporation ($7,000) exceeds the fair market value of the paper container inventory of Y corporation ($6,000), the cost or market, whichever is lower, method of valuation used by Z corporation is the principal method of taking such inventories, and must be used by the acquiring corporation in valuing such inventories, if the conditions set forth in subparagraph (1) of this paragraph are satisfied.

Example (2). (i) X, Y, and Z corporations are all engaged in the manufacture of electrical appliances. In addition, X and Z corporations are engaged in the manufacture of plastic containers. X corporation uses the first-in, first-out method of identifying goods and the cost method of valuing all inventories. Y and Z corporations use the last-in, first-out method of identifying goods and the cost method of valuing all inventories. In applying the last-in, first-out method, Y corporation uses the dollar value method, the double-extension method, and pools under the natural business unit method, while Z corporation uses the dollar value method, the double-extension method, and pools under the multiple pooling method for all inventories. X, Y, and Z corporations enter into a transaction to which section 381(a) applies, and the acquiring corporation integrates the electric appliance businesses formerly operated by X, Y, and Z corporations and also integrates the plastic container businesses formerly operated by X and Z corporations. Each corporation has the same types of goods in the inventories of its electric appliance business and X and Z corporations have the same types of goods in the inventories of their plastic container businesses. Immediately after the date of distribution or transfer, the fair market values of the respective inventories are as follows:

	X	Y	Z
Electric appliance	$13,000	$10,000	$5,000
Plastic container	7,000		6,000

(ii) Since X, Y, and Z corporations all used the cost method of valuing their inventories as of the date of distribution or transfer, then, under the provisions of paragraph (b)(3)(i) of this section, the acquiring corporation shall continue to use the cost method of valuing all goods unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of accounting.

(iii) Since the acquired corporations used different methods of identifying inventories in their electric appliance business and their plastic container business, when the businesses were integrated the acquiring corporation must, under the provisions of this paragraph, determine which method of inventory identification used by the acquired corporations on the date of distribution or transfer is the principal method of inventory identification for each of such businesses.

(*a*)(*1*) In determining which is the principal method of identifying inventories for the electric appliance business pursuant to subparagraph (2) of this paragraph, the fair

market value of the electric appliance inventory of X corporation, $13,000, is compared with the total fair market value of the electric appliance inventories of Y and Z corporations, $15,000 (i.e., $10,000+$5,000 =$15,000). Since the total fair market value of the electric appliance inventories of Y and Z corporations ($15,000) exceeds the fair market value of the electric appliance inventory of X corporation ($13,000), the last-in first-out method of identification is the principal method of taking the electric appliance inventories and must be used by the acquiring corporation, if the conditions set forth in subparagraph (1) of this paragraph are satisfied.

(2) Since Y and Z corporations used different pooling methods, in applying the last-in, first-out method, the acquiring corporation must, under the provisions of this paragraph, determine which pooling method as used by Y and Z corporations on the date of distribution or transfer is the principal method. In making such determination pursuant to subparagraph (2) of this paragraph, the fair market value of the electric appliance inventory of Y corporation ($10,000) is compared with the fair market value of the electric appliance inventory of Z corporation ($5,000). Since the fair market value of the electric appliance inventory of Y corporation ($10,000) exceeds the fair market value of the electric appliance inventory of Z corporation ($5,000), the natural business unit method is the principal method of pooling and must be used by the acquiring corporation in applying the last-in, first-out method with respect to the electric appliance business, if the conditions set forth in subparagraph (1) of this paragraph are satisfied.

In addition, under the provisions of paragraph (b)(3)(i) of this section, the acquiring corporation must use the dollar value method and the double-extension method for valuing goods in its electric appliance inventory since Y and Z corporations both used such methods in valuing their electric appliance inventories as of the date of distribution or transfer, unless, in accordance with paragraph (e) of § 1.446–1, consent of the Commissioner is obtained to change the method of accounting.

(b) In determining which is the principal method of identifying inventories for the plastic container business pursuant to subparagraph (2) of this paragraph, the fair market value of the plastic container inventory of X corporation ($7,000) is compared with the fair market value of the plastic container inventory of Z corporation ($6,000). Since the fair market value of the plastic container inventory of X corporation ($7,000) exceeds the fair market value of the plastic container inventory of Z corporation ($6,000) the first-in, first-out method of identification, as used by X corporation, is the principal method of taking the plastic container inventories and must be used by the acquiring corporation, if the conditions set forth in subparagraph (1) of this paragraph are satisfied.

(d) *Change of method of taking inventories with consent of the Commissioner*—(1) *General rule*—(i) *Carryover and principal method not permitted.* If the acquiring corporation is not permitted, under paragraph (b) of this section, to continue to use the method of taking inventories used by it or the distributor or transferor corporation or corporations on the date of distribution or transfer, and is not permitted, under paragraph (c) of this section, to use the principal method of taking inventories, then such acquiring corporation must request the Commissioner to determine the appropriate method of taking inventories.

(ii) *Principal method required.* If the acquiring corporation wishes to use a method of taking inventories other than the principal method of taking inventories which is required to be used under paragraph (c) of this section, it shall apply to the Commissioner for permission to use such other method of taking inventories. Permission to use such other method of taking inventories will not be granted unless the acquiring corporation and the Commissioner agree to the terms, conditions, and adjustments under which the change to such method will be effected.

(2) *Time and manner of making application.* Request for a determination of the method of taking inventories to be used under subparagraph (1)(i) of this paragraph or applications for permission to use a method of taking inventories under subparagraph (1)(ii) of this paragraph shall be filed with the Commissioner of Internal Revenue, Attention: T:I:C, Washington, D.C. 20224, not later than 90 days after the date of distribution or transfer, except that in cases where the date of distribution or transfer occurs before January 15, 1975, such applications or requests shall be filed not later than 90 days after such date. The application shall be accompanied by a copy of the statement described in paragraph (b)(3) of § 1.381(b)–1, and by a statement specifying the nature of the transaction which causes section 381 to apply; the differences in methods of taking inventories used by the corporations concerned; the method of taking inventories proposed to be used by the acquiring corporations; and the amount of adjustments necessary to prevent duplication or omission of items in the computation of taxable income under such proposed method. The Commissioner may also require such other information as may be necessary in order to determine the proper method of taking inventories to be used by the acquiring corporation.

(e) *Treatment of layers of inventories by the acquiring corporation and rules for making adjustments*—(1) *In general.* This paragraph provides rules for treating layers of inventories by the acquiring corporation and rules for making adjustments, once the acquiring corporation's method of taking inventories for its taxable year including the date of distribution or transfer has been determined in accordance with the rules set forth in paragraphs (a) through (d) of this section. Thus, for example, if the acquiring corporation uses the last-in, first-out method of taking inventories for its taxable year including the date of distribution or transfer, either because such corporation elects the last-in, first-out method of taking inventories under the provisions of section 472 for such year or because such method is otherwise determined to be the principal method of taking inventories under paragraph (c)(2) of this section, then such corporation shall integrate its layers of inventories and make the necessary adjustments in accordance with the rules under paragraph (e)(2) of this section.

(2) *Acquiring corporation uses last-in, first-out method*—(i) *Dollar-value method*—(a) *Distributor or transferor corporation using last-in, first-out method.* In any case where the acquiring corporation is required or permitted to use the dollar value method of pricing inventories on the last-in, first-out method for its taxable year including the date of distribution or transfer, the inventories of each distributor or transferor corporation which used the last-in, first-out method for its taxable year in which the distribution or transfer occurred shall be placed on the dollar value method pursuant to the rules contained in paragraph (f) of § 1.472–8, and then such inventories shall be integrated with the inventories of the acquiring corporation. If pools of each corporation are permited or required to be combined, they shall be combined in accordance with the principles set forth in paragraph (g)(2) of § 1.472–8. For purposes of combining pools, all base-year inventories or layers of increment which occur in taxable years including the same December 31 shall be combined. A base-year inventory or layer of increment occurring in any short taxable year not including a December 31 or in the final taxable year of a distributor or transferor corporation shall be merged with and considered a layer of increment of its immediately preceding taxable year.

(b) *Distributor or transferor corporation not using last-in, first-out method.* In any case where the acquiring corporation is required or permitted to use the last-in, first-out method of taking inventories for its taxable year including the date of distribution or transfer, the inventories of each distributor or transferor corporation which did not use the last-in, first-out method for its taxable year in which the distribution or transfer occurred shall be treated by the acquiring corporation as having been acquired at their average unit cost in a single transaction on the date of distribution or transfer. Thus, where the acquiring corporation is required or permitted to use the dollar value method of pricing inventories, if an item of inventory is to be combined in an existing dollar value pool, such item shall be treated as if it were purchased at its average unit cost on the date of distribution or transfer with respect to such pool. On the other hand, if such item is not to be combined in an existing pool and the taxpayer otherwise uses LIFO with respect to such item, such item will be treated as if it were purchased at its average unit cost on the date of distribution or transfer with respect to a new pool (if any), with the base-year being the year of distribution or transfer. Adjustments resulting from a restoration to cost of any write-down to market

value of such inventories of a distributor or transferor corporation shall be taken into account by such corporation in its final taxable year (where such year is closed by reason of section 381(b)). See section 472(d).

(ii) *Specific goods method*—(*a*) *Distributor or transferor corporation using last-in, first-out method.* In any case where the acquiring corporation is required or permitted to use the specific goods method of pricing inventories on the last-in, first-out method for its taxable year including the date of distribution or transfer, the inventories of each distributor of transferor corporation which used the last-in, first-out method for its taxable year in which the distribution or transfer occurred shall be treated by the acquiring corporation as having the acquisition dates and costs of the distributor or transferor corporation.

(*b*) *Distributor or transferor not using last-in, first-out method.* See paragraph (e)(1)(i)(*b*) of this section.

(3) *Acquiring corporation uses first-in, first-out method*—(i) *Distributor or transferor corporations not using first-in, first-out method.* In any case where the acquiring corporation is permitted or required to use the first-in, first-out method of taking inventories for its taxable year including the date of distribution or transfer, the inventories of each distributor or transferor corporation which did not use the first-in, first-out method shall be treated by the acquiring corporation as having the same acquisition dates and costs which such inventory would have had if the distributor or transferor corporation had been using the first-in, first-out method for its taxable year in which the distribution or transfer occurred. However, if the acquiring corporation values its inventories at cost or market, whichever is lower, then the acquired inventories shall be treated as having been acquired at cost or market, whichever is lower.

(ii) *Distributor or transferor corporation using first-in, first-out method.* In any case where the acquiring corporation is required or permitted to use the first-in, first-out method of taking inventories for its taxable year including the date of distribution or transfer, the inventories of each distributor or transferor corporation which used such method for its taxable year in which the distribution or transfer occurred shall be treated by the acquiring corporation as having the same acquisition dates and costs as the distributor or transferor corporations. However, where the acquiring corporation values its inventories at cost or market, whichever is lower, then the acquiring corporation shall treat the acquired inventories as having been acquired at cost or market, whichever is lower.

(4) *Adjustments.* Except as provided in paragraph (e)(1) of this section with respect to any adjustments under section 472(d), the adjustments necessary to reflect the change from the method of taking inventories previously used by any of the corporations involved (including any adjustments required by section 481), shall be determined and computed in the same manner as if on the date of distribution or transfer, each of the several corporations that were not using the method of taking inventories used by the acquiring corporation for its taxable year including the date of distribution or transfer had initiated a change in the method of taking inventories. However, such adjustments (as an item of income or deduction, as the case may be) shall be taken into account solely by the acquiring corporation in computing its taxable income.

(f) *Basis of inventories received.* The basis of inventories received by the acquiring corporation from a distributor or transferor corporation shall be determined in accordance with section 334(b)(1) or 362(b), and the regulations thereunder. See also section 1013, and the regulations thereunder.

(g) *Additional rules applicable to distributions or transfers before January 15, 1975*—(1) *Statute of limitations bars assessment or refund.* If the date of distribution or transfer was before January 15, 1975, and if the assessment of any deficiency or the refund or credit of any overpayment for the taxable year of the acquiring corporation which includes the date of distribution or transfer or any subsequent taxable year is prevented by the operation of any law or rule of law, then this section does not authorize the Commissioner or the acquiring corporation to change any method or methods of computing inventories in any taxable year of the acquiring corporation. However, the Commissioner or the acquiring corporation may change such method or methods of computing inventories under the provisions of section 446, 471, or 472 and the regulations thereunder.

(2) *Statute of limitations does not bar assessment and refund.* Except as provided in subparagraph (1) of this paragraph—

(i) If the date of distribution or transfer was before January 15, 1975, and the acquiring corporation has, for the taxable year which includes the date of distribution or transfer:

(*a*) Adopted or continued a method or methods of taking inventories consistent with the rules of this section,

(*b*) Been granted permission by the Commissioner, in accordance with section 446, 471, or 472 and the regulations thereunder, to use a method or methods of taking inventories, or

(*c*) Adopted a method or methods of taking inventories that, under section 446, 471, or 472 and the regulations thereunder may be adopted without the consent of the Commissioner,

then the method or methods of taking inventories adopted or continued in the manner described in (*a*), (*b*), or (*c*) of this subdivision, shall not be changed, by reason of the rules contained in this section, by the Commissioner or by the acquiring corporation for any taxable year ending after the date of distribution or transfer. However, the Commissioner or the acquiring corporation may change such method or methods of taking inventories for any such taxable year under the provisions of, and to the extent permitted by, section 446, 471, or 472 and the regulations thereunder.

(ii) If the date of distribution or transfer was before January 15, 1975, and the acquiring corporation has, for the taxable year which includes the date of distribution or transfer, adopted or continued a method or methods of taking inventories other than in the manner described in (*a*), (*b*), or (*c*) of subdivision (i) of this subparagraph, then the acquiring corporation may—

(*a*) Continue to use the method or methods of taking inventories so adopted or continued if such method or methods clearly reflect income and if proper adjustments were made to reflect the adoption of such method or methods, or

(*b*) Adopt the method or methods of taking inventories prescribed by this section.

Such method or methods of taking inventories shall be adopted by filing an amended return (which includes the proper adjustments required by this section) for the taxable year of the acquiring corporation which includes the date of distribution or transfer, and by filing amended returns for all subsequent taxable years of the acquiring corporation for which returns have previously been filed. Such amended return or returns shall be accompanied by a copy of the statement described in paragraph (b)(3) of § 1.381(b)–1, and by a statement specifying the nature of the transaction which causes section 381 to apply; the difference in methods of taking inventories used by the corporation concerned; the method or methods of taking inventories originally adopted by the acquiring corporation; the method or methods of taking inventories adopted on the amended return or returns; and the computation of the amount of the adjustments and the resulting increase or decrease in tax.

(h) *Effective date.* This section is applicable with respect to taxable years beginning after January 15, 1975. However, if a taxpayer wishes to rely on the rules stated in this section for taxable years beginning before January 15, 1975 it may do so, subject to the provisions of paragraph (g) of this section.

[FR Doc.75–1068 Filed 1–14–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–104]

PART 110—ANCHORAGE REGULATIONS

Indian River, Sebastian, Florida

This amendment to the anchorage regulations establishes a special anchorage area in the Indian River at Sebastian,

Florida, east of the Sembler and Sembler Fish Company's dock. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Tuesday, July 2, 1974, issue of the FEDERAL REGISTER (39 FR 24378).

No comments concerning the establishment of this special anchorage area were received.

In consideration of the foregoing, the proposed amendment is adopted without change and is set forth below.

Effective date. This amendment is effective February 17, 1975.

Dated: January 10, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

Part 110 of Title 33 of the Code of Federal Regulations is amended by adding a new § 110.73a to read as follows:

§ 110.73a Indian River at Sebastian, Florida.

Beginning at a point on the shoreline at latitude 27°49'40'' N., longitude 80°28'26'' W.; thence 060° to latitude 27°49'46'' N., longitude 80°28'13'' W.; thence 156° to latitude 27°49'31'' N., longitude 80°28'05'' W.; thence 242° to latitude 27°49'25'' N., longitude 80°-28'18'' W.; thence northerly along the shoreline to the point of beginning.

NOTE: This area is principally for use by commercial fishing vessels less than 65 feet in length.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g)(1)(B), 80 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2)))

[FR Doc.75-1347 Filed 1-14-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-78]

MANEUVERING CHARACTERISTICS

Miscellaneous Amendments

These amendments require ocean and coastwise vessels of 1,600 gross tons or over to carry maneuvering information in their pilothouses. These requirements were proposed in the July 20, 1973 FEDERAL REGISTER (38 FR 19411).

Comments were received which suggested certain changes for the purpose of clarifying conditions specified in the information requirements. In response to these comments, the following changes have been made:

Calm weather has been defined as wind 10 knots or less with a calm sea.

Deep water has been defined as water depth twice the vessel's draft or greater.

The means of obtaining the information appearing on the preliminary fact sheet required prior to certification has been clarified. The information may be obtained by trial trip observations, model tests, analytical calculations, simulations, information established from another vessel of similar hull form, power, rudder and propeller, or any combination of the foregoing.

The accuracy requirement has been limited to what is attainable by ordinary shipboard equipment.

One commentator pointed out that full and half speeds were not fully defined by the proposed rule. Since these will be stated on the fact sheet in terms of RPM or control settings, further definition is not necessary.

Another commentator felt that the data was too extensive and refined and should be reduced to a single set of the most adverse conditions.

The intent of the regulations is to provide sufficient information for a conning officer, whether ship's personnel or a just boarded pilot, to use as guidelines for handling the vessel under varying conditions.

One comment was that highly specialized craft should be excluded from the rules or that there should be a specific provision for an exemption from the rules.

A section has been added which provides that specialized craft such as semi-submersible drilling units, hydrofoils, hovercraft and other vessels of unusual design will be dealt with individually.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is hereby amended as follows:

PART 35—OPERATIONS

1. By adding a new section after § 35.20–35:

§ 35.20–40 Maneuvering Characteristics—T/OC.

For each ocean and coastwise tankship of 1,600 gross tons or over, the following apply:

(a) The following maneuvering information must be prominently displayed in the pilothouse on a fact sheet:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller a table of control settings for a representative range of speeds.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(b) The maneuvering information must be provided for the normal load and normal ballast condition for—

(1) Calm weather—wind 10 knots or less, calm sea;

(2) No current;

(3) Deep water conditions—water depth twice the vessel's draft or greater; and

(4) Clean hull.

(c) At the bottom of the fact sheet, the following statement must appear:

WARNING

The response of the (name of the vessel) may be different from those listed above if any of the following conditions, upon which the maneuvering information is based, are varied:

(1) Calm weather—wind 10 knots or less, calm sea;

(2) No current;

(3) Water depth twice the vessel's draft or greater;

(4) Clean hull; and

(5) Intermediate drafts or unusual trim.

(d) The information on the fact sheet must be:

(1) Verified six months after the vessel is placed in service; or

(2) Modified six months after the vessel is placed into service and verified within three months thereafter.

(e) The information that appears on the fact sheet may be obtained from:

(1) Trial trip observations;

(2) Model tests;

(3) Analytical calculations;

(4) Simulations;

(5) Information established from another vessel of similar hull form, power, rudder and propeller; or

(6) Any combination of the above.

The accuracy of the information in the fact sheet required is that attainable by ordinary shipboard navigation equipment.

(f) The requirements for information for fact sheets for specialized craft such as semi-submersibles, hydrofoils, hovercraft and other vessels of unusual design will be specified on a case by case basis.

PART 78—OPERATIONS
PART 97—OPERATIONS
PART 196—OPERATIONS

2. By amending Parts 78, 97, and 196 by adding Subparts 78.21, 97.19, and 196.19, headed "Maneuvering Characteristics" and consisting of §§ 78.21–1, 97.19–1, and 196.19–1 respectively, that read similar to § 35.20–40, except the heading of each section would read "Data required", and the introductory text of the sections and of paragraph (b) would read as follows:

For each ocean and coastwise vessel of 1,600 gross tons or over, the following apply:

* * * * *

(b) The maneuvering information must be provided in the normal load and normal light condition with normal trim for a particular condition of loading assuming the following—

* * * * *

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)) and (o)(4))

Effective date. These amendments become effective on February 14, 1975.

Dated: January 6, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.75-1343 Filed 1-14-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 76—CABLE TELEVISION SERVICE

Technical Standards; Terminology

In the Matter of editorial amendment of § 76.5 and § 76.605 of the Rules and Regulations to effect consistent terminology.

1. The Commission initially adopted cable television technical standards (Part 76, Subpart K) in the Cable Television Report and Order, 36 FCC 2d 143 (1972). Since that time, certain inadvertent omissions and inconsistencies in terms of reference have been noted. Appendix A of this Order effects minor editorial corrections.

2. Section 76.605(a)(3) addresses the long-term frequency stability of the aural carrier. Because the instantaneous frequency of the carrier varies as a function of the amplitude of the modulating signal, the term "frequency" must be further defined. The Broadcast Services have long utilized "aural center frequency" and defined it to mean "the average frequency * * * when modulated by a sinusoidal signal" or "the frequency * * * without modulation." See § 73.681 of the rules. The same terminology and considerations are appropriate for the Cable Television Service and the Rules have amended to add the inadvertent omission.

3. Section 76.605(a)(4) specifies a value which contains a radical sign which fails to encompass the symbol Z. The extension of the radical is effected by this Order.

4. Section 76.605(a)(8) defines a channel response characteristic referenced to the visual carrier. This specification attempts to maintain as nearly as possible at the output of the cable system, the idealized picture transmission amplitude characteristic. See §§ 76.682(a)(4), 73.699 Figure 5 of the Rules. It is appropriate therefore, that the same terms of reference be utilized. "Amplitude characteristic" is used in preference to "channel frequency response," thus allowing the deletion of a special definition set forth in § 76.5(dd). "Lower boundary frequency" is used as a point of reference in preference to the visual carrier frequency. The lowest frequency which is controlled is shifted from 0.25 to 0.50 MHz above the lower boundary frequency of the channel to be consistent with the Broadcast characteristic.

5. Authority for the attached amendments is contained in 47 U.S.C. 151, 152, 301, 303, and 307; and in § 0.231(d) of the Commission's Rules. Inasmuch as the amendments ordered are nonsubstantive editorial revisions of the Commission's Rules and Regulations, impose no new requirements, and are intended only to inform of existing requirements; compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. § 553, would serve no useful purpose and is unnecessary.

Accordingly, *it is ordered*, That, effective January 22, 1975, §§ 76.5 and 76.605 of the Commission's Rules are amended as set forth below.

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended, 1064, 1081, 1082, 1083 (47 U.S.C. 151, 152, 301, 303, 307))

Adopted: January 6, 1975.

Released: January 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

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

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

1. In § 76.5, Paragraph (dd) is deleted.

2. In § 76.605, paragraph (a)(3), the last sentence in (a)(4), and (a)(8) are amended to read as follows:

§ 76.605 Technical standards.

(a) * * *

(3) The aural center frequency of the aural carrier shall be 4.5 MHz ±1 kHz above the frequency of the visual carrier.

(4) * * * (At other impedance values, the minimum visual signal level shall be $\sqrt{0.0133 Z}$ millivolts, where Z is the appropriate impedance value.)

* * * * *

(8) The amplitude characteristic shall be within a range of ±2 decibels from 0.50 MHz to 5.25 MHz above the lower boundary frequency of the cable television channel, referenced to the amplitude at 1.25 MHz above the lower boundary frequency.

* * * * *

[FR Doc.75-1293 Filed 1-14-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-1]

PART 217—RAILROAD OPERATING RULES

Petition for Reconsideration

On December 20, 1974, the American Public Transit Association filed a petition for reconsideration of the final rule issued in FRA Docket No. RSOR-1 and published in the November 25, 1974, issue of the FEDERAL REGISTER (39 FR 41175). The petition requested that "application (of this rule) to the urban rapid transit industry be reconsidered and that this industry not be subject to the rule or, alternatively that this industry be granted a full and complete waiver and/or exemption."

After carefully considering this petition for reconsideration, the Federal Railroad Administration (FRA) has decided to amend § 217.3 to exclude from the requirements of Part 217, rail rapid transit railroads that operate only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area. This action is not to be construed to mean that the urban rapid transit industry is not subject to regulation by FRA under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.); it merely reflects FRA's belief, on reconsideration, that it is not necessary at this time to subject this industry to the requirements of this rule.

The development of operating rules for railroads is already underway. FRA is being assisted in this task by the Railroad Operating Rules Advisory Committee composed of members from railroads, rail employee organizations and State regulatory bodies. In view of the many differences between urban rail rapid transit operations and railroad operations, FRA has decided to develop rail rapid transit operating rules separately from railroad operating rules. It is our understanding that the rail rapid transit industry will voluntarily furnish the necessary information to FRA in the near future.

In consideration of the foregoing, § 217.3 is revised to read as follows:

§ 217.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate trains or other rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) A rapid transit railroad that operates only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); § 1.49 of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).)

Effective Date: As this amendment merely reduces the applicability of Part 217 and imposes no additional burden on any person, it shall become effective January 15, 1975.

Issued in Washington, D.C. on January 13, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-1448 Filed 1-14-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1149-A]

PART 1033—CAR SERVICE

Fort Worth and Denver Railway Company Authorized To Operate Over Tracks of Quanah, Acme & Pacific Railway Company and Over Tracks of the Atchison, Topeka and Santa Fe Railway Company

JANUARY 10, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of January, 1975.

Upon further consideration of Service Order No. 1149 (38 FR 23793, 29882; 39 FR 14596, 27672), and good cause appearing therefor:

It is ordered, That: § *1033.1149 Fort Worth and Denver Railway Company authorized to operate over tracks of Quanah, Acme & Pacific Railway Company and over tracks of the Atchison, Topeka and Santa Fe Railway Company*, be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., January 8, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-1351 Filed 1-14-75;8:45 am]

[S.O. 1151; Amdt. 3]

PART 1033—CAR SERVICE

Peoria Terminal Company Authorized To Operate Over Tracks of the Peoria and Pekin Union Railway Company

JANUARY 10, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of January, 1975.

Upon further consideration of Service Order No. 1151 (38 FR 27218 and 39 FR 4088, 27672), and good cause appearing therefor:

It is ordered, That § 1033.1151 Peoria Terminal Company authorized to operate over tracks of the Peoria and Pekin Union Railway Company, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 15, 1975.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-1350 Filed 1-14-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Addition of New Iberia, Louisiana and San Juan, Puerto Rico to List of Ports of Export

Statement of considerations. The purpose of this amendment is to add New Iberia, Louisiana, and San Juan, Puerto Rico to the list of ports of export in § 91.3 (a) (1) and (2) of Part 91, 9 CFR. The export facilities at New Iberia, Louisiana, and San Juan, Puerto Rico have been inspected by the Animal and Plant Health Inspection Service and are found to be suitable for the exportation of animals under 9 CFR, Part 91.

Accordingly, in § 91.3, paragraphs (a) (1) (i) and (ii) and (2) (ii) are amended to read:

§ 91.3 Ports of export.

(a) * * *

(1) *Airports.* (i) Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Houston, Texas; San Francisco, California; Portland, Oregon; Moses Lake, Washington; and Honolulu, Hawaii.

(ii) New York, New York and San Juan, Puerto Rico: Limited facilities are available for certain species of animals.[1]

(2) *Ocean ports.*

(i) * * *

(ii) New York, New York and San Juan, Puerto Rico: Limited facilities are available for certain species of animals.[1]

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended, 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509(d)); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective January 15, 1975.

The amendment relieves certain restrictions by permitting the exportation of livestock through additional ports of export, and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 10th day of January 1975.

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

[FR Doc.75-1328 Filed 1-14-75;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Correction and Clarification; Miscellaneous Amendments

Correction

In FR Doc. 75-156, appearing at page 757, in the issue for Friday, January 3, 1975, make the following correction. On page 758, in the first column, the last three lines of the fourth paragraph should be changed to read "changing the word "orally" to "intraperitoneally" and also by changing "MLD_{50} dose" to read "MLD dose." "

[1] Further information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

PART 113—STANDARD REQUIREMENTS

Correction and Clarification; Miscellaneous Amendments

Correction

In FR Doc. 75–156, appearing at page 757 in the issue for Friday, January 3, 1975, make the following further corrections on page 758 in the first column:

The sixth full paragraph should read as set forth below:

Section 113.97 is further corrected by changing the word "at" to "and" in paragraph (c) (1) (vi); and by adding a period at the end of paragraph (c) (2). Paragraph (c) (4) (vi) is clarified by inserting the words "one ml of this solution." The spelling of "doses" is corrected in paragraph (c) (5) (iii).

2. The section number in the first line of the ninth full paragraph which reads "§ 113.251" should read "§ 113.121." The first word in the second line should read: "reworded".

3. In the eleventh full paragraph, seventh line, the word which now reads "proving", should read: "providing".

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment—Department of Defense Allocations

The Federal Energy Administration hereby amends, effective immediately § 211.26, Chapter II of Title 10, Code of Federal Regulations, concerning allocations to the Department of Defense.

This amendment adds a paragraph (e) to § 211.26 requiring Department of Defense suppliers to enter into contracts with the Department of Defense or authorized components thereof for the sale of allocated products. The required contract terms shall set forth the volume, price and specifications of the product involved, the delivery requirements, and the contract clauses prescribed by the Armed Services Procurement Regulation (1974 Edition), as amended, to implement the Truth in Negotiations Act and section 719 of the Defense Production Act of 1950.

The Department of Defense has traditionally obtained its domestic fuel requirements through competitive bid procedures. Since the implementation of the Mandatory Petroleum Allocation Regulations, however, suppliers of fuel to the Department of Defense have been designated pursuant to those regulations, generally on the basis of 1972 supplier/purchaser relationships, which has prevented the use of competitive bids.

In the absence of competitive bidding procedures, the Department of Defense is required by law to procure fuel on the basis of negotiated written contracts, subject to certain provisions of procurement statutes and regulations which do not apply to competitive bids. These provisions relate generally to disclosure by suppliers of information pertaining to cost and pricing data as a means of assuring the Department of Defense of the appropriations of its expenditures. However, some suppliers have refused to enter into contracts with the Department of Defense which require them to provide such information, claiming that FEA's regulations only require that allocated products be made available to the Department of Defense at prices permitted by FEA's regulations. The effect of this interpretation of FEA's regulations is to prevent the Department of Defense from accepting supplies of fuel which FEA requires to be supplied to it. Obviously, such an interpretation would frustrate the objectives of FEA's allocation program.

The FEA, therefore, has determined that it is consistent with its authority under the Emergency Petroleum Allocation Act of 1973 and necessary to carry out the objectives of the Act to require suppliers to provide the type of cost and pricing data and cost accounting information which the Department of Defense is required to obtain from suppliers under negotiated contract procedures and to comply with Cost Accounting Standards.

The amendment requires suppliers to provide the data and to make disclosures prior to execution of a contract and to execute contracts which contain the contract clauses prescribed by the Armed Services Procurement Regulations to implement the Truth in Negotiations Act and to meet the requirements of the Cost Accounting Standards Board ("CASB") established by section 719 of the Defense Production Act of 1950. The disclosures and data required by the amendment are not inconsistent with FEA regulations and the submission of the required information disclosure and compliance with Cost Accounting Standards do not require the supplier to adopt accounting methods or allocate costs in a manner different than the methods which the supplier uses to comply with FEA's regulations. FEA believes that the public interest is served by permitting the Department of Defense to have access to such information in order to determine whether suppliers' prices are in accordance with FEA price regulations, thus assisting FEA in its compliance and enforcement efforts.

Section 7(i) (1) (B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined that the refusal on the part of some suppliers to furnish certain information to the Department of Defense has seriously disrupted and threatens to continue to disrupt supplies of allocated products to the Department of Defense, thereby creating a threat to national security, and that strict compliance with the requirements of section 7(i) (1) (B) of the FEAA would thus cause serious harm and injury to the public safety and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c) (2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agency for his review.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on Wednesday, February 5, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Monday, January 27, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Wednesday, January 29, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Wednesday, January 29, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., Tuesday, February 4, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be

no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Monday, February 3, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m, Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box BV, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Department of Defense Allocations." Fifteen copies should be submitted. All comments received by Friday, January 31, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, P.L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., January 9, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.26 is amended by adding paragraph (e) to read as follows:

§ 211.26 Department of Defense allocations.

* * * * *

(e) Suppliers of the Department of Defense shall enter into written contracts with the Department of Defense or an authorized component thereof, the terms of which shall include the volume, the price, and the specifications of an allocated product to be delivered thereunder, and delivery requirements, consistent with the Mandatory Petroleum Allocation and Price Regulations, and the contract clauses prescribed by the Armed Services Procurement Regulation (1974 Edition), as amended, to implement or comply with the Truth in Negotiations Act (Pub. L. 87–653) and section 719 of the Defense Production Act of 1950, as amended (Pub. L. 91–379). Unless excepted by the Department of Defense or the Cost Accounting Standards Board, suppliers of the Department of Defense shall, prior to entering into written contracts with the Department of Defense, provide certified cost or pricing data in the form and manner prescribed by the Armed Services Procurement Regulation (1974 Edition), as amended, to implement or comply with the Truth in Negotiations Act (Pub. L. 87–653) and shall comply with Cost Accounting Standards and, if required, shall make the disclosures in the form and manner required by the regulations of the Cost Accounting Standards Board, to implement section 719 of the Defense Production Act of 1950 (Pub. L. 91–379).

[FR Doc.75–1226 Filed 1–14–75;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 223]

SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Notice of Proposed Rule Making

Correction

In FR Doc. 75–113, appearing at page 786 in the issue of Friday, January 3, 1975, make the following changes: On page 786, in the second column, third line of paragraph (c) of § 223.22 the word "certificate" should replace the word "certification". Also on page 786, in the second column, third line of paragraph (3) under the heading for § 223.1 a comma should be inserted between the words "of and recognizances". Finally, on the same page "and" in the same column, in the 14th line of paragraph (b) of § 223.3 should be corrected by inserting the letter "a" between the words "for" and "certificate".

Internal Revenue Service

[26 CFR Part 1]

INDUSTRIAL DEVELOPMENT BONDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 17, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9) any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 17, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

APPENDIX

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) to conform the regulations to section 103(c) of the Internal Revenue Code, relating to industrial development bonds, as added by section 107(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266). Interest on an industrial development bond does not qualify for the exclusion from gross income under section 103(a)(1) of interest on State or local governmental obligations, subject to certain exceptions. Section 103(c)(4)(F) provides an exception in the case of an industrial development bond used to finance air or water pollution control facilities, so that interest on such an obligation may qualify for the exclusion under section 103(a)(1).

Section 1.103–8(g)(2) of existing regulations defines property that qualifies as an air or water pollution control facility but does not provide rules relating to facilities which remove pollutants from fuel. The proposed amendment in this document adds subdivision (vi) to § 1.103–8(g)(2) to provide that a pollution control facility does not include a facility which removes elements or compounds from fuels which would be released as pollutants when such fuels are burned. Such a nonqualifying facility includes all property used to remove such elements or compounds from fuel. Related facilities for the handling and treatment of wastes and other pollutants (including wastes or pollutants potentially usable as a fuel) resulting from that removal process (including the elements and compounds removed) may, under some circumstances, qualify as a pollution control facility under the rules of paragraph (g) of § 1.103–8.

Section 1.103–8(g)(2)(vi) is consistent with the regulations prescribed by the Environmental Protection Agency (40 CFR 20.8(d)) published in the FEDERAL REGISTER on May 26, 1971 (36 FR 9509), relating to certifications of pollution control facilities under section 169 of the Internal Revenue Code of 1954.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to provide rules for defining facilities that qualify as air or water pollution control facilities, the Income Tax Regulations (26 CFR Part 1) under section 103(c)(4)(F) of the Internal Revenue Code of 1954 are amended as follows:

Section 1.103–8 is amended as follows:

(1) The last sentence in paragraph (g)(2)(ii) is revised, and

(2) A new subdivision (vi) is added to paragraph (g)(2) to read as follows:

§ 1.103–8 Interest on bonds to finance certain exempt facilities.

* * * * *

(g) *Air or water pollution control facilities.* * * *

(2) *Definitions.* * * *

(ii) * * * For rules relating to facilities which remove pollutants from fuel, see subdivision (vi) of this subparagraph.

(vi) A facility which removes elements or compounds from fuels which would be released as pollutants when such fuels are burned is not a pollution control facility whether or not such facility is used in connection with a plant or property where such fuels are burned. Such a nonqualifying facility includes all property used to remove such elements or compounds from fuel. Related facilities for the handling and treatment of wastes and other pollutants (including wastes or pollutants potentially usable as a fuel) resulting from that removal process (including the elements and compounds removed) may, under some circumstances, qualify as a pollution control facility under the rules of this paragraph.

* * * * *

[FR Doc.75–1459 Filed 1–14–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 55, 56, 59, 70]

EGGS AND POULTRY

Federal Grading and Inspection; Miscellaneous Amendments

Correction

In FR Doc. 75–655, appearing at page 1706 in the issue of Thursday, January 9, 1975, make the following changes:

1. The third word in the third line of the last column on page 1706 should read, "submersion".

2. In § 56.36 on page 1707, the fifth line of paragraph (a)(2), now reading, "grademark, provided, it appears

promi-", should read, "grademark (illustrated in Figure 3). This".

[7 CFR Part 1139]

[Docket No. A0-374-A3]

MILK IN THE LAKE MEAD MARKETING AREA

Emergency Partial Decision on Proposed Amendments To Marketing Agreement and To Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Lake Mead marketing area. The hearing was held, 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 (7 CFR Part 900, at Las Vegas, Nevada, pursuant to notices thereof issued on October 9, October 22, and November 15, 1974 (39 FR 36861, 37991, 40861, respectively).

The material issues on the record relate to:

1. Class I pricing after February 1, 1975.
2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.
3. Pool plant qualification standards.
4. Diversion limitations on producer milk.
5. Handlers' obligation with respect to milk received from pool supply plants.
6. Payment by handlers to the producer-settlement fund on own farm production received during the first 15 days of each month.
7. Option permitting handlers to pay producers directly rather than transmitting such funds to the market administrator for subsequent distribution.

This decision deals only with issues No. 1 and 2. The remaining issues of the hearing will be considered in a further decision on this record.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class I price provisions now provided in the order should be extended indefinitely beyond the expiration date of January 31, 1975.

When the Lake Mead order was promulgated, the Class I price provisions were made effective for 18 months following the date on which the order became effective (August 1, 1973). This was done to provide a review of the Class I price level after at least a year of order operation to determine whether the formula provided appropriately reflects prevailing marketing conditions.

Presently, the Lake Mead Class I price is determined by adding a Class I differential of $1.60 to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin.

Two cooperative associations that supply most of the fluid milk needs of the market proposed that the Class I differential be increased to $1.90 from the $1.60 now provided. The reasons given for the proposed increase were:

(1) The Lake Mead order, since its inception, has had the lowest Class I price of all surrounding Federal order markets, and

(2) The Lake Mead Class I price presently is lower than either the State of California's or the State of Nevada's regulated price.

In proponents' view, continued market stability requires that the Class I differential be increased as proposed.

The Assistant Secretary relied to a great extent upon the level of the State of California's Class I price in establishing the current level of Class I pricing under the Lake Mead order. His findings and conclusions relating to that issue were set forth in his final decision on June 1, 1973 (38 FR 15008). Official notice of that decision is hereby taken.

In establishing the current level of Class I pricing in Lake Mead with respect to California Class I prices, the Assistant Secretary stated as follows:

For purposes of insuring an adequate supply to the Lake Mead market, the Class I price applicable at Los Angeles, Calif., is relevant. The main alternative supply area for the Lake Mead market is situated between Los Angeles and Las Vegas. Much of the milk supply produced there is assembled in the Bakersfield, Calif., area, and can move readily either to Los Angeles or Las Vegas as the relative prices dictate.

A hearing was held by the State of California authorities in Sacramento, Calif., on January 3, 1973. Following that hearing the California minimum price for the Southern Metropolitan area (Los Angeles) was set, effective February 1, 1973, at $6.77 per hundredweight for Class I milk testing 3.5 percent butterfat. Official notice of that hearing and decision is taken at this time because such price affects the value of milk produced in the Bakersfield area, which is significant to consideration of the price needed in the Lake Mead market to insure an adequate supply.

The Los Angeles Class I price applicable at Bakersfield is $6.57 ($6.77 minus $0.20). Bakersfield is 286 miles from Las Vegas. At a hauling rate of 1.5 cents per 10 miles (equivalent to the location adjustment discussed elsewhere herein) it would cost about 43 cents to transport milk to Las Vegas from the Bakersfield area. For April 1973, the Lake Mead Class I price adjusted for the Bakersfield location would be $6.62 ($7.05 minus $0.43), only 5 cents more than the Los Angeles price for that location. Thus, if production of local producers falls short, the Lake Mead market still will be in a position to obtain alternative supplies without greatly increased cost.

The California Class I price at the present time greatly exceeds the Lake Mead Class I price. During the period of August 1973-December 1974 the California Class I price increased from $7.18 in August to $8.33 in November 1973 to $9.48 in April 1974. The Class I price remained at that level during the remaining months of 1974. During that same period the Lake Mead Class I price increased from $7.33 in August to a high of $9.75 in May 1974. The Class I price then decreased to $7.89 in September. From then the Class I price increased to $8.42 in December 1974.

Since the promulgation of the Lake Mead order there has been a significant increase in the volume of milk pooled and a decrease in the Class I utilization percentage of producer milk under the order. Even though the California Class I price now exceeds the Lake Mead Class I price by a substantial amount there is no impending threat to the adequacy of milk supplies for the Lake Mead market.

The Class I differential under the nearest Federal order market to the Lake Mead market (Great Basin) exceeds the Lake Mead Class I differential by 30 cents. With this differential in pricing dairy farmers located in the area between Las Vegas and Salt Lake City, Utah, have shifted variously from one order to the other. The net trend, however, has been a shift from the Great Basin market to the Lake Mead market. From the time the order became effective through July 1974, the number of producers supplying the market has increased. In August 1973, there were 46 producers whose milk was pooled under the order. By July 1974, there were 59 producers supplying the market.

The number of producers declined to 50 in August 1974. That decline can reasonably be presumed to have reflected a decrease in receipts at a cooperative operated pool supply plant contrived to insure the plant's continued pooling under the prescribed minimum shipping requirements during the months of August 1974 through February 1975 when qualifying shipments are required and in the subsequent months of March through July 1975 when the plant could retain pooling status without shipments.

The number of producers on the market in August 1974 compared to one year ago represented an increase of four. The most recent data available at the hearing indicated that 53 producers were supplying the market in October 1974.

Although it is still necessary for the market to acquire some fluid milk products from outside sources, the overall supply pattern for the Lake Mead market has improved markedly since the inception of the order. Total producer milk receipts for the market increased about 24 percent for August 1974, as compared with the same month the previous year. For the months of August through October 1974, producer milk receipts were about 26 percent higher than the same period of the preceding year. Except for the months of September 1973 and February 1974, producer milk receipts during the period August 1973 through July 1974 exceeded that of the preceding month.

Some of the increase in milk receipts on the market has resulted from an increase in the number of producers supplying the market. However, there is evidence that individual producers have increased their milk production. The four producers who are not members of the two cooperative associations supplying milk to handlers in the Lake Mead market increased their Lake Mead market production approximately 10 percent from August 1973–August 1974. Although these producers represent less

than 10 percent of the producers on the market, their total production amounts to approximately ⅓ of the producer receipts on the Lake Mead market.

Further, the proportion of milk used in Class I indicates that an adequate reserve of milk for Class I use is being provided under current marketing conditions. At the outset of the order, the proportion of producer milk used in Class I averaged about 81 percent for the months August through October 1973. For the same months of 1974, the proportion used in Class I was about 66 percent.

It is evident from the foregoing data that producer milk supplies are adequate to meet the fluid milk requirements of the market plus a necessary reserve. At the current level of producer milk receipts relative to Class I sales, there is no basis for increasing the Class I differential as proposed by producers.

Proponents further stated that, in their view, the record of a hearing held at Rosemont, Illinois, October 8–10, 1974 (Docket No. AO–361–A12, et al.) to consider the level of Class I prices under all orders, including Lake Mead, demonstrated the need for higher Class I prices under the Lake Mead order. Official notice is taken of the final decision with respect to such hearing (FR 44051) recommending that Class I prices under each of the Federal milk orders be continued at current levels. Accordingly, there is no basis on that record for changing the Class I differential of the Lake Mead order.

In view of the substantial increase in the volume of producer milk that has been supplied to the market since the order became effective, it is reasonable to expect that continuance of the present Class I price formula should keep the market adequately supplied with producer milk after January 31, 1975.

Accordingly, it is concluded that the present Class I differential of $1.60 per hundredweight should not be changed at this time.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto with respect to Issue No. 1. The continued orderly marketing of milk through pool plants requires that the attached order be made effective not later than February 1, 1975. Handler and cooperative associations should know promptly and with certainty the Class I price provisions of the order beyond January 31, 1975, the expiration date of the present provisions.

The hearing notice stated that consideration would be given to the emergency marketing conditions relating to the proposed amendment. Action under the procedure described above was supported at the hearing and in their brief by the producer cooperative associations participating in the hearing. There was no opposition to the requested expedited action.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Lake Mead marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

November 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as hereby proposed to be amended, regulating the handling of milk in the Lake Mead marketing area is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on: January 10, 1975.

Richard L. Feltner,
Assistant Secretary.

Order amending the order, regulating the handling of milk in the Lake Mead Marketing Area [1]

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lake Mead marketing area.

The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lake Mead marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

Revise § 1139.50(a) to read as follows:

§ 1139.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60.

* * * * *

MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE LAKE MEAD MARKETING AREA

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ 1139.1 to 1139.86, all inclusive, of the order regulating the handling of milk in the Lake Mead marketing area which is annexed hereto; and

II. The following provisions:

§ 1139.87 *Record of milk handled and authorization to correct typographical errors.*

(a) *Record of milk handled.* The undersigned certifies that he handled during the month of *November 1974,* ---------- hundredweight of milk covered by this marketing agreement.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Consumer and Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ 1139.88 *Effective date.* This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In witness whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

---------- (Signature)

(SEAL) By ---------- (Name) (Title)

---------- (Address)

Attest ----------
Date ----------

[FR Doc.75-1327 Filed 1-14-75;8:45 am]

[7 CFR Part 1207]

[Amdt. 4]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Rulemaking

This proposal would clarify the responsibility of designated handlers to pay assessments by removing the option of a producer to pay assessments on his potatoes on behalf of the designated handler thereof.

Consideration is being given to the approval of a proposed amendment of the rules and regulations in § 1207.512, *Designated handler,* which was recommended by the Executive Committee of the National Potato Promotion Board on December 3, 1974. The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207; 37 FR 5008). The plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

All persons who desire to submit data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 31, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. Section 1207.512 *Designated handler* now allows the producer the option of paying the assessment on his own potatoes on behalf of the designated handler thereof. This provision was originally included as a convenience to the parties involved. These provisions do not in any way indicate that there can be a transfer of responsibility for payment. The responsibility for payment of assessments under the Potato Research and Promotion Plan is solely that of the handler. He cannot be relieved of such responsibility under any circumstances. However, there apparently has been confusion regarding responsibility of payment under these provisos. In order to eliminate this confusion it is proposed that the provisos permitting this option be deleted.

The proposal is as follows:

In paragraphs (b) and (c) § 1207.512 *Designated handler,* delete the provisos as follows:

§ 1207.512 [Amended]

* * * * *

(b) * * *: *Provided,* That such producer-handler may elect to pay the assessments on his potatoes on behalf of the designated handler. * * *

(c) * * *: *Provided,* That the producer may elect to pay the assessment on his potatoes on behalf of the designated handler."

Dated: January 9, 1975.

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

[FR Doc.75-1268 Filed 1-14-75;8:45 am]

Food and Nutrition Service

[7 CFR Part 220]

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Notice of Proposed Rulemaking

Notice is hereby given that the Food and Nutrition Service intends to amend the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses in order to implement Federal Management Circular 74-7 (34 CFR Part 256, 39 FR 35787) which prescribes uniform administrative requirements for Federal grants-in-aid to State and local governments, and for other purposes. The background of the Circular is set forth in 34 CFR 256.3 as follows:

On March 27, 1969, the President ordered a 3-year effort to simplify, standardize, decentralize, and otherwise modernize the Federal grant machinery. The standards included in the attachments to this part replace the multitude of varying and oftentimes conflicting requirements in the same subject matter which have been burdensome to State and local governments. Inherent in the standardization process is the concept of placing greater reliance on State and local governments. In addition, the Intergovernmental Cooperation Act of 1968 was passed, in part, for the purpose of: (a) Achieving the fullest cooperation and coordination of activities among levels of Government, (b) improving the administration of grants-in-aid to the States, and (c) establishing coordinated intergovernmental policy and administration of federal assistance programs.

* * *

A number of proposed changes to this part leave specific details of program administration to State agency discretion. The Department's role in these areas will be to provide guidance rather than to dictate procedures. In this connection, the requirements of the provisions now removed from these regulations may be viewed as acceptable practices which State agencies may modify to meet their own needs. Before making the proposed changes effective for fiscal year 1976, the Department will provide appropriate guidance materials to State agencies to aid them in developing their own procedures.

In order to implement Federal Management Circular 74-7, the changes listed below are proposed.

(1) State agencies will be responsible for prescribing the accounting records relating to their use of the Federal grants made to them under this part. These records must meet the general requirements of being accurate, current, and complete.

(2) The restrictions on advances of funds to School Food Authorities for April of each year will be dropped. The requirement that the amount of the advance is to be based on the reimbursement needed for 1 month's operations remains in effect.

(3) State agencies will be responsible for specifying and documenting the criteria used to determine whether a school

draws a substantial portion of its attendance from areas in which poor economic conditions exist.

(4) State agencies will specify the data items on the documents used to reimburse School Food Authorities under the School Breakfast and Nonfood Assistance Programs.

(5) The requirements for the State Plan of Child Nutrition Operations will be modified to include a plan for monitoring program performance and measuring progress toward achieving program goals. The State Plan will also include plans for a State audit program which will provide for audits of State agencies and School Food Authorities at least once every two years.

(6) The provision dealing with the disqualification of State agencies and School Food Authorities from future participation is amended to require FNS to provide written notice and justification when a Federal grant is terminated for cause.

(7) Record retention requirements are modified to permit State agencies to maintain records in their original form or on microfilm. Records for nonexpendable property which was acquired with Federal grant funds must be retained for three years after its final disposition.

(8) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(9) Property management requirements and procurement standards are prescribed for State agencies. These procedures are suitable for application at the School Food Authority level if State agencies desire to require them.

Other purposes for which the regulations are being amended are to: (1) Allow the serving of granola type cereals; (2) permit flexibility in the use of reduced price charges to children in the determination of allowable program reimbursement at the end of the fiscal year; and (3) give State governors the opportunity to review and comment on State Plans of Child Nutrition Operations. A number of changes to update terminology and other minor changes of a technical nature are also made.

Comments, suggestions, or objections are invited and in order to be sure of being considered should be delivered to William G. Boling, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than February 14, 1975. Communications should identify the regulations section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5:00 p.m.) (7 CFR 1.27(b)).

1. The table of sections is amended by deleting the word "Reimbursement" in § 220.9, deleting the phrase "for reimbursement" in § 220.10 and inserting in lieu thereof the phrase "of payments to School Food Authorities", deleting the word "Reimbursement" from § 220.11 and inserting in lieu thereof the word "Payment", deleting the word "Reimbursement" in § 220.17, revising § 220.18 to read "Property management requirements", deleting the words "Administrative analyses" in § 220.26 and inserting in lieu thereof the words "Management evaluations", and adding a new § 220.26a entitled "Procurement standards."

2. § 220.1 is amended by deleting the word "apportionment" and inserting the word "payment" in lieu thereof, and by deleting the phrase "by Public Law 90–302".

3. § 220.2 is amended by revising paragraph (c), redesignating paragraph (o–1) as (o–2), and by adding new paragraphs (b), (c–1), (k–1), (o), and (o–1). The added and revised provisions read as follows:

§ 220.2 Definitions.

* * * * *

(b) "Acquisition cost" means the net invoice price of nonexpendable personal property acquired by purchase. This property includes any attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective intransit insurance, freight, or installation are also included.

(c) "Breakfast" means a meal served to school children at the beginning of the child's school day which meets the nutritional requirements set out in this part.

(c–1) "Expendable personal property" means all tangible personal property other than nonexpendable personal property.

* * * * *

(k–1) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. The State agency may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined herein.

* * * * *

(o) "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights.

(o–1) "Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

* * * * *

4. § 220.4 is amended by revising paragraph (a) to read as follows:

§ 220.4 Payment of funds to States and FNSROs.

(a) For each fiscal year, at such times as the Secretary may determine, breakfast assistance payments shall be made to each State agency, or FNSRO where applicable, from any Federal funds available therefor, for breakfasts meeting the requirements set forth in § 220.8 served during that fiscal year to eligible children in schools in the State which participate in the School Breakfast Program under agreements with the State agency, or FNSRO where applicable, in an amount equal to the sum of the results obtained by multiplying: (1) The total number of such breakfasts by the applicable national average per breakfast factor or factors prescribed for all breakfasts; (2) the number of such breakfasts served free by the applicable national average per breakfast factor or factors prescribed for free breakfasts; and (3) the number of such breakfasts served at reduced price by the applicable national average per breakfast factor or factors prescribed for reduced price breakfasts. However, the aggregate amount of all breakfast assistance payments made to each State agency, or FNSRO where applicable, for any fiscal year, shall not be less than the amount of the payments made by the State agency, or FNSRO where applicable, to participating schools within the State for the fiscal year ending June 30, 1972.

* * * * *

5. § 220.5 is revised to read as follows:

§ 220.5 Method of payment to States.

Funds to be paid to any State for the School Breakfast Program shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (a) Obtain funds needed to reimburse or advance to School Food Authorities through presentation by designated State officials of a Payment Voucher on Letter of Credit in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) draw only such funds as are needed to pay claims certified for payment or to make authorized advances; and (c) use such funds without delay for the purpose for which withdrawn.

6. § 220.6 is revised to read as follows:

§ 220.6 Use of funds.

Federal funds made available under the School Breakfast Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payments to School Food Authorities in connection with breakfasts served in accordance with the provisions of this part: *Provided* That, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds earned in any fiscal year under the School Breakfast Program. Advance payments to School Food Authorities may be made at such times and in such amounts as are necessary to meet current obligations.

§ 220.7 [Amended]

7. § 220.7 is amended by deleting the phrase "close of the Federal fiscal year

to which they pertain" in paragraph (d) (3) and inserting in lieu thereof the phrase "date of the submission of the general expenditure report"; deleting the word "reimbursement" in subparagraph (6) of paragraph (e) and inserting in lieu thereof the word "payment"; deleting the words "claims for reimbursement" in subparagraph (7) of paragraph (e) and inserting in lieu thereof the words "payment vouchers"; and by revising paragraph (b) and the first sentence and subparagraph (12) of paragraph (e) to read as follows:

* * * * *

(b) Applications shall solicit information in sufficient detail to determine whether the School Food Authority is eligible to participate in the Program and extent of the need for Program payments.

* * * * *

(e) The State agency, or the Department through FNSRO where applicable, shall enter into a written agreement with each School Food Authority for schools approved for participation in the School Breakfast Program. * * * (12) maintain a financial management system as prescribed by the State agency, or FNSRO where applicable.

* * * * *

8. § 220.8 is amended by revising paragraphs (a)(3) and (b)(1) to read as follows:

§ 220.8 Nutritional requirements for breakfasts.

(a) * * *

(3) One slice of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup or one-ounce serving, whichever is less (volume or weight), of whole-grain cereal or enriched or fortified cereal; or an equivalent quantity of any combination of these foods.

(b)(1) To improve the nutrition of the participating children, breakfasts shall also include as often as practicable protein-rich foods such as an egg; a serving of meat, poultry, fish, cheese, or peanut butter; or any combination of any of these foods.

* * * * *

9. § 220.9 is revised to read as follows:

§ 220.9 Payments.

(a) Payment shall be made only in connection with breakfasts meeting the requirements of § 220.8.

(b) Except as otherwise provided in paragraph (c) of this section, the maximum rates of payment for breakfasts served to eligible children shall be as follows: (1) *For paid breakfasts.* The applicable national average per breakfast factor for all breakfasts; (2) *For reduced price breakfasts.* The sum of the applicable national average per breakfast factors for all breakfasts and for reduced price breakfasts; and (3) *For free breakfasts.* The sum of the applicable national average per breakfast factors for all breakfasts and for free breakfasts: *Provided, however,* That, within such maximum rates, the total payment for breakfasts served to eligible children during the fiscal year shall not exceed the total cost of such breakfasts served during the fiscal year, minus the sum of the products obtained by multiplying the total number of paid breakfasts served to children during the fiscal year by the full charge to children, and multiplying the total number of reduced price breakfasts served to eligible children during the fiscal year by the highest reduced price charge to children, except that when the highest reduced price charge to children was decreased and such decrease was sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

(c) A school participating in the School Breakfast Program may be considered for rates of payment in excess of the specified maximum rates of payment set forth in paragraph (b) of this section if it is an especially needy school. An especially needy school is one which establishes to the satisfaction of the State agency, or FNSRO where applicable, that it would be financially unable to support the service of free and reduced price breakfasts at such maximum rates because of: (1) The need to serve an especially high percentage of such free and reduced price breakfasts to children meeting the school's eligibility standards; or (2) unusual costs required to provide a breakfast in the school in spite of the observance of good management practices; or (3) other unusual factors indicative of a special financial need. The State agency, or FNSRO where applicable, shall determine that the impact of such factors on the per-breakfast cost of providing a breakfast in the school is such that the School Food Authority is financially unable to support the service of such free and reduced price breakfasts after taking into consideration the per-breakfast revenues available from School Breakfast Program payment, from State and local revenues, including revenues from the sale of fully paid and reduced price breakfasts, and savings from the effective utilization of commodities available under Part 250 of this chapter. The State agency, or FNSRO where applicable, shall also determine to its satisfaction that revenues available to support the service of breakfasts sold at regular prices in the school are sufficient to cover the cost of such service. Upon such determinations the State agency, or FNSRO where applicable, may assign rates of payment which are in excess of the rates specified in paragraph (b) of this section and which, together with revenues available from other sources, will finance up to 100 per centum of the cost of operating the school's nonprofit breakfast program. The total payment made for free and reduced price breakfasts served in schools to children eligible for such breakfasts may exceed the costs of providing such breakfasts for any given month: *Provided, however,* That the total payment made for free and reduced price breakfasts served to children during the fiscal year may not exceed the lesser of the following amounts: (1) The sum of the products obtained by multiplying the total number of free breakfasts served to eligible children during the fiscal year, by 45 cents, and by multiplying the total number of reduced price breakfasts served to eligible children during the fiscal year, by 40 cents, or (2) the total cost of providing free and reduced price breakfasts served to eligible children during the fiscal year minus the product obtained by multiplying the total number of reduced price breakfasts served to eligible children during the fiscal year by the highest reduced price charge to children, except that when the highest reduced price charge to children was decreased and such decrease was sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

§ 220.10 [Amended]

10. § 220.10 is amended by deleting the phrase "for reimbursement" from the title and inserting in lieu thereof the phrase "of payments to School Food Authorities."

§ 220.11 [Amended]

11. § 220.11 is revised by deleting the word "Reimbursement" from the title and inserting the word "Payment" in lieu thereof, by deleting the terms "Claims for Reimbursement", "claim for reimbursement", "claims for reimbursement", and "claim" and inserting in lieu thereof the terms "Payment Voucher", "payment voucher", "payment vouchers", and "payment voucher", respectively; by deleting paragraph (d); by deleting the last two sentences of paragraph (e); and by revising paragraph (b) to read as follows:

* * * * *

(b) Payment vouchers shall include data in sufficient detail to justify the payment claimed and to enable the State to provide the information for the monthly reports required under § 220.24 (b).

* * * * *

(d) [Deleted]

* * * * *

§ 220.16 [Amended]

12. § 220.16 is amended by deleting the phrase ", on a form approved by CND," in paragraph (c), deleting paragraph (c)(6) and by revising paragraph (a) and adding a new paragraph (d) to read as follows:

(a) The School Food Authority shall make written application to the State agency, or FNSRO where applicable, for any school which it desires to participate in the Nonfood Assistance Program. Applications shall include information in sufficient detail to ensure that the school is eligible for assistance under § 220.15 of this part and to ascertain the amount of financial assistance required.

* * * * *

(d) Each State agency or FNSRO where applicable, shall require School Food Authorities to submit a payment voucher. Such payment vouchers shall include data in sufficient detail to justify the payment claimed and to enable the State to provide the information needed for reports and records required under § 220.24.

13. § 220.18 is revised to read as follows:

§ 220.18 Property management requirements.

(a) *General purpose and scope.* This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by the State agency for use in the food service operation in public schools participating in any program authorized under the National School Lunch Act or Child Nutrition Act whose cost was borne in whole or in part with Nonfood Assistance funds. State agencies may follow their own property management policies and procedures provided they observe the requirements of this section.

(b) *Nonexpendable personal property.* The following requirements shall be observed in the acquisition, use and disposition of nonexpendable personal property:

(1) *Title.* When nonexpendable personal property is acquired by a State agency wholly or in part with Federal funds, title shall be vested in the State agency.

(2) *Use.* The State agency shall retain such property in the program as long as there is a need for such property to accomplish the purpose of the program whether or not the program continues to be supported by Federal funds.

(3) *Disposition.* When there is no longer a need for such property to accomplish the purpose of the program, the State agency shall use the property in connection with other Federal programs it administers. Priority shall be given to Federal programs administered by the Department over the programs administered by other Federal agencies. When the State agency no longer has need for such property in any of its federally assisted programs, the property may be used for the State agency's own official activities. In such situations, the State agency may use the property without reimbursement to the Federal Government or sell the property and retain the proceeds if the property had an acquisition cost of less than $500 per unit and has been used 4 years or more. In the case of other property, the State agency may retain the property for its own use, *Provided,* That a fair compensation is made to the Department for the Federal share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the property to the current fair market value of the property. If the State agency has no need for the property, disposition shall be made as follows:

(i) Except for property having an acquisition cost of less than $500 per unit which has been used for 4 years or more, the State agency shall sell property having an acquisition cost of $1,000 or less per unit and reimburse the Department in accordance with paragraph (b) (3) (ii) of this section.

(ii) If the property had an acquisition cost of over $1,000 per unit, the State agency shall request disposition instructions from the Department. The Department will issue instructions to the State agency within 120 days following the receipt of the request. If the State agency is instructed to ship the property elsewhere, the State agency will be reimbursed by the Federal Government with an amount which is computed by applying the percentage of the State agency's participation in the cost of the property to the current fair market value of the property plus any shipping or interim storage costs incurred. If the State agency is instructed to otherwise dispose of the property, the State agency will be reimbursed by the Department for the costs incurred in the disposition. If disposition instructions are not issued within the 120-day period, the State agency shall sell the property and reimburse the Department with an amount which is computed by applying the percentage of Federal participation in the cost of the property to the sales proceeds. The State agency may, however, deduct and retain from that amount, $100 or 10 percent of the proceeds, whichever is greater, for the State agency's selling and handling expenses.

(iii) *Special property.* When the Department determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, or difficult or costly to replace, the Department may reserve the right to require the State agency to transfer title to the property to the Department or to a third party subject to the following provisions:

(A) The right to require the transfer of title may be reserved only by means of an express special condition in the grant or contract, or if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(B) The property shall be appropriately identified in the award document or otherwise made known to the State agency.

(C) The Department will not exercise this right until the State agency no longer needs the property in the program for which it was acquired. That need will be deemed to end on the date of completion or termination of the grant or contract unless the State agency continues to conduct the program after that date and demonstrates to the Department a continued need for the property in the program.

(D) The Department will issue disposition instructions within 120 days after the completion of the need for the property under the program for which it was acquired. If instructions are not issued within such 120-day period, the Department's right shall lapse, and the State agency shall apply the applicable standards contained in paragraphs (b) (2) and (b) (3) of this section.

(E) The State agency shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Department's disposition instructions.

(4) *Property management standards.* The State agency property management standards for nonexpendable personal property shall also include the following procedural requirements:

(i) Property records shall be maintained accurately and provide for: (A) A description of the property; (B) manufacturer's serial number or other identification number; (C) acquisition date and cost; (D) source of the property; (E) percentage of Federal funds used in the purchase of the property; (F) location, use, and condition of the property; and (G) ultimate disposition data including sales price or the method used to determine current fair market value if the State agency reimburses the Department for its share.

(ii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(iii) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or the theft of the property. Any loss, damage, or the theft of nonexpendable property shall be investigated and fully documented. The State agency shall be responsible for replacing or repairing (with funds of such State agency) property which is lost, damaged, or destroyed due to the negligence of the State agency.

(iv) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(v) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Expendable personal property.* The State agency may at its option either retain or sell items of expendable personal property when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Compensation to the Department is required if the aggregate fair market value of all of those items acquired under the grant or contract exceeds $500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sales proceeds of items sold.

(d) *Intangible personal property.* (1) *Patents and inventions.* If any program activity produces patents, patent rights, processes or inventions in the course of work aided by the Department, such fact shall be promptly and fully reported to the Department. The Department will determine whether protection on such invention or discovery shall be sought and

how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971), and "Statement of Government Patent Policy" (as printed in 36 FR 16889).

(2) *Copyrights.* When a program activity results in a book or other copyrightable material, the author or State agency is free to copyright the work, but the Department reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use the work for government purposes.

(e) *Publications.* Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgement:

The activity which is the subject of this report was supported in whole or in part by the U.S. Department of Agriculture, Food and Nutrition Service. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Agriculture, and no official endorsement by the U.S. Department of Agriculture should be inferred.

(f) *Determining percentage of participation.* (1) Various provisions in this section require a determination of the percentage of Federal participation in the cost of the project or program in order to compute the amount of compensation for the value, or proceeds from sale of property. In determining the applicable percentage, there shall first be deducted from the allowable costs incurred during the period for obligation, any royalties or other income (not including interest income or proceeds from sale of property) earned by the federally-supported project or program during the period for obligation.

(2) The deduction of income required by paragraph (f)(1) of this section is independent of, and is not intended to control, the disposition of such income.

14. § 220.24 is amended by deleting the last sentence of paragraph (i), adding a new paragraph (j) and revising paragraphs (a), (b), (f), and (g) to read as follows:

§ 220.24 Special responsibilities of State agencies.

(a) Each State agency, or FNSRO where applicable, shall require each School Food Authority of a school participating in the School Breakfast Program to maintain accurate, current, and complete accounting records, supported by source documentation, which will adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays and income.

(b) Each State agency shall maintain current records on program operations in schools, and shall submit quarterly and monthly reports to CND on a form provided by CND. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the final expenditure report, subject to the exceptions noted below.

(1) If audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Records for nonexpendable property acquired with Federal grant funds shall be retained for three years after its final disposition.

* * * * *

(f) Each State agency shall provide program assistance, as follows:

(1) Each State agency or FNSRO where applicable, shall provide personnel to administer and monitor program performance and to measure progress towards achieving program goals, as specified in the State Plan of Child Nutrition Operations, provided for under § 210.4a of this chapter.

(2) To meet the minimum criteria for approval, the portion of the State Plan which deals with program assistance must include: (i) Objectives, (ii) reasons for the establishment of the objectives, (iii) methods to be used to accomplish the objectives, (iv) evaluation methods to be used in determining if the objectives are being met.

(3) Such assistance shall include visits to participating schools to ensure compliance with program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964.

(4) Documentation of such assistance shall be maintained on file by the State agency, or FNSRO where applicable.

(g) State agencies shall adequately safeguard all assets and assure that they are used solely for authorized purposes.

* * * * *

(j) State agencies shall require compliance by School Food Authorities with applicable provisions of this part.

15. § 220.25 is amended by deleting paragraph (b) and revising paragraph (a) to read as follows:

§ 220.25 Claims against School Food Authorities.

(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made.

(b) [Deleted]

* * * * *

§ 220.26 Management evaluation and audits.

(a) Each State agency shall provide for audits of the funds and operations of the programs covered by this part at the State and School Food Authority levels, to be made with reasonable frequency but not less frequently than once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Appendix G of 34 CFR Part 256. Audits may be made by State agency internal auditors, by State Auditors General, by State Controllers, or by other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(b) Each State agency shall develop a plan for aduits to be made by the State agency which shall be incorporated into the State Plan of Child Nutrition Operations provided for under § 210.4a of this chapter. The plan shall: (1) State the frequency of audits of State agency and School Food Authorities; (2) contain assurance of the independence of the audit organization; and (3) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) FNS and OA shall review the program accomplishments and management control systems of State agencies. State agencies shall provide FNS and OA with full opportunity to conduct management evaluations (including visits to schools) and audits of all operations of the State agency under this part. Each State agency shall make available its records, including records of the receipt and expenditure of funds, upon a reasonable request by FNS or OA. OA shall also have the right to make audits of the records and operations of any school.

(f) In making management evaluations or audits for any fiscal year, the State agency, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claim will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

17. A new § 220.26a is added to read as follows:

§ 220.26a Procurement standards.

(e) *General purpose and scope.* This section provides standards for use by State agencies in establishing procedures for the procurement with Federal grant

funds of supplies, equipment, and other services for use in public schools. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal Law and Executive Orders. State agencies may use their own procurement policies provided that procurement for public schools, whose cost is borne in whole or in part as a direct charge by the Federal Government, adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency of the responsibilities arising under its contracts. The State agency is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of a grant. This includes, but is not limited to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The State agency shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Federal grant funds. The State agency's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed with Federal grant funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Federal programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to subparagraph 4 of this paragraph is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to thei nvitation and is most advantageous to the State agency price, and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency.

(3) Any or all bids may be rejected when it is in the State agency's interest to do so, and such rejections are in accordance with applicable State law, rules, and regulations.

(4) Procurements may be negotiated by the State agency if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the Department for prior approval;

(iii) The aggregate amount involved does not exceed $2,500;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other education institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and inter-changeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by applicable Federal or State law, rules or regulations.

(k) Contracts shall be made by State agencies only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies for negotiated purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: (1) Justification for the use of negotiation in lieu of advertising, (2) contractor selection, (3) the basis for the cost of price negotiated. Justification for the use of negotiation in lieu of advertising may be provided on a class basis or on an individual contract basis.

(m) A system for contract administration shall be maintained by the State agency to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The State agency shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne as a direct charge in whole or in part by Federal funds.

(o) In awarding contracts the State agency must comply with the following requirements:

(1) The State agency's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies in excess of $2,500 shall contain suitable provisions for termination by the State agency including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies in excess of $2,500 which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of

Labor regulations (29 CFR Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal grantor agency. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of $2,500 or less) awarded by State agencies shall include a provision to the effect that the State agency, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 as amended (42 U.S.C. 1857b, et seq.). Suspected violations shall be reported by the State agency in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies shall observe their regular requirements and practices with respect to bonding and insurance.

§ 220.28 [Amended]

18. § 220.28 is amended by inserting the following sentence before the last sentence of paragraph (a): "FNS shall promptly notify the State agency or School Food Authority in writing of any determination made under this paragraph and explain the reasons for the determination." Note: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

Dated: January 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-1305 Filed 1-14-75;8:45 am]

NOTE: For a proposed rule affecting 7 CFR Part 1434 see p. 2726.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1908]

[Docket No. SP-5]

CONTRACTS FOR ON-SITE CONSULTATION

Notice of Proposed Rulemaking

Notice is hereby given that under the authority of sections 7(c)(1) and 21(c) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 596(c)(1) and 670(c)) it is proposed to amend 29 CFR Chapter XVII by adding a new part, designated Part 1908.

The purpose of Part 1908 is to set out the policies and procedures for a program to provide for on-site consultation to aid employers who request assistance in understanding their obligations under the Act for the prevention of occupational injuries and illnesses. The program will consist of reimbursement to States without plans approved under section 18(b) of the Act, who wish to enter into an agreement with the Occupational Safety and Health Administration (hereinafter called OSHA) to conduct such a consultation program. Under the agreement, State personnel, who would have the same basic training as Compliance Safety and Health Officers (hereinafter called CSHOs), would provide on-site consultative services consisting of visits to workplaces at the employer's request to examine specific working conditions or areas as designated by the employer. In the course of the consultative visit, the Consultant would: (1) Explain to the employer which standards apply to his workplace situation; (2) when necessary, explain the technical language and application of the standards; (3) advise the employer of where and in what way he is not in compliance with OSHA standards; and (4) where it is feasible and within his technical competence, the Consultant may advise the employer of the means by which he can come into compliance. No citations or proposed penalties would be issued as a result of the consultative visit. However, if an imminent danger situation is discovered, the Consultant would request immediate abatement of the danger or, if immediate abatement was not possible, removal of employees from the danger area. In the event of employer refusal to cooperate in eliminating an imminent danger situation, the Consultant would be required to notify OSHA immediately.

A written report of the consultation would be prepared, and a copy would be furnished to the employer. The Consultant's visit, however, will not in any way cause a compliance inspection nor would it affect any scheduled inspection. In the event of a future compliance inspection, the CSHO would not be bound by any advice given by the Consultant or by the failure of the Consultant to point out a specific hazard. The CSHO may request a copy of the Consultant's report and would consider the report in determining the good faith of the employer or the lack thereof.

A system of priorities would be established in responding to requests for consultation, giving first priority to small businesses: the smaller the business the less specific the request would have to be. Lower priority, should there be resources remaining, would be given to off-site consultation and other education and training, compliance programming, or voluntary compliance activity.

The notice sets out the procedure a State should follow in entering into such an agreement, what provisions the agreement must contain, the locations of sample agreements, and the eligibility of States to participate in the program. Only States without approved plans would be eligible, since States operating under approved plans may already provide for such consultation. Initially, under the agreement, a State would be required to provide at least two Consultants with a maximum of five. This ceiling would be maintained until such time as, among other criteria, the volume of employer requests for consultation visits demonstrates that additional Consultants are warranted.

Interested persons are given until February 14, 1975, to submit written comments, suggestions or objections regarding the proposed regulations to the Associate Assistant Secretary for Regional Programs, [Docket No. SP-5], Room 830, 1726 M Street, NW., Washington, D.C. 20210.

Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rules may be revised prior to final publication to reflect suggestions made in the comments.

In accordance with the above, Chapter XVII of Title 29, Code of Federal Regulations is amended by adding a new Part 1908 as follows:

PART 1908—CONTRACTS FOR ON-SITE CONSULTATION PROGRAMS

Sec.

AUTHORITY: Sec. 7(c)(1), 21(c), 84 Stat. 1597, 1611; (29 U.S.C. 596(c)(1), 670(c)).

§ 1908.1 Purpose and scope.

(a) This part contains procedures for the negotiation and award of contracts to States for the purpose of using State personnel to conduct on-site consultations, and the requirements for the content of such agreements.

(b) Under this part States which do not have approved plans under section 18(b) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) would be eligible to participate in the program with 50 percent funding by the Federal government. Each State is required to provide at least two Consultants up to a maximum of five. These State Consultants would provide on-site consultation services on employer request only, and such services would be limited to the scope of that request; the smaller the business, the less specific the request would have to be. In providing these services, highest priority would be given to small businesses, to be determined on the basis of the number of employees of the employer. The Consultants would provide information on how the employer may comply with the Act by pointing out specific hazards in the workplace and suggesting corrective measures. The Consultant's visit would not result in an enforcement inspection. However, the Consultant's report may be requested by the Compliance Safety and Health Officer and used to determine the employer's good faith or lack thereof in the event of a subsequent inspection.

(c) The requirements of this part shall be considered incorporated by reference in any agreement made hereunder.

§ 1908.2 Definitions.

As used in this part and in consultation agreements entered into pursuant to this part:

"Act" means the Williams-Steiger Occupational Safety and Health Act of 1970.

"ARD" means the Assistant Regional Director for Occupational Safety and Health.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

"State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

§ 1908.3 Eligibility.

Each State without an occupational safety and health plan approved under section 18(b) of the Act is eligible to enter into an on-site consultation agreement with the Assistant Secretary under sections 7(c)(1) and 21(c) of the Act.

§ 1908.4 Making of agreements.

(a) *Who may make agreements.* The Assistant Secretary may make an agreement under section 7(c)(1) of the Act with any State agency designated for that purpose by the Governor.

(b) *Commencement of negotiations.* Negotiations for making an agreement may be commenced by the Governor of the State, or a State agency which may be designated for this purpose under paragraph (a) of this section in such manner as the Assistant Secretary may prescribe. Instructions may be obtained through the Assistant Regional Director (ARD) for the Occupational Safety and Health Administration (OSHA). The contents of the application shall be those described in paragraphs (c)(1) and (2) of this section.

(c) *Contents of the agreement.* Any agreement, including any modification thereof, shall be in writing and shall contain but not be limited to the following provisions:

(1) A statement that the State agency is authorized by the Governor to perform the obligations under the agreement and is authorized to receive and expend Federal funds and matching State funds.

(2) A statement of purpose that the State agency shall provide consultation services to employers, especially small businesses, pursuant to the Act and its implementing regulations, and advise employers of how to comply with the Act.

(3) A statement that the State will adequately publicize the availability of consultative services for employers in the State, and inform the public of the procedures to be followed in requesting such services.

(4) Assignment of qualified safety and industrial hygiene Consultants who meet the requirements for State employment in occupational safety and health and who meet the criteria for employment of State Consultants as shall be established by the Assistant Secretary. All Consultants under the agreement shall be selected in accordance with Executive Order 11246 of Sept. 24, 1965. Initially the maximum number of Consultants per State is limited to five. If, after the implementation of the program, a need for additional personnel is demonstrated, the agreement may be amended to provide for additional staff.

(5) All Consultants under the agreement shall receive consultative training at an OSHA-approved facility and shall receive an identification card upon successful completion of the course. Transportation and per diem for purposes of training shall be at Federal expense.

(6) Under the terms of the agreement consultative visits will be made only at the request of the employer. The consultation shall consist of an opening conference (introduction), walk through and a closing conference with a subsequent written report (summary). During the walk through the Consultant shall:

(i) Explain to the employer which OSHA standards and rules and regulations apply to his workplace;

(ii) Explain the technical language and application of the standards when necessary;

(iii) Advise if and how the employer is not in compliance with OSHA standards and rules and regulations;

(iv) Where feasible and within his technical competence, suggest means by which identified hazards may be abated;

(v) In the case of potential health hazards, the confirmation of which may require laboratory analyses, advise the employers of available sources to confirm the existence of a hazard;

(vi) Advise the employer that his visit will be followed by a written report.

(7) A statement that Consultants, upon discovery of an imminent danger situation, shall bring the danger to the attention of the employer immediately, and seek abatement; if such abatement is not achieved, the Consultant will immediately refer the matter to Federal OSHA officials.

(8) A provision for the protection of the confidentiality of trade secrets disclosed during the Consultant's visit.

(9) A statement that a representative of employees will not participate in the Consultant's visit, except upon the specific request of the employer.

(10) An assurance that the State will maintain a clear separation of enforcement and consultation staffs.

(11) A statement that the Consultant's visit shall not result in an OSHA inspection.

(12) A statement that in the event of a subsequent OSHA inspection of the employer, the CSHO may request a copy of the Consultant's report from the employer. The report may be used to determine the employer's good faith or lack thereof in any enforcement action. Further, in the event of such subsequent inspection, the CSHO shall not be bound by the advice of the Consultant or by the failure of the Consultant to point out specific hazards.

(13) A requirement that a State's performance under the agreement shall be monitored by the ARD and changes may be directed pursuant to such evaluation or OSHA's consultation policy. In such monitoring, special attention shall be given to determine whether hazards, particularly serious hazards disclosed during a consultation visit remain unabated despite the Consultant's report.

(14) A detailed budget of the State's proposed expenditures under this agreement shall be included.

(15) The Assistant Secretary may add such further provisions as he may consider appropriate.

(d) *Location of draft agreement.* A draft agreement is available for inspection at the Office of Regional Programs, Room 830, 1726 M Street, NW., Washington, D.C. 20210, and all Regional Offices of the Occupational Safety and Health Administration of the U.S. Department of Labor.

§ 1908.5 Action upon requests for agreements.

The State shall be notified within a reasonable time of any decision concerning its request for an agreement. If a request is denied, the State shall be informed in writing of the reasons therefor. If an agreement is approved, the initial funding shall specify the period for which it is contemplated. Additional funds may be added at a later time provided the activity is satisfactorily carried out, and appropriations are available. The State may also be required to amend the agreement for continued support.

§ 1908.6 Termination of agreement.

(a) Termination by the parties. Either party may terminate this agreement upon 15 days written notice to the other party.

(b) Termination upon plan approval. In no event shall an agreement under this part continue in effect beyond 30 days after a State's occupational safety and health plan has been approved under section 18(b) of the Act.

§ 1908.7 Exclusion.

This agreement does not restrict in any manner the authority and responsibility of the Assistant Secretary under sections 8, 9, 10, 13, and 17 of the Act.

Signed at Washington, D.C. this 8th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-1272 Filed 1-14-75;8:45 am]

Office of the Secretary

[29 CFR Part 70]

EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Proposed Fees for Copying Documents

The Freedom of Information Act (5 U.S.C. 552) was amended by Pub. L. 93-502, 88 Stat. 1561, to provide, among other things, that fees for copying documents shall be limited to "reasonable standard charges for document search and duplication, and provide for recovery of only the direct costs of such search and duplication." To conform the regulations of the Department of Labor to the above-cited provision of the Freedom of Information Act Amendments of 1974, which will be effective February 19, 1975, it is proposed to revise Subpart B of 29 CFR Part 70 as set forth below.

Interested persons are invited to submit written comments, data, views, or arguments to the Solicitor of Labor, Department of Labor, Washington, D.C. 20210. Comments received before February 5, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested parties in Room 4328, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. 20210. The proposal may be changed in light of the comments received.

It is proposed to amend Subtitle A of Title 29, Code of Federal Regulations, by revising Subpart B of Part 70 therein to read as follows:

Subpart B—Copies of Records and Fees for Services

SPECIAL SEARCHING AND COPYING SERVICES

Sec.

AUTHENTICATION; SPECIAL STUDIES AND COMPILATIONS

tions.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561. 29 U.S.C. 9b; Reorganization Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. appendix.

Subpart B—Copies of Records and Fees for Services

SPECIAL SEARCHING AND COPYING SERVICES

§ 70.61 Charges for services, generally.

(a) Pursuant to the provisions of the Freedom of Information Act, as amended, the payment of standard charges as set forth in the fee schedule in § 70.62 will, except as otherwise provided in this subpart, be required of the requester to cover the direct costs of searching for and duplicating records requested under the Act from the Department or any of its constituent agencies. Where the direct cost to the agency of making the search is substantial, fees for searching as provided in the schedule will be charged even if the record searched for is not found or if, after it is found, it is determined that the request to inspect it must be denied under the provisions of 5 U.S.C. 552(b) and the regulations in this part.

(b) Circumstances under which searching and copying facilities or services may be made available to the requester without charge or at a reduced charge are delineated in §§ 70.65-70.67. Recoupment of agency costs for determining whether a requested record is disclosable under the statute and this part and for making deletions of portions exempted from disclosure by the Act has been excluded from consideration in arriving at the standard charges contained in the fee schedule and no charge is made to a requester for the cost of any such services. However, where a requester desires the agency to provide such services as certification, authentication, or other special services not required under the Freedom of Information Act with respect to requested records, fees in addition to the standard charges for search and copying will be charged to cover the agency costs as indicated in §§ 70.68-70.69 and as authorized by the special provisions in Subchapter II of Title 29 of the United States Code and the general user-charge statute, section 483a of Title 31, United States Code.

§ 70.62 Search and copying charges.

(a) *Fee schedule for searching records.* Where agency records must be searched to locate a requested record, charges applicable under this subpart to the search will be made according to the following fee schedule:

(1) *Search time.* (i) Ordinary search by custodial or clerical personnel, $1.25 for each one-quarter hour or fraction thereof of employee worktime in excess of the first quarter-hour required to reach or obtain the records to be searched and to make the necessary search; and

(ii) Search requiring services of professional or supervisory personnel to locate requested record, $2.50 for each such quarter-hour of such services required.

(2) *Additional search costs.* If the search for a requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of $5.00, actual transportation costs will be added to the search time cost.

(3) *Search in computerized records.* Special fees to cover direct personnel and machine time costs of such searches will be charged as set forth in the above fee schedule and § 70.63.

(b) *Fee schedule for copying of records.* The fees payable pursuant to this subpart for obtaining requested copies of records which have been made available for inspection under the Freedom of Information Act will be computed on the following basis and subject to the following conditions:

(1) *Standard copying fee.* $0.10 per page of record copies furnished. This has been determined to be a reasonable standard charge to cover direct costs to the Department of duplicating records where the volume of page copies furnished is not extraordinary. The standard fee is applicable both where the copies are reproduced by the person desiring them, using Government-furnished reproduction equipment, such as coin-operated machines, which may be made available for use by any number of the public, and where, in the absence of availability of such facilities, the copies are reproduced by agency personnel. This standard fee is also applicable to the furnishing of copies of available computer printouts as stated in § 70.63 (a) (1).

(2) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of $200, the person desiring reproduction may request special rate quotation from the Office of the Assistant Secretary for Administration and Management.

(3) *Limit of service.* Not more than 10 copies of any document will be furnished.

(4) *Manual copying by requester.* No charge will be made for manual copying by the requesting party of any document made available for inspection under the provisions of this part. The Department shall provide facilities for such copying without charge at reasonable times during normal working hours.

(c) *Transcripts of proceedings.* Where pursuant to the provisions of this part there is made available for inspection and copying the transcript of a hearing or other proceeding pertaining to matters within the purview of the Department of Labor or any of its programs, constituent agencies, or advisory committees, no search charge will be made. Copies of such transcripts will normally be furnished upon payment of the actual cost of duplication as computed pursuant to

the fee schedule in paragraph (b) of this section. If, however, the transcript was furnished to this Department under the provisions of a contract executed prior to January 5, 1973, the effective date of the Federal Advisory Committee Act, under contractual provisions which prohibit the Department from reproducing the transcript, copies of such transcripts prepared by persons or firms reporting the proceedings may be obtained upon application to the reporter and payment of the reporter's fees at the rate provided in the contract. The foregoing fees are not applicable to the furnishing of any copies of such transcripts to any person entitled to receive such copies without charge pursuant to a regulation or order issued by the Secretary or his authorized representative.

(d) *Indexes.* Pursuant to 5 U.S.C. 552 (a)(2), copies of indexes or supplements thereto which are maintained as therein provided but which have not been published will be provided on request at a cost not to exceed the direct cost of duplication as computed pursuant to the fee schedule in paragraph (b) of this section.

§ 70.63 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in § 70.62(b)(1) for each 8½ by 11-inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made provided the applicant pays the cost to the Department as hereinafter stated.

(3) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in § 70.62(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of such supplies and materials that are used.

(b) Information in the Department's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of the computers used by the Department, such a service cannot ordinarily be offered to the public.

§ 70.64 Payment of fees.

(a) *Medium of payment.* Payment of the applicable fees as set forth in §§ 70.62 and 70.63 shall be made in cash, by U.S. postal money order, or by check payable to the Secretary of Labor. Postage stamps will not be accepted in lieu of cash, checks, or money orders as payment for fees specified in the schedule. Cash should not be sent by mail.

(b) *Advance payment or assurance.* Payment of the known and officially estimated searching and copying fees shall be made or assured to the satisfaction of the disclosure officer prior to the performance of substantial searching or copying services. Where the requester does nat know and has no official estimate of the search and copying costs at the time the request is made, the request should specifically state that whatever costs will be involved pursuant to §§ 70.62–70.63 will be acceptable, or will be acceptable up to an amount not exceeding a named figure. A request made without such specific assurance of payment of fees, in an amount at least equal to the charges under §§ 70.62–70.63 which the Department anticipates will be necessary, will, if such estimated charges are in excess of $25.00, not be deemed to have been received by the Department until the requester has been notified (promptly upon physical tender of the request) of the Department's cost estimate and has perfected the request by paying the estimated charges or giving satisfactory assurance that payment will be made. In the event that a request is made only for inspection of a record, advance payment or assurance of payment as set forth in this paragraph is applicable only with respect to searching fees; charges for copying will not be made unless or until copies are requested.

(c) *Adjustment of fees.* Where an estimated fee paid by the requester in advance exceeds the fee chargeable under the applicable schedule for the search or copying services actually performed, the balance will be refunded by the Department. Where the actual fees due for the services are in excess of the estimate, the requester will be required to remit the difference. In cases where the estimated costs required under the fee schedule for responding to a request are such that an advance deposit is deemed necessary, and it appears that the information sought by the requester might be made available at less cost by revision of the request, the Department's advice to the requester of the estimated costs and the need for an advance deposit will be accompanied by extension of an offer to the requester to confer with knowledgeable Department personnel with a view to reformulation of the request in a manner which will reduce the fees and meet the needs of the requester.

(d) *Post-copying costs.* The scheduled fees for furnishing copies of records made available pursuant to the Act for inspection and copying cover the costs of furnishing the copies at the place of duplication. Where requests for such copies are made by mail, no postage charge will be made for transmitting by regular mail a single copy of the requested record to the requester, or for mailing additional copies where the total postage cost does not exceed $1.00. However, where the volume of page copy or method of transmittal requested is such that transmittal charges to the Department are in excess of $1.00, the transmittal costs will be added to the copying fee specified in accordance with the schedule, unless appropriate stamps or stamped envelopes are furnished with the request, or authorization is given for collection of shipping charges on delivery.

§ 70.65 Standard fees not charged in certain circumstances.

The searching and copying fees set forth in this subpart are intended to cover agency costs of furnishing services that are special to the requester and above and beyond those which are generally provided to the public at large. Where furnishing the information requested can be considered as primarily benefiting the general public, the Freedom of Information Act provides that the agency may determine that waiver or reduction of the standard charges for searching and copying is in the public interest, in which event requested records shall be made available without charge or at a reduced charge. On this basis as well as for other reasons which have satisfied the Department that it is in the public interest to do so, the standard fees for making a requested record available will, in certain circumstances, not be charged or will be reduced as stated in the sections following. In addition, where the disclosure officer granting the request for a record determines that the waiver or reduction of the standard charge would be in the public interest because of the primary benefit to the general public of disclosure of the requested information, the disclosure officer shall advise the requester that the requested record will be made available without charge or at a reduced charge which he shall specify.

§ 70.66 Services performed without charge.

(a) No searching charge under § 70.62 (a) shall be made for routine procurement for inspection from Department records, not requiring more than one-quarter hour of personnel time, of any record required by the Freedom of Information Act to be made available for public inspection on request.

(b) The searching fees set forth in § 70.62(a) shall not be charged for the production of any requested record material maintained in a public reference facility of the Department or any of its component units, or for searching for any records available for public inspection without formal request pursuant to

the rules in this part and supplemental regulations issued as provided in Subpart C of this part, or for producing any record required by statute to be made available for inspection without charge.

(c) The fees provided for copies in § 70.62(b) do not apply to copies of materials reproduced for the purpose of distribution to the public without charge or to copies of published materials available for purchase from the Superintendent of Documents which the Department makes available in single copies or in limited quantities without charge to persons whose access to such materials may serve the public interest and assist the Department in administering statutes or carrying out programs for which it is responsible.

§ 70.67 Waiver or reduction of fees by disclosure officer.

In appropriate circumstances the disclosure officer may waive or reduce fees otherwise applicable under § 70.62 for services in searching for and copying record information. Thus, where no major expenditure of staff time or burden on reproduction facilities is involved, single copies of disclosable documents readily accessible in Departmental files may be furnished without charge to persons properly and directly concerned with the matters therein (e.g., where an individual seeks a copy of a record pertaining to Departmental action or reference material directly concerning that individual), and to persons in special circumstances where inability to pay is demonstrated and it is clear that a significant public interest would be served by providing the service free of charge. Similarly, searching and copying services may be performed at a reduced charge determined by the disclosure officer to be justified by the public interest in disclosure of a requested record (see § 70.65) or by the benefit to the public that may accrue from dissemination of information likely to assist the Department in carrying out a statutory program.

AUTHENTICATION; SPECIAL STUDIES AND COMPILATIONS

§ 70.68 Authentication of copies.

(a) *Fees.* The Freedom of Information Act does not require certification or attestation under seal of copies of records furnished in accordance with its provisions. Pursuant to provisions of the general user-charger statute, 31 U.S.C. 483a and Subchapter II of Title 29 of the United States Code, the following charges will be made where such services are requested:

(1) For certification of true copies, each $1.00.

(2) For attestation under the seal of the Department, each $3.00.

(b) *Authority and form for attestation under seal.* Authority is hereby given to any officer or officers of the Department of Labor designated as authentication officer or officers of the Department to sign and issue certificates of authentication under the seal of the Department of Labor. The form of authentication shall be as follows:

I hereby certify, that _____ who signed the foregoing attestation, is now and was at the time of signing (title) _____ and has legal custody of the official documents of the U.S. Department of Labor therein attested and that full faith and credit should be given to his act as such.

In witness whereof, I _____ duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed by name and caused the seal of the Department of Labor to be affixed this _____ day of _____ 19_____.

_____
(Authentication Officer, Department of Labor)

§ 70.69 Special studies and compilations.

Pursuant to the provisions of Subchapter II of Title 29 of the United States Code (29 U.S.C. 9–9b), the Department may, upon the written request of any person and within the discretion of the Secretary of Labor, undertake special statistical studies relating to employment, hours of work, wages and other conditions of employment, may prepare from its records statistical compilations, and may furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person requesting it. Transcripts of existing records requested and made available under the Freedom of Information Act will be furnished subject to payment of the applicable searching and copying fees as set forth earlier in this subpart. However, services as above described which are not within the contemplation of the Freedom of Information Act and are performed in the discretion of the Secretary of Labor will be charged for on the basis of a computation of actual total cost. Nothing in the Freedom of Information Act is construed to require the compiling of records other than the indexes prescribed by 5 U.S.C. 522(a)(2) or the preparation of documents other than those required by 5 U.S.C. 522(a)(1) to be published in the FEDERAL REGISTER.

(5 U.S.C. 552, as amended by Pub. L. 93–502, 88 Stat. 1561; 29 U.S.C. 9b; Reorganization Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. Appendix)

Signed at Washington, D.C., this 9th day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75–1273 Filed 1–14–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 19]

MAXIMUM ALLOWABLE COST FOR DRUGS

Notice of Proposed Rule Making; Extension of Time

In light of requests from interested parties, the period for comments to the notice published November 15, 1974 (39 FR 40302) proposing new regulations pertaining to cost reimbursement for multiple source drugs under the health financing and service programs administered by the Department is hereby extended. All interested parties are invited to submit written comments to the Hearing Clerk, Food and Drug Administration, Room 4–65, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852 by no later than February 15, 1975.

Dated: January 9, 1975.

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

[FR Doc.75–1316 Filed 1–14–75;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANT PROGRAM

Reimbursement of Drug Cost; Extension of Time

This notice extends the period for comments to the notice published November 27, 1974 (39 FR 41480) proposing new regulations for the reimbursement of drug cost in the Medical Assistance Program under title XIX of the Social Security Act.

In the light of requests from parties with an interest in an extension of time and for the benefit of others who may still wish to submit comments, the period of comment is hereby extended to February 15, 1975.

Dated: December 30, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: January 9, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75–1317 Filed 1–14–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 30, 151]

[CGD 74–275]

UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Proposed Deletion of Ethyleneimine and Correction of References

The Coast Guard is proposing to amend the bulk dangerous cargoes regulations by deleting ethyleneimine from the list of cargoes permitted to be carried under the provisions of Subchapters D and O.

The Coast Guard is also proposing to redesignate reference to § 111.60–40 in Subpart 151.05 to § 111.80–5.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard Headquarters, 400 Seventh Street, SW., Washington,

D.C. 20590. (Telephone 202–426–1477). Each person submitting comments should include his name and address, identify the notice (CGD 74–275), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.83. All communications received before February 28, 1975. will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the fact that ethyleneimine is presently not being carried in bulk on unmanned barges and realizing its carcinogenic hazard promulgated by 29 CFR 1910.931, the Coast Guard is proposing to delete ethyleneimine from the list of cargoes permitted to be carried under the provisions of Subchapters D and O.

§ 111.60–40 [Amended]

Reference to § 111.60–40 in Subpart 151.05 would be changed to § 111.80–5, the correct reference in the latest edition of the regulations.

In consideration of the foregoing, it is proposed to amend Parts 30 and 151 of Chapter I of Title 46, Code of Federal Regulations, as follows:

§§ 30.25–5, 111.60–40, 151.01–10, 151.05, 151.05–1 and 151.50–60 [Amended]

1. By striking out ethyleneimine from Tables 30.25–5, 151.01–10(b) and 151.05.
2. By revoking § 151.50–60.
3. By striking out references to § 111.60–40 in § 151.05–1(p) and Table 151.05 and inserting § 111.80–5 in place thereof.

(80 Stat. 937; 46 U.S.C. 170, 891a, 375, 416; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) and (O)(4))

Dated: January 6, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-1344 Filed 1-14-75;8:45 am]

Federal Highway Administration

[23 CFR Part 655]

[FHWA Docket No. 75–1]

MOTORIST AID SYSTEMS

Notice of Proposed Rulemaking

The Federal Highway Administration (FHWA) is considering amending its regulations by adding a new Subpart G to Part 655 (Traffic Operations) of Title 23 of the Code of Federal Regulations. This new Subpart would supersede existing FHWA Instructional Memorandum (IM) 20–1–72 dated June 16, 1972, and would codify material which will be found in Volume 6, Chapter 8, section 3, subsection 3 of the Federal Aid Highway Program Manual.

The proposed regulation would establish policy and procedure for Federal participation in the cost of installing motorist aid systems along the right-of-way of a highway to permit stranded motorists to call for emergency assistance and to receive a prompt and effective response. Prior to 1972, all motorist aid systems were considered experimental but IM 20–1–72 (June 16, 1972) released from experimental status the following systems:

1. Coded message systems (pushbutton, lever or other mechanical operation) having a "call confirmed" feature actuated at the receiving location, a call canceling feature at the sending location, an automatic location identification and service from a single response service.

2. Voice systems, using wire transmission having as a minimum, two-way communication, called party control, and automatic location identification.

Instructional Memorandum 20–1–72 specifically retained as experimental the following types of systems:

1. Coded message systems, regardless of the type of energy source, equipped with multi-service request features (those offering a choice of more than one service) and

2. Systems using radio-voice transmissions.

Instructional Memorandum 20–1–72 did not specifically allow a State to make the reasonable determination as to which functional type of system (i.e., coded message or voice) would best serve its purposes and advertise for that function only.

The proposed directive represents a change in the previous policy. The proposed directive removes multiservice coded systems and radio-voice transmission systems from experimental status and permits them to be implemented under normal Federal-aid procedures in the same manner as single service coded systems and wire-voice transmission had previously been permitted. The proposed directive also permits a State to decide whether it wants a coded message system or a voice system and then to allow bidding competition as to types of equipment from among persons who can install the selected type of system. The directive would not permit a State to choose between radio or wire-voice systems or between battery powered or batteryless coded systems.

The changes in the directive would put a manufacturer and installer of a coded message system only in competition with other coded message systems but not in competition with voice systems. This differentiation between types of systems is justified by the fact that the two types of systems have different functional characteristics. If all types of systems were required to compete, a State would be compelled to use the less expensive system even though it might have justifiable reasons to prefer the functional characteristics of the other system.

The proposed regulation includes the requirement for an operational plan to ensure that procedures have been established so that prompt responses to motorists' problems are forthcoming and to ensure that the motorist aid devices will be adequately maintained.

Since the entire field of motorist aid systems is still developing, the proposed regulation would permit Federal participation in the cost of evaluating systems after they have been installed and it would require the evaluation of each project within one year after project acceptance.

The proposed regulation also requires the consideration of various design and location features to ensure the safety of motorists using the systems.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75–1, 400 Seventh Street, SW., Washington, D.C. 20590. All written communications received on or before February 25, 1975 will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to Title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. sections 104, 105, 307, 315, and 23 CFR 1.32 and under the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

In consideration of the foregoing, it is proposed to amend Chapter I of Title 23 of the Code of Federal Regulations by adding a new Part 655 Subpart G, as set forth below.

Issued on: January 8, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart G—Motorist-Aid Systems

Sec.

AUTHORITY: 23 U.S.C. 104, 105, 307, 315; 23 CFR 1.32; 49 CFR 1.48.

Subpart G—Motorist Aid Systems

§ 655.701 Purpose.

The purpose of this subpart is to provide policies and procedures relating to motorist aid systems on Federal-aid highways and for Federal participation in the cost of these systems.

§ 655.702 Definitions.

(a) "Motorist aid system" means an installation of devices along the right-of-way which identifies the location of a stranded motorist, provides communication of his needs to central control

locations and provides the appropriate response to his needs.

(b) "Coded message system" is a system in which the communication of needs is accomplished entirely by coded signals without voice intervention.

(c) "Voice system" is a system in which the communication of needs is accomplished by conversation between the stranded motorist and a system operator.

(d) "Roadside call terminal" is a device installed along the highway right-of-way which provides the means of communication between the motorist and the system operator.

(e) "Automatic location identification" denotes the display of a suitable, identifying code to the system operator which positively identifies the location of the motorist. The identifying code is transmitted automatically when the motorist uses the roadside call terminal.

§ 655.703 Policy.

The provision of motorist aid systems on Federal-aid highways is encouraged.

§ 655.704 Procedures.

(a) Federal-aid highway construction funds may participate in installations of motorist aid systems either on an experimental project basis in accordance with the provisions of the Federal-Aid Highway Program Manual Volume 6, Chapter 4, section 2, subsection 4,[1] or on a normal Federal-aid basis. The following types of motorist aid systems may be installed with regular Federal-aid construction funds participating.

(1) Coded message systems (pushbutton or combined mechanical/pushbutton operation) having as a minimum, a "call confirmed" feature actuated at the receiving location, a call canceling feature at the roadside terminal (sending) location, automatic location identification and served by responses which correspond to the coded messages sent from the sending location.

(2) Voice systems (wire and radio) having as a minimum, two-way communication, called party control, and automatic location identification.

All other systems are continued in an experimental status.

(b) All projects implemented under this subsection are subject to all normal Federal-aid procedures unless other procedures as approved by the Administrator are applicable.

(c) The State may select either voice operation or coded message operation for a project. The project specifications shall permit competition among all alternative types of equipment available for the operation selected, i.e., for voice operation, wire, radio, etc., equipment and for push-button operation, battery, batteryless, etc. Plans and specifications shall meet the requirements of Parts 633 and 635 of this Title.

[1] The Federal-Aid Highway Program Manual may be examined at the locations stated in 49 CFR Part 7, Appendix D.

(d) The Plans, Specifications and Estimates (PS&E) shall contain provisions to insure that all necesary operational materials, devices, and equipment have been adequately treated under environmental conditions with extremes equal to or greater than that expected under operational conditions, prior to their installation. Equipment used in the installation shall be operational, i.e., development of equipment is not to be a part of the project.

(e) To be eligible for Federal-aid funds every proposed system shall have a complete operational response plan. This operational plan shall include agreements in writing between all the operating organizations, specifically delineating the responsibilities of each of the parties to the agreement. Among items which are to be covered in the agreements are: procedure for answering calls, costs of provided services, and maintenance. This operational plan shall be complete at the time of submittal and shall accompany the PS&E.

(f) The collection, reporting and analysis of data for experimental motorist aid system projects installed under normal construction procedures are eligible for Highway Planning and Research (HP&R) funding when approved as an activity under the HP&R work program (Part 420, Subpart A of this Title).

(g) Active projects which incorporate the modes of operation released from experimental status under this policy issuance but which were approved under the provisions of prior directives shall be completed, including the required research, in accordance with the original directive.

§ 655.705 Design Considerations.

(a) Physical Design Considerations for Roadside Call Terminals.

(1) Roadside call terminals including their supports shall meet all requirements for roadside appurtenances contained in the design standards referenced in the Federal-Aid Highway Program Manual Volume 6, Chapter 2, section 3.

(2) The roadside call terminal shall not be located on the upstream side of its support where the user would have his back to traffic.

(b) Location Design Considerations for Roadside Call Terminals.

(1) Roadside call terminals shall be placed on both sides of a highway at each longitudinal location to discourage attempts by stranded motorists to cross the highway. Additional roadside call terminals may be installed in the median if the roadway has three or more lanes.

(2) The roadside call terminals shall be clearly identified, be visible, and not hidden by columns, signs, etc.

(3) Where conditions warrant, roadside call terminals should be placed at rest areas.

(4) Plans should not be approved prior to an appropriate field review of each proposed roadside call terminal site.

§ 655.706 Eligibility.

Evaluation of normal construction projects, in accordance with requirements outlined in § 655.707, is eligible for normal construction funding.

§ 655.707 Evaluation.

(a) The State shall evaluate all Motorist Aid System projects installed under normal construction procedures within one year of project acceptance. The evaluation should be designed to determine:

(1) Mechanical Effectiveness.

(2) Operational Response Plan Effectiveness.

(3) Maintenance and Operation Costs.

(4) System Usage.

(b) Requirements for Experimental Projects:

(1) Experimental motorist aid system projects shall be limited to a section of one highway covering a distance governed by the capacity and capability of one central control or dispatching agency to respond to the motorists' calls for assistance. This distance may vary but is not expected to exceed 40 miles.

(2) The experimental project evaluations shall include the following:

(i) Stopped vehicle survey.

(ii) Elapsed time required to service the stranded motorist.

(iii) Data on attempts by motorists to get help by means in addition to the roadside call terminals.

(iv) Cost of maintaining and operating the system.

[FR Doc.75-1259 Filed 1-14-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[1 CFR Part 302]

FREEDOM OF INFORMATION ACT

Notice of Proposed Rulemaking

Pursuant to section 552(a)(4) of title 5, United States Code, as amended by the Freedom of Information Act Amendments, Pub. L. 93-502, the following proposed regulation establishing a schedule of fees for processing requests for documents or records under the Freedom of Information Act is published herewith for comment. This schedule is printed without a section designation because it will be integrated into a comprehensive procedural regulation now in preparation.

Interested persons may comment in writing upon this proposed regulation by submitting written data, views, and arguments to the Executive Secretary, Administrative Conference of the United States, 2120 L Street NW., Washington, D.C. 20037 not later than February 7, 1975.

§ ------ Schedules of fees.

(a) The Executive Secretary may charge a fee for searching for and copying documents or records requested pursuant to the Freedom of Information Act, as follows:

(1) The fee for copies shall be $.10 per copy per page. Copying fees of less than $1.00 per request are waived.

(2) The search charge shall be $5.00 per hour for the services of nonprofessional personnel and $9.00 per hour for the services of professional personnel. Search charges shall be calculated to the nearest quarter hour. There shall be no search charge for searches requiring less than one-quarter man hour.

(3) Charges may be waived or reduced where the Executive Secretary determines that such waiver or reduction is in the public interest.

(b) The Conference endeavors to maintain for distribution to the interested public an adequate stock of final consultant and staff reports, copies of congressional testimony, membership lists, newsletters, and other documents of general interest, and requests for such documents shall be filled at no charge to the extent that supplies on hand permit.

RICHARD K. BERG,
Executive Secretary.

JANUARY 9, 1975.

[FR Doc.75-1252 Filed 1-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20315, RM-2227, RM-2415]

FM BROADCAST STATIONS; ILLINOIS

Notice of Proposed Rule Making

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Aledo, Galesburg, Morton, Illinois).

1. Notice is hereby given of the institution of this rule making proceeding to consider two compatible proposals to amend the FM Table of Assignments by assigning Channel 272A as a first FM assignment both to Aledo and Morton, Illinois, either by deleting the unused Channel 272A Galesburg, Illinois, assignment without replacement or by replacing Channel 272A with Channel 224A at Galesburg.

2. The reassignment of Channel 272A from Galesburg to Aledo without replacement of Channel 272A at Galesburg is proposed by Arthur M. Padella, Sr. (Padella), a prospective applicant for the proposed Aledo FM assignment, in a petition for rule making (RM-2227), filed May 7, 1973, with supplement thereto filed July 16, 1973. The reassignment of Channel 272A from Galesburg to Morton by replacement of Channel 272A at Galesburg with Channel 224A is proposed by Morton-Washington Broadcasting Company (Morton-Washington), a company comprised of Morton area residents who wish to establish an FM station at Morton, in a petition for rule making (RM-2415) filed on June 3, 1974, with supplement thereto filed on July 19, 1974.

3. An opposition to the Padella petition and a qualified opposition to the Morton-Washington petition were filed by Paul T. Ford Broadcasting and Associates (Ford), a group which states it intends to apply for Channel 272A at Galesburg. In both pleadings, Ford opposes deletion of Channel 272A from Galesburg. However, should the channel be reassigned to Aledo and/or Morton, as proposed by Padella and Morton-Washington, it supports the concurrent assignment of Channel 224A to Galesburg, as proposed by Morton-Washington in RM-2415. Ford also requests both in RM-2217 and RM-2415 that the replacement of Channel 272A with Channel 224A at Galesburg be considered as a counterproposal to Padella's Aledo proposal. Comments in support of its Aledo proposal were filed by Padella in RM-2227, and reply comments by Morton-Washington, the Morton petitioner, were filed in RM-2415.

4. Analysis of these Aledo and Morton Channel 272A assignment proposals in light of the engineering showings of their proponents and Ford indicates that there is no FM channel available which could be assigned to either Aledo or Morton without disturbing existing assignments. It appears, however, that, since Aledo and Morton are approximately 80 miles apart, Channel 272A would be technically feasible for assignment to either or both of these communities in conformity with the 65-mile minimum mileage separation requirement, provided that the unused Galesburg Channel 272A assignment is deleted or changed. It also appears that Channel 224A would be a technically feasible replacement for Channel 272A at Galesburg if utilized at a transmitter site approximately 4.5 miles northeast of Galesburg to meet the 65-mile spacing required to Station KGRC, Channel 225, Hannibal, Missouri. Further, the showings of these parties indicate that the proposed Aledo and/or Morton Channel 272A assignments, as well as the proposed Channel 224A replacement for Channel 272A at Galesburg, would not be objectionable for preclusionary reasons. Channel 272A assignments at Aledo and/or Morton would preclude future assignments only on Channel 272A and this preclusion would be in a limited area between the two communities. With a Channel 224A instead of Channel 272A assignment at Galesburg, preclusion would occur only on Channel 224A to a small area northeast of the community.

ALEDO PROPOSAL (RM-2227)

5. Aledo (population, 3,325), the county seat and largest community in Mercer County (population, 17,294), is located in northwestern Illinois, approximately 25 miles northwest of Galesburg (population, 36,290), the county seat of Knox County (population, 61,280), located approximately 40 miles northwest of Peoria, Illinois.[1] There are presently no AM or FM broadcast stations in Mercer County, and no FM assignments have been made. Padella states also that the area is served by but one local weekly newspaper, the Times Record. Galesburg has three commercial aural broadcast outlets, two AM stations (WGIL and WAIK, a 5 kw daytime-only operation) and FM Station WGIL-FM, which operates on Class B Channel 235, one of the two FM channels assigned to Galesburg. Channel 272A, the other Galesburg FM assignment, is unoccupied. While no applications are currently pending for the channel, as mentioned in paragraph 3 the pleadings filed by Ford in response to the Padella and Morton-Washington petitions indicate its interest and intent to apply for the channel. Station WVKC, a noncommercial educational FM station operating on Channel 213 at Galesburg, licensed to Knox College, provides Galesburg and the area with an FM educational broadcast service. Ford also points out that Galesburg has a daily newspaper, the Galesburg Register-Mail, which is commonly owned and controlled by the licensee of Stations WGIL(AM) and WGIL-FM.

6. In support of his Aledo Channel 272A proposal, Padella claims that reassignment of the unused Galesburg Channel 272A assignment to Aledo is the only way that Aledo can be provided with an FM assignment without undue disruption to existing assignments and that, in view of the four local aural broadcast services which Galesburg now has (2 AM and 1 FM commercial stations, plus an educational FM station), it has an ample diversity of radio outlets, as further evidenced by the fact that the Galesburg Channel 272A assignment has remained unused. Padella avers that an Aledo FM station would, in addition to providing a needed first local service to Aledo and in Mercer County, also provide service to Louisa County, Iowa (population, 10,682), in which no broadcast stations are located. He urges that the proposed reassignment of unused Channel 272A from Galesburg to Aledo would further our basic assignment objective of providing for a fair, efficient and equitable distribution of facilities, and that, in addition, the deletion of this Class A channel from Galesburg, where an occupied Class B channel is also assigned, would be consistent with the Commission's policy against intermixture of Class A and B FM channels in the same community.

7. Information furnished by Padella indicates that Mercer County is governed by a Board of Supervisors; that agriculture is the principal industry in the county; that the farm population of the county constitutes approximately 30 percent of the total population (approximately 5,700 persons); that agricultural income in the county is approximately $33,000,000, a major part of which is derived from hog and cattle industries; that consumer spendable income for Mercer County exceeds $32,000,000, and that 1972 gross retail sales in the county exceeded $22,000,000. He states that Aledo, which had an eight percent increase in population between 1960 and 1970 (from 3,080 to 3,325 in population) is a growing and well-diversified community, provides some utility services to the county (gas), is economically and socially important to the surrounding agricultural area, is the governmental, financial and industrial center for the

[1] Population figures cited are from the 1970 U.S. Census unless otherwise indicated.

surrounding agricultural areas and smaller communities, and provides many other services for county residents. Among those mentioned are the medical facilities and care provided by the Mercer County Hospital, located in Aledo, the Aledo banking, library and recreational facilities, and the Aledo organizations and groups which provide numerous civic, social and charitable functions. Padella also states that one of the four high schools in Mercer County, as well as ten elementary schools, are located in Aledo and that the Roosevelt Military Academy is also located there. If Channel 272A is reassigned to Aledo, Padella states that he will apply for use of the channel to provide a first local broadcast service to the community and in Mercer County which will provide service to Louisa County, Iowa, as well.

8. In opposition to the Padella petition, Ford states that over a period of months it has developed plans for a new FM station on Channel 272A at Galesburg and that it intends to submit an application for the channel shortly which, if granted, will demonstrate its intent to provide Galesburg with new broadcast programming not now available. Ford states that, since Galesburg's only commercial FM station, full-time AM station and daily newspaper are commonly owned and controlled, it lacks an independent commercial FM broadcast facility. It urges that the public interest will be better served by retaining Channel 272A for an additional Galesburg station than by reassigning the channel to Aledo.

9. Ford argues that the size and growth rate of Galesburg and the surrounding area indicate that an additional broadcast facility in Galesburg would be in the public interest. It points out that Knox County, of which Galesburg is the seat, ranks 23rd in size in the state; that all county governmental functions are headquartered in Galesburg, where Knox College, one of the leading private educational institutions in Illinois, is also located; that the service area of a new FM station located in Galesburg would serve approximately 45,000 of the more than 61,000 persons in the county; and that growth figures supplied by Illinois agencies indicate that there has been a 50 percent increase of major manufacturing employees in Galesburg in the last three years and that in the last ten years more than 50 new retail or wholesale businesses have located in Galesburg. Ford adds that in less than a decade, there has been almost a 100 percent increase in the number of people employed in retail or wholesale activities and a 60 percent increase in those employed in manufacturing activities in Galesburg, and that this has brought greater affluence to the area, as evidenced by the fact that Galesburg is now served by seven banks with total deposits in excess of $142 million.

10. Ford contends that, in contrast to the Galesburg-Knox County area, Aledo is a small community which experienced a less than 8 percent growth in the last decade; that Mercer County, in which Aledo is located, is one of the smaller counties in the state, ranking in the lower one-third in population and that it declined in population over that period; [2] that Aledo and Mercer County have but a single bank, very limited industrial, retail or wholesale activities, and that total school enrollment in Aledo has shown little growth in the last ten years.

11. Ford also points out that Aledo presently receives FM service of 70 dBu signal strength from Station WHBF–FM at Rock Island, Illinois, and from Station KIIK–FM at Davenport, Iowa, and that these stations provide service of 60 dBu signal strength over other portions of Mercer county. In addition it states that Aledo receives 60 dBu FM service from Galesburg (WGIL–FM) and Moline, Illinois (WMDR–FM) stations, as well as AM service from Rock Island (WHBF) and Galesburg (WGIL) stations. With these existing services available, Ford submits that a substantial need for additional service at Aledo is not shown. However, should the Padella Aledo-Galesburg Channel 272A reassignment proposal be considered in rule making, Ford requests that concurrent consideration be given to replacing Channel 272A with Channel 224A at Galesburg. In the event Channel 224A is ultimately substituted for Channel 272A at Galesburg, it states that it would apply for authority to construct a new FM station at Galesburg on that channel.

MORTON CHANNEL 272A PROPOSAL (RM–2415)

12. Morton (population 10,419) is located in Tazewell County (population 118,649), approximately 10 miles southeast of Peoria (population 126,963), which is located in Peoria County (population 193,318). Part of Tazewell County, including the section in which Morton is located (population 89,214), is within the Peoria Urbanized Area (population 247,121). All of Tazewell County is part of Peoria Standard Metropolitan Statistical Area (population 341,979).

13. Morton has no local broadcast outlet or FM channel assigned, and the only newspaper published in Morton, according to Morton-Washington, the petitioner, is the bi-weekly Tazewell News. The only radio broadcast stations in Tazewell County (in which Morton is located) are at Pekin, Illinois (population 31,375) which is located approximately 10 miles west-southwest of Morton and 10 miles south of Peoria. Pekin is also in the Peoria Urbanized area. The Pekin radio stations include two Class A FR stations which operate on the two Pekin FM assignments, Channel 237A (WSIV) and Channel 285A (WZRO), and a Class II daytime-only AM station (WSIV). Morton is served by these Pekin stations and also by the Peoria AM and FM stations. The Peoria stations include four FM stations (three commercial Class B FM stations and one noncommercial educational FM station) three full-time Class II AM stations, and a daytime-only Class II AM station.

14. Morton-Washington contends that neither the Peoria nor Pekin radio stations meet Morton's acute need for a locally oriented broadcast service; that the primary obligation of the Peoria stations is to serve Peoria and that they only secondarily serve the Morton area which is on the other side of the Illinois River from Peoria, in a different county, and primarily agricultural in contrast to that industrial community; and that the Pekin stations are in a distant part of Tazewell County nearly as far from Morton as Peoria.

15. Morton-Washington claims that Morton is a rapidly growing community, well able to support its own broadcast stations. It points out that Morton had a 95.7 percent population increase between 1960 and 1970 (an increase from 5,325 to 10,419); that a recent estimate places Morton's current population at over 12,000 (1973 fuel tax census); and that a station in Morton would also be able to derive economic support from the neighboring community of Washington (population 6,790), north of Morton a few miles, which it states recent estimates indicate has grown to approximately 10,000 in population.

16. As further evidence of Morton's growth, Morton-Washington states that Morton recently annexed 2,500 acres of farm land and rezoned it for industrial growth and that in 1973, 18 new businesses were established in Morton, 97 new homes were built, and three churches were constructed. It also points out that Morton financial institutions held over $83 million in assets at the end of 1973; that average income per household in Morton is approximately $13,000; and that major employers in Morton include Caterpillar (tractors), employing 2,700 persons and planning to expand its Morton facilities, Libby McNeil (canners) and Martin Metalcraft Company (steel fabricators), both employing more than 225 persons locally. Morton-Washington further informs that Morton is governed by a mayor and city council, and has a full-time local police department, a 50-acre public park, four elementary, one junior and one senior public high school, a complement of religious and civic organizations, and is served by railroads and routes Interstates 74 and Illinois 121 which pass through Morton.

17. Ford, in its qualified opposition, opposes removal of Channel 272A from Galesburg for reassignment to Morton for the same reasons as it opposes the Aledo-Galesburg Channel 272a reassignment proposal, and it requests that its

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[2] The 1970 Census indicates that during the 1960–1970 period Aledo had an 8 percent increase in population (from 3,080 to 3,325 persons; Mercer County has an 0.8 percent population increase (from 17,149 to 17,294 persons); Galesburg had a 2.6 percent decline in population (from 37,243 to 36,290 persons); and that the population of Knox County, reported to be 61,280 persons, in 1960, remained at that figure in 1970.

opposition pleading on that proposal be incorporated by reference in the Morton proceeding. Ford, however, supports Morton-Washington's proposal insofar as it would replace Channel 272A at Galesburg with Channel 224A should Channel 272A be reassigned to Morton since, in that event, it believes that the replacement of Channel 272A with Channel 224A at Galesburg would be consistent with our rules and would serve the public interest. In its reply comments, Morton-Washington states that its Morton-Galesburg Channel 272A reassignment proposal and Padella's Aledo-Galesburg Channel 272A reassignment proposal present a set of proposals which have obvious merit for furthering the objectives of Section 307(b) of the Communications Act for a fair, efficient and equitable distribution of radio service since, taken together, they propose the possibility of three FM services where only one was possible before (Channel 272A at Aledo and Morton and Channel 224A at Galesburg). It urges that, since its Morton Channel 272A proposal is technically consistent with the Aledo Channel 272A proposal, would not preclude Ford from establishing a second FM station in Galesburg (on Channel 224A instead of Channel 272A), and would bring a first local broadcast service to Morton, it should be adopted at an early date.

18. It appears from the showings of the petitioners that there is a need and demand for a first local service at both Aledo and Morton which could not be met by any available FM channel which could be assigned without disturbing existing assignments or stations. It also appears that Channel 272A could be assigned to either or both communities by simply deleting the unused Galesburg Channel 272A assignment, as proposed by Padella. However, since the Ford comments on the Aledo and Morton proposals evidence that there is reasonable prospect that Channel 272A at Galesburg will be sought for use in the very near future to serve a need for a second FM service in that sizeable community, we would be opposed to deleting Galesburg's only unoccupied assignment in the absence of clearer public interest justification than has been shown. However another possible means of accomplishing the same objective appears to have merit. The Morton petitioner's showing and the Ford comments indicate that it is technically feasible to substitute Channel 224A for Channel 272A at Galesburg, thus freeing Channel 272A for possible assignment to both Aledo and Morton[3] and, at the same time, not depriving Galesburg of opportunity for a second local FM service on Channel 224A. We therefore believe that rule making is warranted to consider this means of providing both Aledo and Morton with a first FM assignment.

19. Accordingly, in view of the foregoing, and 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 Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as follows:

City	Channel No.	
	Present	Proposed
Aledo, Ill.		272A
Galesburg, Ill.	235, 272A	235, 224A
Morton, Ill.		272A

20. *Showing required.* Comments are invited on the proposals discussed above. Proponents will be expected to answer whatever questions may be presented in initial comments. The proponents of the proposed assignments are also expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their present intention to apply for the channel requested if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to dismissal.

21. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advances in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the closing date for filing initial comments herein. If filed later than that they will not be considered in connection with the decision in this docket.

22. Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's Rules and Regulations, interested parties may file comments on or before March 5, 1975, and reply comments on or before March 25, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

23. In accordance with the provisions of § 1.419 of the Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: December 30, 1974.

Released: January 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-1291 Filed 1-14-75;8:45 am]

[3] Since Morton is within the Peoria Urbanized Area, and it appears that Channel 272A could also be reassigned from Galesburg to Peoria instead of to Morton and could, in that event, still be used at Morton under the "10-mile" rule, § 73.203(b), it might be argued that, instead of assigning Channel 272A to Morton, Channel 272A should be assigned as a fourth FM assignment to Peoria, the central city of the Peoria Urbanized Area, with a population of 126,963 and but three Class B assignments (all occupied). However, considering that such an assignment would result in intermixture of different classes of FM assignments, which we believe it desirable to avoid, and that Pekin, another community in the Peoria Urbanized Area, has two Class A assignments, and in view of the Morton-Washington showing herein, it would appear that it would be consistent and desirable to propose Channel 272A for assignment to Morton.

[47 CFR Part 73]

[Docket No. 20316 RM-2267]

FM BROADCAST STATIONS; MINNESOTA

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Forest Lake, Brainerd, and Morris, Minnesota).

1. Notice of Proposed Rule Making is hereby given of proposed amendments of Section 703.202(b) of the Rules, the FM Table of Assignments. The proposed amendments would make a first FM channel assignment at Forest Lake, Minnesota, and would effect changes in the existing assignments at Brainerd and Morris in order to accommodate the Forest Lake assignment.

2. Forest Lake Village (pop. 3,207)[1] is located in Washington County (pop. 82,949) approximately 24 miles northeast of Minneapolis-St. Paul. The eastern boundary of the county forms part of the Minnesota-Wisconsin border. The petitioner, Lakes Broadcasting Co. ("Lakes"), states that the population of the village has increased 36.6 percent in the decade from 1960 to 1970, while the population of the county has increased by 58.2 percent during the same period. The village is governed by a mayor and city council form of government. We are told that residential uses make up the largest land use category in the village (by area). The village provides its residents with full-time police protection. Its fire department serves nearby Columbus and Wyoming townships as well as its own.

3. The petitioner indicates that area industry includes both manufacturing and agriculture. Some of the larger manufacturing concerns produce printed circuits, plastics and fiberglass. Area agricultural activity includes poultry, dairy farming, stock, corn, fruit, soybeans and potatoes.

4. The petitioner proposes that Channel 240A be assigned to Forest Lake. To

[1] All population figures are from the 1970 U.S. Census.

remove short-spacing that would result from the proposed assignment the petitioner recommends that Class C Channel 239 be substituted for unoccupied Class C Channel 298 at Morris, Minnesota, and that Class C Channel 298 be substituted for Class C Channel 239 at Brainerd, Minnesota. Brainerd Broadcasting Co. ("Brainerd"), the licensee of Station KLIZ–FM (Channel 239), Brainerd, argues that it should not be ordered to change its channel of operation. Most of the reasons given for its objection relate to the inconvenience that retuning entails. We have consistently rejected similar objections.

5. It has been Commission policy to require the beneficiary of a channel change, i.e., the future licensee of the new assignment, to reimburse affected existing stations for the reasonable costs of retuning, Circleville, Ohio, 8 F.C.C. 2d 159 (1967). Lakes has agreed to do so. However, Brainerd has raised a question that merits further exploration. It avers that it has been providing subcarrier MUZAK service for many years and that "tremendous cost and trouble will be involved in converting all receivers to the new frequency." In addition to an itemized estimate of the cost of retuning, Brainerd should provide an itemized estimate of the cost of conversion of its MUZAK facilities. In reply comments, Lakes should respond to this MUZAK conversion estimate. If Lakes find it to be reasonable, it should express its intent to reimburse Brainerd for these costs should the Commission order it to do so. This should not be construed to indicate any decision by the Commission as to whether our policy of reimbursement should cover this type of cost. Lakes may desire to present arguments indicating why it should not be required to reimburse Brainerd for these costs. Brainerd, of course, may desire to submit an opposing argument. An expression of intent to reimburse Brainerd for these costs is necessary if we find that Brainerd is entitled to this reimbursement.

6. Among other objections raised by Brainerd, it avers that the Federal Aviation Administration Visual Omni Range (VOR) frequency is 109.2 MHz and that a change in the operating frequency of KLIZ–FM to 107.5 MHz (Channel 298) could result in many problems. Those problems are not stated and the Commission knows of none which might arise. Brainerd should therefore furnish any information it has concerning interference potential or other problems.

7. Forest Lake's proximity to Minneapolis-St. Paul places it well within the 1 mV/m contour of many of the 7 licensed Class C Minneapolis assignments and the two licensed Class C St. Paul assignments. As such, it is not underserved. However, the proposed assignment would provide Washington County with its first FM service and since there is no full-time AM station in the county, with its first local full-time aural service. In order to have a complete record upon which to base a decision, the petitioner should submit a showing as to the preclusions, if any, that would result from the proposed assignment, and should indicate whether any channels are available for assignment to precluded communities. Under the U.S.-Canadian Working Agreement the contemplated assignment would require the concurrence of the Canadian Government.

8. It is the Commission's opinion that the aforementioned proposal merits further exploration in a rule making proceeding. Therefore, pursuant to authority contained in §§ 4(i), 303, 307(b) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend § 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Forest Lake, Minn		240A
Brainerd, Minn	239	298
Morris, Minn	298	239

9. *Showings required.* Comments are invited on the proposals discussed and set forth above. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. The proponent 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.

10. *Cut-off procedure.* 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).)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this 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 herein.

11. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments on or before March 5, 1975, and reply comments on or before March 25, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

13. It is directed, That the Secretary of the Commission send a copy of this Notice of Proposed Rule Making by certified mail, return receipt requested, to Brainerd Broadcasting Co., Brainerd, Minnesota.

Adopted: January 3, 1975.

Released: January 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-1292 Filed 1-14-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20314; RM-2287]

FM BROADCAST STATIONS; WYOMING

Notice of Proposed Rule Making

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cheyenne, Wyoming). 1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) with respect to the petition of KVWO, Inc., proposing the assignment of Channel 264 as the second Class C FM assignment to Cheyenne, Wyoming and the deletion of the present Cheyenne assignment, Channel 292A. Petitioner, licensee of Cheyenne Stations KVWO(AM) and KVWO–FM (Channel 292A), requests that its license be modified to specify Channel 264 as its channel of operation.

2. Cheyenne (population 40,914), located in Laramie County (population 56,360, is the most populous city in and capital of Wyoming. A study, prepared by the Cheyenne Department of Model Cities and included as an exhibit to KVWO Inc.'s petition, has forecast the city's 1985 population at 60,000. Petitioner states that Cheyenne is experiencing industrial growth as it shifts from an agricultural community. The 1972–73 Cheyenne Industrial Directory is submitted in support of this allegation. The directory shows a listing of more than 100 industries in the Cheyenne area. Petitioner also alleges that tourism has become one of Wyoming's and Cheyenne's major industries. Its petition states that the most recent Cheyenne Frontier Days, an eight-day rodeo and entertainment event, generated almost $2 million in revenues. Other tourist attractions are the Fort Laramie National Historic Site and the Glendo State Park. Petitioner cites statistics relative to the number of motor vehicle licenses attributable to Cheyenne residents, utilities connection, and bank assets to substantiate its claim of Cheyenne's economic growth.

3. Cheyenne's local aural service is currently being furnished by 3 AM stations, one of which is daytime-only, and FM Stations KFBC–FM (Channel 250)

and petitioner's KVWO–FM (Channel 292A). In support of its petition for a second Cheyenne Class C assignment, petitioner states that although Denver, Colorado, 102 miles south, and Fort Collins, Colorado, approximately 50 miles south, have numerous Class C allocations, none of these stations "is broadcasting with regard to the local interests of the Wyoming listening audience". We note that at present there is an intermixture of channel classes in the Cheyenne community. Adoption of petitioner's request would advance the Commission's policy against intermixture and help to place FM stations in that community on a more nearly equal competitive basis. We also note that Cheyenne is a community of sufficient size to merit a Class C assignment rather than a Class A.[1] In its supplementary petition, filed November 26, 1973, KVWO, Inc. states that a primary reason compelling the assignment of a second Class C channel to Cheyenne is the need for constant reporting, via strong radio signals, of weather and road conditions and closings warnings. The Cheyenne Weather Bureau advised petitioner that it issues approximately one warning per day.

4. Petitioner states that four Wyoming cities already have two Class C channels allocated to them. Each of these communities has a population less than that of Cheyenne. The pertinent communities are Casper, Laramie, Sheridan, and Rock Springs with populations of 40,500, 25,300, 16,800, and 14,200 respectively.

5. With respect to the technical feasibility of deleting Cheyenne's Channel 292A assignment and adding the requested Class C channel, petitioner's request could be accommodated if Terrytown, Nebraska's Channel 265A assignment, presently unoccupied and unapplied for, were deleted and Channel 280A substituted therefore. The Commission notes that should Channel 264 be assigned to Cheyenne and Channel 292A deleted, the Cheyenne transmitting antenna would have to be located at least 5 miles west of the community in order to meet the spacing requirement with respect to the Kimball, Nebraska Channel 261A assignment.

6. Petitioner's preclusion study indicates that adoption of its proposal would result in preclusion on several adjacent channels and on Channel 264. The preclusion which occurs on co-channel 264 and adjacent Channels 263 and 265A affects essentially identical land areas and communities. Within this precluded area, however, are a number of unoccupied assignments. Adoption of petitioner's proposal would preclude assignment of adjacent Channel 261A to the Wyoming communities of Wheatland and Torrington. Each has, however, a channel assigned to it which is presently unoccupied. It appears, therefore, that although the potential preclusion affects large areas of land, the effects with respect to the future availability of local FM services within these areas are comparatively insignificant.

7. Petitioner's engineering statement contains a Roanoke Rapids-Goldsboro, N.C. showing, 9 F.C.C. 2d 672 (1967), which indicates that KVWO–FM, should its petition be granted, would offer a second FM service to 1,597 persons. No first FM service would be offered. This second FM service figure is obtained by using the Roanoke Rapids-Goldsboro, N.C. "reasonable facility" criteria for existing stations and vacant assignments. By using the present facilities of the existing stations to determine the 60 dBu contours and assuming that presently vacant assignments offer no FM service, petitioner's engineering statement demonstrates that a first FM service would actually be offered to 21,600 persons, and a second FM service to 3,690 persons. It should be noted that this larger first service figure includes a substantial portion of the population of Laramie (pop. 23,143) which, at the time the petition was filed, had two vacant Class C assignments. However, a construction permit for use of one of them has since been granted; hence the first service figure must be scaled downward accordingly.

8. In view of the foregoing, and 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 and Regulations, IT IS PROPOSED TO AMEND § 75.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, as concerns the communities listed below:

City	Channel No.	
	Present	Proposed
Cheyenne, Wyo	250, 292A	250, 264
Terrytown, Nebr	265A	280A

9. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. Failure to file may lead to denial of the request.

10. *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).)

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before March 5, 1975, and reply comments on or before March 25, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

13. 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.

Adopted: December 30, 1974.

Released: January 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–1290 Filed 1–14–75;8:45 am]

[1] See para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1968)).

ATOMIC ENERGY COMMISSION

[10 CFR Part 9]

UNIFORM FEE SCHEDULES FOR SEARCH AND DUPLICATION OF AGENCY RECORDS

Proposed Revision of Charges for Provision of Records

The Atomic Energy Commission is proposing to amend its regulations in 10 CFR Part 9.9 to conform to the requirements of Pub. L. 93–502(b)(2), 5 U.S.C. 552(a)(4)(A) (part of the 1974 Amendments to the Freedom of Information Act), which requires that agencies promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees for document search and duplication, which fees shall be limited to reasonable standard charges and provide only for the recovery of direct costs for document search and duplication.

The proposed fees for document search are based on the average direct hourly cost for either a clerical or professional employee depending on what type of employee would be required to conduct the search.

The AEC is currently undertaking a review concerning computer searches to determine the feasibility of developing a meaningful uniform schedule of fees which can be stated in terms of rate per unit of service. Until such time as this feasibility study is completed, the rate for computer searches is planned to be the actual direct cost for the computer search.

Proposed charges for duplicating costs have been revised, where necessary, to reflect the recovery of only direct costs.

All present charges for the screening of records to exclude information that is exempt under the Freedom of Information Act will be discontinued to comply with the 1974 amendments to the Freedom of Information Act.

It should be noted that the Atomic Energy Commission will be abolished in accordance with the Energy Reorganization Act of 1974, (Pub. L. 93–438) and an Energy Research and Development Administration and Nuclear Regulatory Commission will be established all of which will take place on or before February 8, 1975. As a result of this reorganization, minor adjustments may be required to the proposed fees set forth below for each of the two new organizations.

Pursuant to the Atomic Energy Act of 1954, as amended, and 5 U.S.C. 552(a)(4)(A) (Pub. L. 93–502(b)(2)), notice is hereby given that the adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 9, is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by February 13, 1975. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

1. In § 9.9, paragraph (b)(2) is deleted, paragraphs (a)(2), (c), (d), and (g) are revised to read as follows, and paragraph (b)(3) is revised and redesignated as (b)(2):

§ 9.9 Charges for provision of records.

(a) * * *

* * * * *

(2) The charge for duplicating records other than those specified above will be computed on the basis of AEC's direct cost.

* * * * *

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

* * * * *

(2) The charge for duplicating records other than those specified above will be computed on the basis of AEC's direct cost.

(c) If a request is for records not located in the Public Document Room the rates for searching are $5.70 per hour for clerical personnel and $16.00 per hour for non-clerical personnel. Fractional parts of an hour will be charged on a pro rata basis. When a computer search is necessary in order to fulfill a request, the computer search charge will be the actual direct cost of the computer search. No charge will be made for manual searching if less than one hour is required to fulfill a request.

(d) A deposit or surety bond equal to the estimated cost of searching and duplicating the number of requested copies will be required in advance from any person requesting copies of records from the AEC. Refunds of unused deposits or additional billings will be made to adjust the charge to the actual cost.

* * * * *

(g) The General Manager or the Director of Regulation, or either's designee, may waive all or part of the fee for searching and duplicating if he determines such action to be in the public interest.

(Sec. 161, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(p), Pub. L. 93–502 (b)(2), 5 U.S.C. § 552(a)(4)(A)).

Dated at Washington, D.C., this 10th day of January, 1975.

For the Atomic Energy Commission.

ROBERT D. THORNE,
Acting General Manager.

[FR Doc.75–1354 Filed 1–14–75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 309]

PUBLISHED AND UNPUBLISHED RECORDS AND INFORMATION

Uniform Schedule of Fees for Records

1. In accordance with the requirement in subsection (b) of Pub. L. 93–502 (88 Stat. 1561–65), the Board of Directors of the Federal Deposit Insurance Corporation is publishing for notice and comment a uniform schedule of fees applicable to all records made available under section 3 of the Administrative Procedure Act (5 U.S.C. 552). In its final form, the uniform schedule of fees, along with various other amendments necessitated by Pub. L. 93–502, will be contained in § 309.1 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 309.1).

2. Section 309.1(a)(3) is amended by inserting the following three paragraphs in lieu of the second paragraph thereof:

Except to the extent that the records relate to or contain information which is exempted from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552) or other law, the Corporation upon a request which reasonably describes records of the Corporation and is made in accordance with the procedures set forth in this Section, will make such records available to any person who agrees to pay the costs of searching[1] (whether or not the search is successful) and duplicating such records at the rate of a) $4.50 per hour for searching where clerical personnel are used, b) $10.00 per hour where supervisory or professional personnel are used, c) $175.00 per central processing unit hour for computer time used and d) 10 cents per page for duplicating. Any request for records should specify an aggregate dollar limit which the person making the request is willing to pay for costs of searching and duplicating. Where the cost of searching and duplicating as estimated by the Corporation exceeds the aggregate amount specified in the request, or where no dollar amount is so specified, the Corporation shall promptly advise the person requesting the records of such estimated cost. In addition, whenever the cost of searching and duplicating estimated by the Corporation exceeds $200.00, the requester shall be required to pay in advance to the Corporation an amount equal to 20 percent of that estimated cost. For purposes of the time period in which the Corporation must grant or deny a request for records, such a request shall not be deemed to have been received by the Corporation until the person requesting such records agrees in writing to pay the cost of searching and duplicating as estimated by the Corporation and, if applicable, until the Corporation receives a payment in advance of 20 percent of such estimated costs.

Upon written request and at fees comparable to those imposed in [the first paragraph of this amendment], the Corporation will undertake to compile requested data in summary, tabular or other form, unless the Corporation determines, in its discretion, that compliance with such a request would be unduly burdensome or time consuming for the Corporation.

Whenever the Corporation determines that furnishing any requested information is in the public interest because it primarily benefits the general public, it will reduce or waive any fees imposed under [the first paragraph of this amendment].

[1] As used in this paragraph, the term "searching" includes any method of extracting requested information from computerized record systems.

3. This notice is published pursuant to section 553(b) of Title 5, United States Code, and §§ 302.1–302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit written data, views or arguments regarding the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, no later than February 15, 1975.

By Order of the Board of Directors, January 10, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75–1326 Filed 1–14–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505]

[No. 75–15]

FEES FOR FURNISHING OF DOCUMENTS AND RECORDS

Notice of Proposed Rulemaking

JANUARY 7, 1975.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation:

I. *Existing Regulations*—Provides both the procedure to obtain records of the Board and the fee schedule.

II. *Proposed Amendment* — Separates the procedure for obtaining records from the fee schedule. Removes the phrase "preparing for inspection" as an item

of cost. Adds a provision for a cost estimate to be furnished if there is reason to believe the cost will exceed $50. Increases the per hour search rate from $5 to $10 per hour. Provides for advance deposits in some cases.

III. *Effect of the Proposed Amendment*—Enables the Board to comply with certain amendments to the Freedom of Information Act (5 U.S.C. 552) contained in Pub. L. 93–502.

The Federal Home Loan Bank Board, as required by Public Law 93–502, hereby proposes to amend § 505.4 of its general regulations (12 CFR 505.4) by deleting the last three sentences of § 505.4(d) and by adding a new paragraph (e).

Section 505.4(d) would then provide the procedure by which persons may obtain access to Board records. The proposed fees for locating and reproducing such records would be contained in the new paragraph (e). In substance, the proposed regulation contains the following changes: (1) The current charge for preparing records for inspection is eliminated; (2) a provision is added to advise a person requesting records of possible charges in excess of $50 if the requester has not stated that he will pay all charges regardless of amount; (3) the Secretary is authorized to require an advance deposit to insure adequate reimbursement of costs with the time during which the Board must comply with the record request not to commence until the deposit is paid; and (4) the hourly search fee, which has not been changed since 1968, is increased from $5.00 to $10.00 per hour.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by January 30, 1975 as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 505.4(d) is proposed to be amended by deleting therefrom the last three sentences, and a new paragraph (e) is proposed to be added to § 505.4 to read as follows:

§ 505.4 Access to records.

* * * * *

(e) *Fees for providing copies of records.* (1) A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of $10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed $50. If such notice is given, the time limitations contained elsewhere [1] in this part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere [1] in this part shall not commence until the deposit is paid.

(2) The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(5 U.S.C. as amended; sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–1332 Filed 1–14–75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154, 157]

[Docket No. RM75–14]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS

Order Instituting National Rate Proceeding; Correction

DECEMBER 4, 1974.

In the Order Instituting National Rate Proceeding, issued December 4, 1974, page 43093 (39 FR 43093, December 10, 1974), Column 3, Paragraph 3, lines 23, 24 and 25 Change "November 15, 1974" to read "January 17, 1975" and Change "December 13, 1974" to read "February 14, 1975".

MARY B. KIDD,
Acting Secretary.

[FR Doc.75–1246 Filed 1–14–75;8:45 am]

[1] To be adopted on or before the date of final action on this proposal.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1206]

SEARCH AND DUPLICATION FEES FOR AGENCY RECORDS

Notice of Proposed Rulemaking

The National Aeronautics and Space Administration is considering amendments to the regulations regarding fees to be charged in responding to requests for agency records under the Freedom of Information Act, 5 U.S.C. 552. NASA's regulations implementing that act are contained in Part 1206, Title 14, Code of Federal Regulations. The amended regulations will apply to all elements of NASA.

The present NASA fee regulations were promulgated under 31 U.S.C. 483a, which contemplates that services provided by the government be self-sustaining. Section 1(b)(2) of Pub. L. 93–502, 88 Stat. 1561, amends the Freedom of Information Act (5 U.S.C. 552) to provide only for recovery of direct costs of search and duplication, by means of reasonable standard charges.

NASA's proposed amendments eliminate charges for monitoring inspections by a requester, eliminate charges for time spent in deleting exempt material, and revise charges for search and duplication to reflect direct costs only. Clerical search charges will be based on the salary of a GS–5, step 1, employee. Fees for non-clerical searches will be based on the salary of a GS–11, step 8, employee. These levels of personnel are considered to be the average levels which will be utilized.

Where it is feasible to do so, standard fees are specified in the revised regulations. If it is not feasible to establish standard fees; for example, if a computerized search or printout would be required to respond to a request for an agency record, the regulations require that the requester be given advance notification of the estimated fees.

Interested persons may participate in the proposed rulemaking by submitting written comments to the Office of General Counsel, Code G, National Aeronautics and Space Administration, Washington, D.C. 20546. All relevant comments received on or before February 14, 1975 will be considered. Arrangements to inspect copies of the written comments may be made by calling the Office of Assistant General Counsel for General Law, NASA, at (202) 755–3920. No hearing is contemplated.

Therefore, pursuant to the authority vested in the Administrator of the National Aeronautics and Space Administration by section 203(b) of the National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473(b), and 5 U.S.C. 552, as amended by Pub. L. 93–502, 88 Stat. 1561, it is proposed to revise Subpart 7 of Part 1206 of Title 14

of the Code of Federal Regulations to read as follows:

Subpart 7—Search and Duplication Fees

§ 1206.700 Schedule of fees.

The fees specified in this section shall be charged for searching for or duplicating an agency record made available in response to a request under this part.

(a) *Copies.* For copies of documents, such as letters, memoranda, statements, reports, contracts, etc., $0.10 per copy of each page. For copies of oversize documents, such as maps, charts, blueprints, etc., $0.15 for each reproduced copy per square foot. These charges for copies include the time spent in duplicating the documents.

(b) *Clerical searches.* For each one quarter hour spent by clerical personnel in searching for an agency record in response to a request under this part, $1.00.

(c) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent by such higher level personnel in searching for a requested record, $2.50.

(d) *Computerized records.* Because of the diversity in the types and configurations of computers which may be required in responding to requests for agency records maintained in whole or in part in computerized form, it is not feasible to establish a uniform schedule of fees for search and printout of such records. In most instances, records maintained in computer data banks are available also in printed form and the standard fees specified in paragraph (a) of this section shall apply. If the request for an agency record required to be made available under this part requires a computerized search or printout, the charge for the time of personnel involved shall be at the rates specified in paragraphs (b) and (c) of this section. The charge for the computer time involved and for any special supplies or materials used, such as magnetic tape or Hollerith cards, shall not exceed the direct cost to NASA. Before any computer search or printout is undertaken in response to a request for an agency record, the requester shall be notified of the applicable unit costs involved and the total estimated cost of the search or printout.

(e) *Other search and duplication costs.* Reasonable standard fees, other than as specified in paragraphs (a) through (d) of this section, may be charged for direct costs incurred in searching for or duplicating an agency record in response to a request under this part. Charges which may be made under this paragraph include, but are not limited to, the transportation of NASA personnel to places of record storage for search purposes or freight charges for transporting records to the personnel searching for or duplicating a requested record.

(f) *Unsuccessful or unproductive searches.* Search charges, as set forth in paragraph (b) and (c) of this section, may be made even when an agency record which has been requested cannot be identified or located after a diligent search and consultation with a professional NASA employee familiar with the subject area of the request, or if located, cannot be made available under Subpart 3 of this part. Ordinarily, however, fees will not be charged in such instances unless they are substantial and the requester has been advised that it cannot be determined in advance whether any records exist which can be made available (see § 1206.701) and that search fees will be charged even if no record can be located and made available.

(g) *Examination and related tasks in screening records.* No charge shall be made for the time spent in resolving legal or policy issues in connection with a request for an agency record under this part, in examining records to determine whether they will be made available to the requester, or in monitoring the inspection of requested records by a member of the public.

§ 1206.701 Advance estimate or deposit before incurring costs.

(a) In the circumstance specified in subparagraphs (1) through (4) of this paragraph, before NASA undertakes to search for an agency record and thereby subjects the requester to a fee under this subpart, NASA will promptly notify the requester of the estimated fees chargeable for searching for and duplicating the requested record. Such an advance estimate shall be provided in the following circumstances:

(1) It the requester specifically requests an estimate;

(2) If the search involves computerized records (see § 1206.700(d));

(3) If the search and duplication would involve transportation costs (see § 1206.700(e)); or

(4) If the estimated cost of the search for an agency record exceeds $25.00 and it cannot be determined in advance if the record requested can be identified or located and made available to the requester.

(b) In appropriate cases, an advance deposit may be required before NASA will undertake to search for an agency record.

(c) A notice of estimated fees or request for advance deposit shall also extend an offer to the requester to confer with knowledgeable NASA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

(d) If an estimate is provided under this section, the request for the record shall not be deemed to have been received until the requester agrees to bear the estimated cost or, if an advance deposit is requested, provides such a deposit.

§ 1206.702 Waiver of fees.

(a) The NASA official making an initial or final determination on a request for an agency record may waive all or part of a fee which would be chargeable under this subpart if the official determines that such action is in the public interest because making the record available can be considered as primarily benefiting the general public.

(b) Ordinarily, fees will not be charged where they would amount in the aggregate, for a request or series of related requests, to less than $3.00.

§ 1206.703 Certification.

In accordance with the provisions of 31 U.S.C. 483a, a charge of $1.00 shall be made for each certification of true copies of agency records.

§ 1206.704 Form of payment.

Payment by mail shall be made by check or money order payable to the "Treasurer of the United States" and sent to NASA.

JAMES C. FLETCHER,
Administrator.

[FR Doc.75-1370 Filed 1-14-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

COUNTERVAILING DUTY PETITIONS

Notice of Receipt

Pursuant to the provisions of the Trade Act of 1974, the Treasury Department is required to issue a tentative determination as to the existence or non-existence of a bounty or grant within the meaning of the U.S. Countervailing Duty Law, as amended (19 U.S.C. 1303), within 6-months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12-months of the receipt of such petition. Under the amended law, those petitions which were outstanding as of the date of enactment of the Trade Act of 1974 are to be treated as having been received on the day after enactment for purposes of accomplishing the prescribed time limits.

The following petitions were received prior to the enactment of the Trade Act of 1974, but formal investigations had not as yet been initiated on such petitions with the publication in the FEDERAL REGISTER of countervailing duty proceeding notices pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47 (c)).

Commodity:	*Country*
Float Glass	Belgium.
Float Glass	Italy.
Float Glass	France.
Float Glass	West Germany.
Float Glass	U.K.
Processed Asparagus	Mexico.
Dairy Products	EC Member States.
Ferrochrome	South Africa.
Footwear	Taiwan.
Cheese	Austria.
Cheese	Switzerland.
Leather Handbags	Brazil.
Non-rubber Footwear	Korea.
Canned Hams	EC Member States.
Shoes	West Germany.
Leather Products	Argentina.
Steel Products	West Germany.
Steel Products	France.
Steel Products	Netherlands.
Steel Products	Luxembourg.
Steel Products	Belgium.
Steel Products	United Kingdom.
Steel Products	Austria.
Cotton Textiles and Man-made Fibers	India.
Dried Apples	Italy.
Cast Iron Soil Pipe & Fittings	India.
Tie Fabrics	Korea.
Tie Fabrics	West Germany.
Tie Fabrics	Japan.
Oxygen Sensing Probes	Canada.

Tentative determinations on each petition will be made within 6 months after enactment of the Trade Act of 1974, i.e., no later than July 4, 1975, as to whether certain payments, bestowals, rebates, or refunds granted by the Governments concerned upon the manufacture, production, or exportation of the merchandise listed above constitute the payment or bestowal of a bounty or grant within the meaning of section 303 of the Trade Act of 1974 (19 U.S.C. 1303). Final determinations will be issued within 12 months of the date of enactment of the Trade Act of 1974, i.e., no later than January 4, 1976.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1303), and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JANUARY 13, 1975.

[FR Doc.75-1572 Filed 1-14-75;10:02 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON "NET TECHNICAL ASSESSMENT"

Advisory Committee Meeting

A Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 30–31 January 1975 at the Defense Intelligence Agency, Washington, D.C. 20301.

The mission of the Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining areas of technological exploitation and long range technological trends which will measurably help the Government regarding technology transfer issues as they relate to the Soviet Union and the rest of the World.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552(b) of title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirement of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

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

JANUARY 10, 1975.

[FR Doc.75-1321 Filed 1-14-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-24]

JOHN R. AMATO, M.D., NEWARK, NEW JERSEY

Notice of Hearing

Notice is hereby given that on November 6, 1974, the Drug Enforcement Administration, Department of Justice, issued to John R. Amato, M.D., Newark, New Jersey, an Order to Show Cause as to why the application for registration executed May 12, 1974, pursuant to section 303 of the Controlled Substances Act should not be denied.

Thirty days having elapsed since said order was received by Dr. Amato, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on February 10, 1975, in Room 1210, of the Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537.

Dated: January 10, 1975.

JERRY N. JENSON,
Acting Deputy Administrator.

[FR Doc.75-1271 Filed 1-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PONCA INDIANS, OKLAHOMA AND NEBRASKA

Plan for the Use and Distribution of Ponca Judgment Funds Awarded in Dockets 322, 323, and 324 Before the Indian Claims Commission

JANUARY 7, 1975.

This notice is published in exercise of authority delegated by the Secretary of

the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Acts of May 27, 1972 (86 Stat. 163); July 1, 1973 (87 Stat. 99); and May 13, 1966 (80 Stat. 141), in satisfaction of awards granted to the Ponca Indians in Indian Claims Commission Dockets 322, 323, and 324, respectively. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 30, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on August 2, 1974, and by the Senate on August 5, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective as of November 23, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Acts of May 27, 1972 (86 Stat. 163); July 1, 1973 (87 Stat. 99); and May 13, 1966 (80 Stat. 141) in Dockets 322, 323, and 324, respectively, before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall divide the judgment funds in Dockets 322, 323, and $1,298.99, together with accrued interest thereon, of the funds in Docket 324, between the Ponca Tribe of Oklahoma and the Ponca Tribe of Native Americans of Nebraska on the basis of the relative numbers of (a) persons who were born on or prior to and are living on the approval date of this plan and whose names appear on the official proposed membership roll of the Ponca Tribe of Oklahoma, made current as of the date of approval of this plan; and (b) persons whose names appear on the roll of the Ponca Tribe of Native Americans of Nebraska, prepared pursuant to the Act of September 5, 1962 (76 Stat. 429), and made final by the Secretary on July 16, 1965.

The same method shall be used to determine each Ponca group's share of expenses amounting to $16,090.44 that were paid from the tribal funds of the Ponca Tribe of Oklahoma in pressing for a favorable settlement of the claims represented in Dockets 322, 323 and 324. The pro rata share of the Ponca Tribe of Native Americans of Nebraska of said expenses shall be deducted from that group's share of the judgment funds and added to the share of the judgment funds that belongs to the Ponca Tribe of Oklahoma.

PLAN FOR THE PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

The share of the judgment funds that is due the Ponca Tribe of Native Americans of Nebraska shall be distributed in individual shares to persons whose names appear on the roll of the Ponca Tribe of Native Americans of Nebraska that was made final on July 16, 1965. A share payable to a deceased person whose name appears on said final roll shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

The portion per capita belonging to minors and legal incompetents will continue to be invested and administered as individual Indian money until a suitable trust is developed and approved by the Secretary, or disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

Notices of changes of address of living final enrollees and proofs of death and inheritance with respect to deceased final enrollees shall be filed with the Winnebago Agency, Bureau of Indian Affairs, Winnebago, Nebraska 68071, in the manner and within the time limits to be prescribed for those purposes.

PLAN FOR THE PONCA TRIBE OF OKLAHOMA

The sum of $1,168.31, together with interest thereon, of the funds in Docket 324, and the share of the Ponca Tribe of Oklahoma from the remainder of the funds in Docket 324 and of the funds in Dockets 322 and 323, shall be used and distributed as follows:

The Secretary shall make a per capita distribution of ninety (90) percent of the principal, together with accrued interest, of the tribe's share of the judgment funds in a sum as equal as possible to each member of the Ponca Tribe of Oklahoma, and to any person found by the Secretary to be eligible for membership in the tribe, who was born on or prior to and is living on the approval date of this plan. The Secretary, in arranging for the per capita payments to be made, shall withhold sufficient shares for individuals whose entitlement to tribal membership may be in question. Those shares shall be held at interest in a separate individual Indian money account pending determination of enrollment appeals. As soon as possible, the Ponca Tribe of Oklahoma shall post or cause to be posted copies of the proposed tribal membership roll for a period of 30 days, during which time any person may appeal the inclusion or omission of any names on or from the roll. The deadline for filing appeals will be midnight of the last day of said thirty (30) days period. Appeals shall be handled in accordance with procedures established by the Ponca Tribal Business Committee and approved by the Secretary. The amount of any shares determined not payable on the basis of enrollment appeals that are denied may be used for any purposes that are authorized by the tribal governing body and approved by the Secretary.

The portion per capita belonging to minors, legal incompetents, and deceased persons will continue to be invested and administered as individual Indian money until a suitable trust is developed and approved by the Secretary, or is disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

The programing aspects of the plan for the Ponca Tribe of Oklahoma consist of utilizing the interest earned from the investment of ten (10) percent of the tribe's share of the judgment funds for a tribal burial program, except that $14,105.00 of the principal of said ten (10) percent shall be used for the first year's burial expenses of the tribal members. The funds set aside for the tribal burial program shall be deposited in a separate account at interest. If the annual investment income exceeds that initial amount, the Ponca Tribal Business Committee may establish a higher payment for burial expenses or use the excess sums for other purposes, subject to approval by the Secretary. Individual benefits from the tribal burial program shall not exceed $1,085.00, but if the actual costs of a funeral are less than that amount, the difference between that sum and the actual costs of the funeral may be disbursed to the proper parties for actual and incidental expenses as determined by the Ponca Tribal Business Committee."

RAYMOND V. BUTLER,
Acting Deputy, Commissioner of Indian Affairs.

[FR Doc.75–2718 Filed 1–14–75;8:45 am]

ROSEBUD INDIAN RESERVATION, S. DAK.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

JANUARY 8, 1975.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83d Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Rosebud Indian Reservation, South Dakota was adopted on August 2, 1974, by the Rosebud Sioux Tribal Council, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

ORDINANCE NO. RB 74–20

Whereas, the Rosebud Sioux Tribal Council on the 8th day of July, 1971, enacted Rosebud Sioux Tribal Council Resolution No. 71–95 allowing for the introduction of liquor into the Rosebud Sioux Indian Reservation; such resolution was amended on the 17th day of August, 1972; and

Whereas, the Rosebud Sioux Tribal Council is desirous to amend Resolution No. 71–95, as amended, to improve the administration and enforcement of the reservation liquor laws and to allow for the proceeds from the sale of liquor to be used in a manner that will better benefit the Rosebud Sioux People and Tribe.

Now therefore be it ordained, that Rosebud Sioux Tribal Council Resolution No. 71–95, as amended, is hereby amended in its entirety to read as provided below.

And be it further ordained, that the Secretary of the Rosebud Sioux Tribal Council is hereby ordered to submit this Ordinance to the Secretary of the Interior for publication in the FEDERAL REGISTER in the most expedient manner.

CHAPTER I

ALCOHOLIC BEVERAGES

Sec. 1. *Definition of terms.* Terms used in this ordinance, unless the context otherwise plainly requires, shall mean as follows:

1. "Alcoholic Beverages" shall mean any intoxicating liquor, low-point beer or any wine as defined under the provisions of this ordinance;

2. "Application" shall mean a formal written request for the issuance of a license supported by a verified statement of facts;

3. "Bulk Container" shall mean any package, or any container within which container are one or more packages;

4. "Distillery," "winery," and "brewery" shall mean not only the premises wherein alcohol is distilled, or rectified wine is fermented or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of intoxicating liquor or beer in any form;

5. "Foreign Corporation" shall mean any corporation not incorporated under the laws of the Rosebud Sioux Tribe;

6. "High-Point Beer" shall mean any beer having an alcoholic content in excess of three and two-tenths per centum by weight;

7. "Immediate Family" shall mean and include as defined under both the Anglo-American and Lakota systems of jurisprudence, but is not limited to, the following relationships: grandparents, parents, spouses, sons, daughters, grandchildren, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, aunts, uncles, and cousins in addition to all other lineal and collateral relatives whether in the whole or half blood or adopted;

8. "Indian Community" or "Community" shall mean any recognized Indian Community as established by the Constitution, By-Laws, or Ordinances of the Rosebud Sioux Tribe;

9. "Intoxicating Liquor" shall mean any liquid either commonly used, or reasonably adapted to use, for beverages purposes, containing in excess of three and two-tenths per centum of alcohol by weight. This shall include any type of wine, regardless of alcohol content;

10. "Legal Age" shall mean the age requirements as defined in Chapter VI;

11. "Liquor Store" shall mean any store established by the Department or any Indian Community for the sale of alcoholic beverages;

12. "Low-Point Beer" shall mean any liquid either commonly used, or reasonably adapted to use, for beverages purposes, and which is produced wholly or in part from brewing of any grain or grains, or malt or malt substitute, and which contains any alcohol whatsoever but no more than three and two-tenths per centum of alcohol by weight;

13. "On-Sale Dealer" shall mean the Rosebud Sioux Tribe and any Indian Community that sells, or keeps for sale, any alcoholic beverages authorized under this ordinance for consumption on the premises where sold;

14. "On-Sale" shall mean the sale of any alcoholic beverage, for consumption only upon the premises where sold;

15. "Off-Sale" shall mean the sale of any alcoholic beverage, for consumption off the premises where sold;

16. "Package" shall mean the bottle or immediate container of any alcoholic beverage;

17. "Package Dealer" shall mean the Rosebud Sioux Tribe and any Indian Community, as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under this ordinance for consumption off the premises where sold;

18. "Public Place" shall mean any place, building, or conveyance to which the public has or is permitted access;

19. "Retailer" shall mean the Rosebud Sioux Tribe and any Indian Community that sells alcoholic beverages authorized under this ordinance for other than resale;

20. "Sacramental Wine" shall mean wines for sacramental purposes only and used by ordained rabbis, priests, ministers, or pastors, or any church or established religious organization;

21. "Sale" shall mean the transfer, for a consideration, of title to any alcoholic beverage;

22. "Stamp" shall mean the various stamps required by this ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this ordinance;

23. "Treasurer" shall mean the duly selected and acting Treasurer of the Rosebud Sioux Tribe;

24. "Tribal Council" shall bean the Tribal Council of the Rosebud Sioux Tribe;

25. "Vendor" shall be as defined by Chapter 1, Section 17 and, in the case of an Indian Community, a vendor shall mean any person employed and under the direct supervision of such community to conduct and manage community liquor stores;

26. "Wholesaler" shall mean any person, other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or low-point beer; no wholesaler shall be permitted to sell for consumption upon the premises;

27. "Wine" shall mean any beverage containing alcohol obtained by the fermentation of the natural sugar contents of fruits or other agricultural products; and

28. The terms, "the provisions of this ordinance," "as provided in this ordinance," or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of this ordinance.

Section 2. Public policy declared. This ordinance shall be cited as the "Rosebud Sioux Tribal Liquor Control Ordinance," and under the inherent sovereignty of the Rosebud Sioux Tribe, shall be deemed an exercise of the police power of the Tribe, for the protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages is so affected with the public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this ordinance.

Section 3. General prohibition. It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or low-point beer except upon the terms, conditions, limitations, and restrictions specified in this ordinance.

Section 4. Department created-place of business. There is hereby created a Rosebud Sioux Tribal Liquor Control Department (hereinafter Department) to administer and enforce the laws of the Tribe concerning intoxicating liquor and low-point beer. The principal place of business of the Department shall be at Rosebud, South Dakota and suitable quarters or offices shall be provided for the Department by the Rosebud Sioux Tribal Council.

Section 5. Commission created. There is hereby created within the Department a Rosebud Sioux Liquor Control Commission (hereinafter Commission) composed of three members. No person may be a member of the Commission if such person or any member of his or her immediate family is also a member of the Rosebud Sioux Tribe governing body or has an interest directly or indirectly in the production, transportation, or sale of intoxicating liquor or low-point beer, or in any building or property in any way used in connection with any such business. The Commission shall be held strictly accountable for the enforcement of all the provisions of this ordinance and shall be directly responsible to the Rosebud Sioux Tribal Council.

(A) *Appointment - term - qualifications-compensation.* Appointments to the Commission shall be for terms of three years and shall be made by a majority vote of the Rosebud Sioux Tribal Council. Members of the Commission shall be appointed so that one member's term of office expires on January 1st of each year. Members of the Commission shall be chosen on the basis of ability and may be reappointed for one additional term. Each member appointed shall receive full compensation for their services in an amount determined by the Rosebud Sioux Tribal Council in addition to reasonable and necessary expenses incurred while attending meetings. Vacancies shall be filled by a majority vote of the Rosebud Sioux Tribal Council only for the unexpired portion of the vacant position.

(B) *Bonds.* Each member of the Commission shall post a bond in such amount and with such sureties as the Tribal Council shall approve to guarantee to the Tribe the proper handling and accounting of such monies, merchandise, and other properties as may be required in the administration of this ordinance.

(C) *Commission meetings.* The Commission shall meet at least once per month and in February of each year shall select one of its members as Chairman, which member shall serve in such capacity for the succeeding year. Special meetings of the Commission may be called by the chairman or when any two members file with the chairman a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the Commission and the President of the Rosebud Sioux Tribe. All Commission meetings shall be held within the Reservation. Two members of the Commission shall constitute a quorum. Meetings should be held only when warranted and commissioners may be subject to removal from office if it is established that meetings are being held primarily for the purpose of collecting mileage and per diem.

Section 6. Director appointed. The Tribal Council shall hire under contract a Director of Liquor Control, (hereinafter Director) who in no event shall be a member of the Commission nor shall such a person be appointed if he or a member of his or her immediate family is a member of the Rosebud Sioux Tribe governing body or has an interest directly or indirectly in the production, transportation, or sale of intoxicating liquor or low-point beer, or in any building or property in any way used in connection with any such business. Such Director's original contract shall be for a duration of one year and may be renewed on a yearly basis thereafter. The Director's salary shall be in such amount as may be determined by the Rosebud Sioux Tribal Council. The Director shall be qualified, in a managerial ability or in experience to perform his duties; shall post a bond in an amount determined by the Tribal Council to insure proper discharge of his duties; and shall act in the name of and serve at the pleasure of the Tribal Council, but shall be directly responsible to the Commission.

The Director shall devote full time to the discharge of his duties. He shall not hold any other elective or appointive position. He shall not accept or solicit, directly or indirectly, contributions or anything of value in behalf of himself, any special interest group on the reservation, any political party, or any person seeking an elective or appointive office nor use his official position to advance the candidacy of anyone seeking an elective or appointive office. The Director must physically reside on the Rosebud Reservation. A violation of this section may subject the Director to removal from office.

Section 7. Expenses. Members of the Commission, the Director and other employees of the Department shall be allowed their actual and necessary expenses while traveling on business of the Department outside of their place of residence on the Reservation, however, an itemized account of such expenses shall be verified by the claimant and certified by the Director. If such account is paid, copies of the same shall be filed with the Department and be and remain a part of its permanent records. All expenses (and salaries) of Commission members, the Director,

and other employees shall be paid from appropriations for such purposes from the Tribal Liquor Control Fund.

Section 8. Removal. Any Commission member or the Director shall be removed for cause and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the Tribe or the United States. Any member or Director so removed shall be entitled to an opportunity to be heard before the Tribal Council before removal.

Section 9. Exemption from suit. No Commission member, Director, or employee of the Department shall be personally liable for damages sustained by any person due to the act of such member, officer, or employee performed in the reasonable discharge of his duties in accordance with the provisions of this ordinance.

Section 10. Functions of the commission and director. The Commission shall, in addition to the duties specifically specified in this ordinance, act as a Department policy making body and serve also in an advisory capacity to the Director. The Director shall execute the policies of the Department as determined by the Commission. The Commission may review and affirm, reverse, or amend all actions of the Director.

Section 11. Favors from licensee. No person responsible for the administration or enforcement of this chapter and any other provision of this ordinance, shall accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any liquor control licensee or vendor. A violation of this section shall subject the violator to the general penalties provided for by this ordinance.

Section 12. Powers. The Commission in executing departmental functions, shall have the following duties and powers:

1. To direct the Director to perform any of the functions specified in this section;

2. To purchase alcoholic beverages for resale by the Department in the manner set forth in this ordinance;

3. With the approval of the Tribal Council, to establish, maintain, or discontinue Tribal liquor stores and determine the location of such stores subject to the provisions of Chapter II of this ordinance;

4. To rent, lease, or equip any building or any land necessary to carry out the provisions of this ordinance subject to the approval of the Tribal Council;

5. To lease all plants and lease or buy equipment necessary to carry out the provisions of this ordinance;

6. To appoint vendors, clerks, agents, or other employees required for carrying out the provisions of this Chapter; to dismiss such employees for cause; to assign such employees to such divisions as may be created by the Commission within the Department; and to designate their title, duties, and powers;

7. To accept applications and grant licenses provided for by this ordinance;

8. To investigate any violation of the provisions of this ordinance within twenty (20) days from receipt of information or complaint of such violation; and

9. The Commission shall have such other powers and duties necessary and proper to carry out the provisions of this ordinance.

Section 13. Rules and regulations. The Commission may adopt and promulgate, with the approval of the Tribal Council, such rules and regulations that are necessary to carry out the provisions of this ordinance.

Section 14. Tribal monopoly. The Department shall have the sole and exclusive right of importation, into the Reservation, of all forms of intoxicating liquor and low-point beer, except as otherwise provided in this ordinance, and no person or organization shall so import any such intoxicating liquor or low-point beer into the Reservation. No licensed wholesaler or distillery shall sell any intoxicating liquor or low-point beer within the Reservation to any person or organization but only to the Department, except as otherwise provided in this ordinance. It is the intent of this section to vest in the Department exclusive control within the Reservation both as purchaser and vendor of all alcoholic beverages sold by licensed wholesalers or distilleries within the State of South Dakota or other states or imported therein, except low-point beer, and except as otherwise provided in this ordinance.

Section 15. No individual to hold license. No individual person may hold a liquor license under the provisions of this ordinance. It is the intent of this ordinance to allow only the Rosebud Sioux Tribe and Indian Communities to hold liquor licenses, in such manner as provided in this ordinance.

Section 16. Tribal liquor stores. Subject to the provisions of Chapter II, the Department shall establish and maintain anywhere on this Reservation which the Commission may deem advisable, a tribal liquor store or stores for storage and sale of alcoholic beverages in accordance with the provisions of this ordinance. The Commission may, from time to time, fix the prices of the different classes, varieties, or brands of alcoholic liquor and low-point beer to be sold.

Section 17. Vendors-cash sales. In the conduct and management of Tribal liquor stores the Commission is empowered to employ a person who shall be under the direct supervision of the Director, who shall be known as a "vendor" and who shall observe all provisions of this ordinance and rules and regulations that may be prescribed by the Commission under this ordinance. No vender shall sell alcoholic beverages to any person or organization except for cash.

Section 18. Restrictions on sales-seals-labeling. No alcoholic liquor shall be sold by the Department to any purchaser except in a sealed container with such identifying markers as shall be prescribed by the Commission and affixed on the premises of a Tribal warehouse or store. Possession of alcoholic liquors which do not carry the prescribed identifying markers shall be a violation of this section.

Section 19. Transportation permitted—reports required. It shall be lawful to transport, carry, or convey, alcoholic beverages from the place of purchase by the Department of any Tribal warehouse, store or depot established by the Department or from one such place to another and, when so permitted by this ordinance, it shall be lawful for any common carrier or other person to transport, carry, or convey. Any person outside the Rosebud Reservation who sells or ships alcoholic beverages to a retailer or dispenser within the Reservation shall forthwith forward to the Commission such a report as the Commission shall require, giving the name and address of the licensee and person making the purchase, the quantity and kind of alcoholic beverage sold, the manner of delivery and such other information as the Commission by rule requires.

Section 20. Storage of beverages. The Department shall not keep or store any alcoholic beverages at any place within the Rosebud Sioux Reservation other than on the premises where they are authorized to operate and except as otherwise provided by this ordinance.

Section 21. Payment of fee. There shall be no filing fee on applications for any licenses under this ordinance except Class C and Class D licenses in which case there is hereby imposed a $10.00 fee.

Section 22. Hearing and notice. No license for a Class A, B, C, D, E, or F license, as the same are defined and classified under the provisions of this ordinance, shall be granted to an applicant for any such license, except after public hearing, upon notice, as provided hereinafter in this Chapter.

Section 23. Request for notice of hearings. If any tribal member of any Community as recognized by the Constitution or By-Laws or Ordinances of the Rosebud Sioux Tribe, shall file with the Commission, a written request that he or she be notified of the time and place of hearing upon any specified application or applications for licenses for the On-or-Off sale at retail of alcoholic beverages, the Director shall give notice to such person by certified mail and within a sufficient length of time prior to the hearing upon such application as to allow such person a reasonable opportunity to be present. For the purposes of this section, the certified letter must be deposited with the U.S. Post Office at least five (5) days before the scheduled date of the hearing.

Section 24. Time and place for hearing. The Commission shall fix a time and place for hearing upon all such applications which may come before the Commission and the Director shall publish notice once in the official newspaper of such community which notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverage," and shall state the time and place when and where such applications will be considered by the Commission and that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least one week prior to such hearing. At the time and place so fixed, the Commission shall consider such applications and all objections thereto, if any, prior to final decision thereon.

Section 25. Transfer of licenses. No license granted pursuant to the provisions of this Ordinance shall be transferred to another Community or person or organization. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new location, which application shall take the same course and be acted upon as if an original application. No fee shall be required of a licensee who desires to transfer to a new location, however, such licensee must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

Section 26. Sale of stock on termination. Any licensee authorized to deal in alcoholic beverages upon termination of its license may at any time within twenty (20) days thereafter sell the whole or any part of the alcoholic beverages included in its stock in trade at the time of termination, to any licensed wholesaler approved under the provisions of this ordinance to deal in alcoholic beverages as a wholesaler. A complete report of such purchase and sale must be made by both the wholesaler and licensee to the Commission. At the discretion of the Commission, an additional twenty (20) days extension to sell may be granted to the licensee by the Commission.

Section 27. Complaints authorized. Any person may file with the Commission a duly notarized complaint as to any violations of the provisions of this ordinance and immediately upon receipt thereof, the Commission shall cause the Director to make a thorough investigation and, if there is evidence to support the charge made in such complaint, the Commission must cause revocation of the license in question and/or take other appropriate action.

Section 28. Revocation proceedings. The Commission shall on due notice to such licensee, conduct a hearing and on the basis

thereof determine whether such license should be revoked.

Section 29. Subpoena by commission. For the purpose of conducting the hearing as prescribed above, the Commission shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoened shall be paid at the then prevailing witness rate for the Rosebud Sioux Tribal Court, and said witness fee shall be paid from the Tribal Liquor Control Fund. (Criminal proceedings must be filed in Tribal Court and may be instituted by the Commission or Director as complainant against any violator except the Rosebud Sioux Tribe or an Indian Community.)

Section 30. Dismissal or acceptance of complaint. If the Commission determines the license should not be revoked, it shall dismiss the complaint. If the Commission determines the license should be revoked, and revokes such license, it must make in writing findings of fact as to every such violation alleged in such complaint before it revokes such license, and must by the time of the next Tribal Council meeting, make a report to the Tribal Council, in session, of a trahscript of the proceedings had, and all findings as to every such violation alleged in such complaint.

Section 31. Suspension in lieu of revocation. The Commission may, if the facts warrant, mitigate the revocation to a suspension.

When in any proceedings upon verified complaint, the Commission is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of the license would be adequate, it may suspend the license for a period not exceeding 60 days, which suspension shall become effective 24 hours after service of notice thereof upon the licensee. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

Section 32. Public hearing required. All hearings under the provisions of this ordinance shall be public, and place of hearing shall be specifically designated in the notice of hearing. It shall be permissible, when due notice has been given, for the Commission to hold hearings in the Community Hall of the Community wherein the license is operative.

Section 33. Order of revocation. In any case where the Commission approves a revocation of a license, it shall forthwith make an order for such revocation and upon service of notice thereof on the licensee all of such licensee's rights under such license shall terminate three days after such notice, except in the event of a stay on appeal.

Section 34. Waiting period for new license. Any licensee, except the Rosebud Sioux Tribe, whose license is revoked shall not for a period of two (2) years thereafter be granted any license under the provisions of this ordinance.

Section 35. Appeal to tribal court. Any licensee whose license is revoked by the Commission regardless of how the proceedings were instituted, may appeal from such revocation to the Rosebud Sioux Tribal Court, within five (5) days after notice to the licensee of such revocation, and such appeal operate to stay all proceedings for a period of fifteen (15) days thereafter and for such an additional period of time that the Rosebud Sioux Tribal Court may in its discretion extend. Under no circumstances may the Tribal Court extend the stay for a period of more than twenty-five (25) days including the original fifteen (15) days stay period. The Commission shall forthwith, upon such appeal being made, certify to the Tribal Court the complete record in the proceedings and the Court shall thereupon fix a time and place for hearing, due notice of which hearing shall be given to all concerned parties involved in the appeal.

For the purpose of appeal under this ordinance, the appeal shall be heard by *all* duly qualified and selected judges of the Rosebud Sioux Tribal Court sitting in one body.

Section 36. Review by tribal court. Upon appeal the Tribal Court Judges shall review the record as certified by the Commission and shall then immediately during that Court date, enter an order either affirming or reversing the decision revoking such license. In reaching its determination the Tribal Court Judges shall not hear any testimony, but shall examine the record as certified by the Commission as to whether it disclosed evidence of any violation of law or rules or regulations charged in the complaint, and if the certified record so disclosed a violation of law, the Court is bound to affirm the decision of the Commission.

An appeal will be denied unless a clear majority of the Tribal Judges sitting on the appeal vote for reversal. In the event of a tie vote, the actions of the Commission shall be affirmed and the license revoked.

Section 37. Bootlegging. Any person who, by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor or low-point beer with intent to sell or dispense of such liquor or low-point beer or otherwise in violation of law, or who shall, within this reservation in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor or low-point beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor or low-point beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor or low-point beer to any person under legal age, for any purpose except as authorized and permitted in this ordinance, shall be guilty of bootlegging and upon conviction thereof shall be subject to a fine of not less than $300.00 nor more than $500.00 and to a jail sentence of not less than three (3) months nor more than six (6) months or both such fine and jail sentence plus costs.

Section 38. General penalties. Any person violating any provision of this ordinance for which a specific penalty is not provided, shall be punished by a fine of not less than $150.00 nor more than $500.00 or by imprisonment in the Tribal jail for not more than six (6) months or by both such fine and imprisonment plus costs.

CHAPTER II

LOCAL OPTION AND COMMUNITY INVOLVEMENT

Section 1. Local regulations. Indian Communities as recognized by the Constitution, By-Laws or Ordinances of the Rosebud Sioux Tribe, who shall hold an election as provided herein and who shall authorize the retail sale of low-point beer within their jurisdiction shall have the right and power to make regulations, not inconsistent with the provisions of this Ordinance, concerning the conduct of retail traffic in low-point beer within their respective jurisdictions; this includes the regulation of the days of the week and the hours within which low-point beer may be sold, *Provided, however,* That nothing in this Chapter shall operate to restrict or apply to the Rosebud Sioux Tribe when it becomes the licensee anywhere within the Rosebud Sioux Reservation.

Section 2. Elections. (A) No part of this Chapter shall authorize the granting of any license by the Commission until such time as such Indian Community involved conducts a Community Election for the purpose of approving the retail sale of low-point beer in that Community. For the purpose of this ordinance, the Commission is prohibited from approving an application for a license by any community which has not affirmatively voted, by a majority of those voting, for the approval of the retail sale of low-point beer in that particular community.

(B) The local election to allow licensing of retail sale within the Indian Community of low-point beer shall be conducted by the duly elected community officials upon proper notice having been given in advance of at least fifteen (15) days duration. The election shall be held among all the duly qualified voters of the Community as of the date of the election, and the rules and regulations pertaining to Tribal Elections shall apply to such election. Upon the completion of a Community Election, the ballots shall be transmitted forthwith to the Tribal Council along with the certification of the Elected Officials of the Community as to the outcome of the election. Any charges as to irregularities in the election shall be heard by the Tribal Council and the Council's decision shall be final.

Section 3. Community licenses restricted. All communities under the provisions of this chapter who approve in the election the retail sale of low-point beer within their jurisdictions shall be limited to only Class E and Class F licenses as provided in Chapter V of this ordinance. When a Community elects to sell low-point beer, the Department shall not establish and maintain any store for the sale of low-point beer in such community that will be in competition with such Community's store or stores.

Section 4. When community option is lost. Any community that does not authorize and conduct an election under this chapter within 12 months from the approval of this amendatory ordinance by the Rosebud Sioux Tribal Council shall be deemed to have lost their right to sell and control low-point beer within their jurisdiction and all such rights lost shall revert exclusively to the Rosebud Sioux Tribe.

Section 5. Form of question of election. The form of submitting the question of whether intoxicating liquor is to be sold within the Community shall be, "Shall a license to sell low-point beer be permitted for this Community?"

Section 6. Distance from schools and churches. No license may be issued under this chapter to any community who will sell low-point beer within 400 feet of any school which is open during the sale hours, or which will operate within 400 feet of any existing church of any religion.

Section 7. Purchase invoices. Copies of each purchase invoice for low-point beer supplies delivered to and signed by any licensee or its duly authorized agent under this chapter shall be filed monthly with the Commission and the Treasurer of the Rosebud Sioux Tribe.

Section 8. Restriction on department extended to communities. Unless specifically indicated, all applicable provisions of this ordinance relating to the purchasing, transportation, storage, handling, serving, and sale of alcoholic beverages by the Department shall also apply to any Indian Community that sells low-point beer under this chapter.

CHAPTER III

LIQUOR LICENSES AND SALES

Section 1. Power to license and tax. The power to establish licenses and levy taxes under the provisions of this ordinance is vested exclusively with the Rosebud Sioux Tribal Council.

Section 2. Classes of licenses. Classes of licenses under this chapter, with the fee for each class, shall be as follows:

(1) Class A—Package dealers—No fee.

(2) Class B—On-Sale Dealers—No fee.

(3) Class C—Solicitors—Twenty-five dollars ($25.00).

(4) Class D—Transportation Companies—Twenty-five dollars ($25.00).

Section 3. One license per application. No more than one Class C or Class D license under this chapter shall be issued to any one licensee, except by approval of the Rosebud Sioux Tribal Council. Indian Communities shall not qualify for any licenses under this chapter but shall be granted licenses only under Chapter V of this ordinance. It is the intent of this section to limit Indian Communities to only Class E and Class F licenses as provided in Chapter V, Section 2. Nothing in this section shall be construed to apply to the Rosebud Sioux Tribe when it is a licensee.

Section 4. Domestication requirement for corporate licenses. Any corporate Class C or Class D licensee under this Chapter must be a corporation organized under the laws of the Rosebud Sioux Tribe, provided that if the applicant is a foreign corporation, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the United States and the Tribe concerning doing business within the Rosebud Reservation. Individuals, partnerships, and other forms of associations shall be eligible to obtain Class C and D licenses under this chapter.

Section 5. Ownership of business. Any Class C or Class D licensee under this ordinance must be the sole owner of the business to be operated under the license.

Section 6. Discretion of commission. Applications for licenses under this chapter shall be submitted to the Commission as specified in Chapter 1 of this ordinance, and the Commission shall have absolute discretion to approve or disapprove the same in accordance with the provisions of this ordinance.

Section 7. Cancellation of surety bond. Any surety may cancel any bond required under this ordinance as to future liability by giving thirty (30) days notice to the Commission. Unless the licensee gives other sufficient surety by the end of the thirty (30) day period, his license shall be revoked automatically at the end of the thirty (30) days.

Section 8. Surety bond. Every application for a license under this ordinance, unless exempted by the Tribal Council, must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. The bond shall be in the amount of $10,000.00 and must be on a form approved by the Commission and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this ordinance and all existing laws relating to the conduct of its business and will promptly pay to the Rosebud Sioux Tribe when due all taxes and license fees payable by it under the provisions of this ordinance and also any costs and cost penalty assessed against it in any judgment for violation of the terms of this ordinance.

All bonds required by this ordinance shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally chartered bank.

Section 9. Action of bond for injury. Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisions of this ordinance shall have a direct right of acting upon the bond in Tribal Court for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

Section 10. Agreement by licensee to grant access. Every application for a license under this ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws of the Rosebud Sioux Tribe, shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and store rooms thereon will at all times on demand of the Commission or a duly appointed tribal or Federal policeman, be open to inspection, and that all its books and records dealing with the sale of ownership of alcoholic beverages shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute a contract between the licensee and the Rosebud Sioux Tribe entitling the Department, for the purpose of enforcing the provisions of this ordinance, to inspect the premises and books at any time.

Section 11. Duration of licenses. The period covered by licenses under this ordinance shall be from 12 o'clock midnight on the 21st day of December to 12 o'clock midnight on the 31st day of the following December, except that the license shall be valid for an additional three (3) days provided that proper application for a new license is in the possession of the Commission prior to midnight on the 31st day of December when the license expires. A full fee shall be charged for any license for a portion of such period, unless otherwise provided by this ordinance.

Section 12. Sacramental wines exempt. The provisions of this ordinance, except as otherwise provided, shall not apply to the purchase and sale of sacramental wines. Ordained rabbis, priests, ministers, or pastors of any church or established religious organizations within the Rosebud Sioux Indian Reservation may buy sacramental wines from wholesalers approved by the Commission in such quantities as necessary for their religious purposes only.

Section 13. Refilling prohibited. No licensee shall buy or sell any package which has previously contained alcoholic beverages sold under the provisions of this ordinance, or refill any such package.

Section 14. Deliveries. No licensee under this ordinance shall make any delivery of alcoholic beverages outside the premises described in the license.

Section 15. Prohibited sales. No vendor shall sell any intoxicating liquor:

(1) To any person under legal age;

(2) To any person who is intoxicated at the time, or who is known to the vendor to be an habitual drunkard;

(3) To any person to whom the vendor has been requested in writing not to make such sale, where such request is by the Executive Committee, any police or peace officer, or the husband or wife of the person; or

(4) To any mentally ill or mentally retarded person.

Any vendor that violates any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than two hundred dollars ($200.00) nor more than three hundred sixty dollars ($360.00), or by imprisonment in the Tribal Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment with costs.

Section 16. Minors barred. No vendor shall permit any person under legal age on the premises where the business under the license is authorized.

Section 17. After hour sales. No vendor shall sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages other than in the hours permitted by its license.

Section 18. Prohibited activity. No licensee shall allow any gambling or gambling devices on its premises or permit any lewd or indecent entertainment on said premises.

Section 19. Prohibited sales. No licensee of an on-sale establishment shall allow to be sold any alcoholic beverages in a package, whether sealed or unsealed, or whether full or partially full.

Section 20. Unsealed packages in public. No person shall have an unsealed package containing intoxicating liquor in his possession in any public place, other than in duly licensed facility authorizing such broken seal.

Section 21. Prohibited use. No person shall be permitted either to:

(1) Consume any intoxicating liquor, or

(2) To mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined and authorized by this ordinance, and any vendor who knowingly permits such violation to occur upon the premises shall be equally responsible with the person performing the act for the violation of the terms hereof.

CHAPTER IV

SALES TAX

Section 1. Tax not levied. There shall be no sales tax imposed on any licensee licensed under the provisions of this ordinance.

CHAPTER V

LOW-POINT BEER

Section 1. Chapter to relate to low-point beer. The provisions of this chapter, unless the context otherwise clearly requires, shall be construed to relate only to low-point beer.

Section 2. Class of license. Classes of licenses under this chapter, with the fee for each class, shall be as follows:

(1) Package Dealer—Class E—No fee.

(2) Retailers, being both package dealers and on-sale dealers—Class F—No fee.

Section 3. Sales prohibited. No licensee under this chapter shall sell or give any low-point beer to any person who is less than 19 years old or to any person to whom the sale of other alcoholic beverages is prohibited under the provisions of this ordinance, nor shall such licensee promote its sales of beer by tie-in sales arrangements or by any device such as gifts or other concessions of financial value to a customer, but shall limit its business practice to promoting sales on the basis of price competition and other ordinary competitive practices. Violations of this section shall form the basis for immediate revocation of a license.

Section 4. Employment restriction. All persons less than 19 years of age are prohibited from serving beer in the place of business licensed under this chapter.

Section 5. Hours when sale and consumption prohibited. No package dealer or retailer licensee under this chapter shall sell, serve or allow to be consumed on the premises covered by the license, any low-point beer between the hours of 2:00 o'clock a.m. and 1:00 o'clock p.m. on Sunday. Whoever shall violate any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than $100.00 nor more than $360.00 or by imprisonment in the tribal jail for not less than 10 days or more than 180 days, or both such fine and imprisonment with costs.

Section 6. Importation restricted. Except as provided by this ordinance, it shall be unlawful to transport any low-point beer into the Rosebud Reservation for the use or sale therein unless the same be for delivery to a licensee authorized to receive it.

CHAPTER VI

AGE REQUIREMENTS

Section 1. Furnishing beverage to child. It shall be unlawful to sell or give any alcoholic

beverage, except low-point beer, to any person under the age of 21 years, or sell or give to any person under the age of 19 years any low-point beer. Any person who violates this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $100.00 nor more than $360.00 or by imprisonment in the tribal jail for not less than 30 days nor more than 180 days, or by both such fine and imprisonment with costs.

Section 2. Purchase, possession by minor. It shall be unlawful for any person under the ages of 21 years to purchase, attempt to purchase or possess or consume intoxicating liquor, or to misrepresent his age for the purpose of purchasing or attempting to purchase such intoxicating liquor. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $50.00 nor more than $360.00 or by imprisonment in the tribal jail for a period not less than 30 days nor more than 120 days, or by both such fine and imprisonment with costs.

Section 3. Purchase or possession of low-point beer. It shall be unlawful for any person under the age of 19 years to purchase, attempt to purchase, possess or consume low-point beer, or to misrepresent his age for the purpose of purchasing or attempting to purchase low-point beer. Any person who violates the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine of not less than $50.00 nor more than $360.00 or by imprisonment in the tribal jail for not less than 30 days nor more than 120 days, or both such fine and imprisonment with costs.

Section 4. Evidence of legal age demanded. Upon attempt to purchase any alcoholic beverages in any Tribal or Community liquor store by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he is of legal age.

Any person under legal age who presents to any vendor falsified evidence as to his age shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties specified in section 3 above.

CHAPTER VII

Section 1. Profits from all liquor restricted. The expenditures by the Tribal Council of all profits realized by the Rosebud Sioux Tribe under the provisions of this ordinance shall be limited to the following in order of priority:

(1) Programs designed to care and provide for the elderly members of the Rosebud Sioux Tribe, PROVIDED, that such expenditures shall be supplemental to any funds now provided by the Federal Government regardless of whether such funds are channeled directly from the Federal Government to the Tribe or through the State of South Dakota.

(2) Programs designed to upgrade the Law and Order Department of the Rosebud Reservation, PROVIDED, that such expenditures shall be supplemental to those provided by the Bureau of Indian Affairs and other federal agencies regardless of whether such funds are channeled directly from the Federal Government to the Tribe or through the State of South Dakota.

(3) Supplemental Grants to tribal members for education; preference to be given in the areas of special and professional education. Grants will stipulate such conditions as are deemed advisable by the Rosebud Sioux Tribal Council.

(4) Programs designed for Community Development.

Section 2. Severability. If any section of any chapter of this ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the chapter and ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared invalid.

Section 3. All prior ordinances and resolutions repealed. All prior ordinances and resolutions or provisions thereof that are repugnant or inconsistent to any provision of this ordinance are hereby repealed.

Section 4. Amendment or repeal of ordinance. This ordinance may be amended or repealed only by a ¾ vote of the Tribal Council in regular session.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.75-1256 Filed 1-14-75;8:45 am]

Bureau of Land Management

[Serial No. I-9100]

IDAHO

Proposed Withdrawal and Reservation of Lands

JANUARY 8, 1975.

The Bureau of Land Management has filed an application serial number I-9100, for the withdrawal of the lands described below from all forms of appropriation and location under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights. The purpose of the withdrawal is to protect the recreational, natural, scenic, wildlife and watershed values of this tract from potentially detrimental activity.

On or before February 14, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 50 N., R. 5 W.,
Sec. 4, Lot 13.

The area described aggregates 37.50 acres in Kootenai County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of Land and Management Operations.

[FR Doc.75-1258 Filed 1-14-75;8:45 am]

WYOMING

[Wyoming 48969]

Application

JANUARY 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company of Wyoming has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 99 W.,
Sec. 20, E½W½;
Sec. 32, NW¼NW¼.
T. 20 N., R. 100 W.,
Sec. 36, SE¼SE¼.

The pipeline will convey natural gas from Colorado Interstate Corporation's gathering line in sec. 17, T. 20 N., R. 99 W. to the applicant's main transmission line in sec. 1, T. 19 N., R. 100 W.

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.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-1303 Filed 1-14-75;8:45 am]

Office of the Secretary

[INT FES 75-3]

PROPOSED CAPE KRUSENSTERN NATIONAL MONUMENT, ALASKA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Cape Krusenstern National Monument in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Cape Krusenstern National Monument and its management by the agency indicated below.

Proposal recommends that: Approximately 350,000 acres of public lands and waters in northwest Alaska be legislatively established by Congress as the Cape Krusenstern National Monument.

Management by: National Park Service

The final environmental statement is available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: January 10, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1260 Filed 1-14-75;8:45 am]

[INT FES 75-2]

PROPOSED KOYUKUK NATIONAL WILDLIFE REFUGE, ALASKA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Koyukuk National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Koyukuk National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 4.4 million acres of public lands and waters in westcentral Alaska be designated by Congress as the Koyukuk National Wildlife Refuge.

Management by: Fish and Wildlife Service.

The final environmental statement is available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 189502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: January 10, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-1261 Filed 1-14-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PERISHABLE AGRICULTURAL COMMODITIES ACT—INDUSTRY ADVISORY COMMITTEE

Open Meeting

Pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, notice is hereby given of a meeting of the Perishable Agricultural Commodities Act—Industry Advisory Committee on Sunday, February 2, 1975, at 9 a.m. in conference rooms 7, 8, and 9, Las Vegas Hilton Hotel, Las Vegas, Nevada.

The purpose of the meeting is to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.). The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone 202-447-4722.

Dated: January 10, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-1357 Filed 1-14-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1434]

HONEY

Notice of Determination Regarding 1975 Crop

The Secretary of Agriculture is preparing to make determinations with respect to a purchase program for the 1975 crop of honey and the regulations to carry out the program. The determinations relate to:

a. Purchase rates, based on color differentials, class, and grade.
b. Purchase availability period.
c. Detailed operating provisions to carry out the program.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 USC 1421 et seq.) and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 USC 714 et seq.).

a. *Purchase program, color differentials and discounts for quality.* Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases, or other operations, support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Purchase rates will be based on color, class and grade and used to reflect marketing features and conditions under which honey is merchandised. Section 401(b) of the Act requires that, in determining a support rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand thereof, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a loan and purchase program, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

b. *Purchase availability period and operating procedures.* Because of reduced loan activity under the honey price support program and favorable market

prices relative to the loan, the Department announced on November 27, 1974 (USDA 3436–74) that it would not offer loans as a part of the 1975 price support program for honey. Elimination of loan availability will necessitate a modification of present purchase procedures to reflect changed program needs. As an example, the Department must determine the length of time, and the dates, during which producers can offer or effect delivery of honey to the Department under a schedule of purchase prices it must also determine.

c. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the purchase program on honey will be considered for 1975. Provisions of this kind may be found in the regulations providing terms and conditions for current loan and purchase program in Part 1434 of Title 7 of the Code of Federal Regulations.

Prior to making the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, ASCS U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received not later than February 14, 1975. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5725 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C. on January 8, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–1267 Filed 1–14–75;8:45 am]

Forest Service

SOUTH FORK SALMON RIVER PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Fork Salmon River Planning Unit, Boise National Forest and Payette National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–11.

The environmental statement identifies and evaluates the probable effects of the land use plan for the South Fork Salmon River Planning Unit on the Boise and Payette National Forests in south-central Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects. Minor adverse effects from some development activities will be temporary stream sedimentation and short periods of air pollution. All resource activities will be monitored so that tolerable levels of sedimentation will not be exceeded in the South Fork Salmon River.

Recreation opportunities will remain about the present level. A total of 64,800 acres has been designated as new wilderness study areas and an additional 142,090 acres will remain unroaded. About 14,710 acres presently undeveloped may be developed.

The plan provides for a low to moderate level of consumption resource uses with significant areas remaining undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on January 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

Forest Supervisor
Payette National Forest
Forest Service Building
P.O. Box 1026
McCall, Idaho 83638

District Forest Ranger
Krassel Ranger District
McCall, Idaho 83638

District Forest Ranger
Cascade Ranger District
Cascade, Idaho 83611

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706 and/or Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638. Comments must be received by March 7, 1975, in order to be considered in the preparation of the final environmental statement.

VERN HAMRE,
Regional Forester.

JANUARY 6, 1975.

[FR Doc.75–1218 Filed 1–14–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TEXAS TECH UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00098–33–46040. Applicant: Texas Tech University School of Medicine, Department of Anatomy, P.O. Box 4569, Lubbock, Texas 79409. Article: Electron Microscope, Model EM–10 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for biological research in mineralized tissues, blood-brain barrier, protein chemistry, neuroendocrinology and general endocrinology. Experiments which will be conducted include the following:

(1) Examination, using peroxidase and other electron dense materials as tracers, of fluid movement in mineralized tissues.

(2) Examination of the effects of hyper- and hypo-osmolality on the endothelial cells of neurovascular channels.

(3) Several studies of the effects of cyclic AMP on the hypophysis and the cytochemistry of adrenal development.

(4) High resolution examination of protein molecules and examination of virus particles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a continuous magnification from ×100 to ×200,000, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the

continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1974, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 100x to 200,000x without changing pole-pieces, while at the same time providing high-quality micrographs at low magnification, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75–1286 Filed 1–14–75;8:45 am]

UNIVERSITY OF MIAMI

Withdrawal of Application for Duty Free Entry of Scientific Article

The University of Miami has withdrawn its application for duty-free entry of an LKB Microcalorimeter System (Docket No. 75–00094–33–07500). Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75–1285 Filed 1–14–75;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 472,928: Apparatus for Uniform Pumping of Lasing Media. Filed 23 May 1974, PC $3.25/MF $2.25.

Patent Application 474,555: Improved Thermal Battery. Filed 30 May 1974, PC $3.25/MF $2.25.

Patent 3,804,765: Adjusting Ferroelectric Ceramic Characteristics During Formation Thereof. Filed 13 June 1972, patented 16 April 1974. Not available NTIS.

Patent 3,811,778: Isotope-Shift Zeeman Effect Spectrometer. Filed 28 February 1973, patented 21 May 1974. Not available NTIS.

Patent 3,813,612: Method and Apparatus for Enhancing Electrical Discharges in Gas Lasers. Filed 18 January 1973, patented 28 May 1974. Not available NTIS.

Patent 3,815,043: Laser System Employing Raman Anti-Stokes Scattering. Filed 11 January 1973, patented 4 June 1974. Not available NTIS.

Patent 3,815,619: Fast Acting Value. Filed 31 August 1972, patented 11 June 1974. Not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 474,558: Reflaxiconic (Reflective) Collimator. Filed 30 May 1974, PC $3.25/MF $2.25.

Patent application 474,559: Rotating Bladerow Aerodynamic Window for High Power Pulsed Gaseous Lasers. Filed 30 May 1974, PC $3.25/MF $2.25.

Patent application 474,562: Thermally Stable. Aryloxybenzimidazobenzo - phenanthroline Compositions and Method for Synthesizing Same., Filed 30 May 1974, PC $3.25/MF $2.25.

Patent application 478,501: Far Infrared Waveguide Laser. Filed 12 June 1974, PC $3.25/MF $2.25.

Patent application 478,552: Electronic Tuning System for High Power Cavity Oscillators. Filed 12 June 1974, PC $3.25/MF $2.25.

Patent application 480,770: RF Generator. Filed 19 June 1974, PC $3.25/MF $2.25.

Patent 3,730,461: Stability Augumentation System for Light Aircraft Providing Pilot Assist and Turn. Filed 5 May 1971, patented 1 May 1973. Not available NTIS.

Patent 3,736,377: Multiple Channel Video Switching System. Filed 10 May 1971, patented 29 May 1973. Not available NTIS.

Patent 3,738,158: Gross Leak Vacuum and Pressure Chamber Assembly. Filed 6 April 1972, patented 12 June 1973. Not available NTIS.

Patent 3,775,118: Photomechanical Method of Producing Grounded Printed Circuits. Filed 14 December 1971, patented 27 November 1973. Not available NTIS.

Patent 3,792,014: Phenol Antioxidant-Gallic Acid Ester Stabilizer System. Filed 15 September 1972, patented 12 February 1974. Not available NTIS.

Patent 3,798,685: Cover Support Assembly. Filed 13 July 1972, patented 26 March 1974. Not available NTIS.

Patent 3,802,167: Particle Sampling Apparatus. Filed 29 June 1973, patented 9 April 1974. Not available NTIS.

Patent 3,807,830: Birefringence Read Bi4 Ti3012 Display and Memory Device. Filed 6 March 1972, patented 30 April 1974. Not available NTIS.

Patent 3,810,777: Coatings Having High Solar Absorptance to Infrared Emittance Ratios. Filed 23 March 1972, patented 14 May 1974. Not available NTIS.

Patent 3,814,503: Ultra-Fast Terminator for Intense Laser Pulses. Filed 7 February 1973, patented 4 June 1974. Not available NTIS.

Patent 3,814,940: Portable Hand Held Dosimeter. Filed 25 July 1972, patented 4 June 1974. Not available NTIS.

Patent 3,814,996: Photocathodes. Filed 3 May 1973, patented 4 June 1974. Not available NTIS.

Patent 3,815,029: Burst Phase Shift Keyed Receiver. Filed 29 January 1973, patented 4 June 1974. Not available NTIS.

Patent 3,815,032: Self Normalizing Spectrum Analyzer and Signal Detector. Filed 12 June 1973, patented 4 June 1974. Not available NTIS.

Patent 3,823,298: Cassette-Type Tube Welder. Filed 8 June 1973, patented 9 July 1974. Not available NTIS.

Patent 3,823,600: Pneumatic Linear Accelerator. Filed 9 April 1973, patented 16 July 1974. Not available NTIS.

Patent 3,823,668: Duplex Combustible Cartridge Case. Filed 19 October 1972, patented 16 July 1974. Not available NTIS.

Patent 3,823,951: Unbonded Flexure Seal Design. Filed 7 September 1972, patented 16 July 1974. Not available NTIS.

Patent 3,824,502: Temperature Compensated Latching Ferrite Phase Shifter. Filed 11 April 1973, patented 16 July 1974. Not available NTIS.

Patent 3,824,532: Seismic Signal Intrusion Detection Classification System. Filed 27 September 1971, patented 16 July 1974. Not available NTIS.

Patent 3,825,860: Surface Wave Delay Line with Quarter-Wave Taps. Filed 13 December 1972, patented 23 July 1974. Not available NTIS.

Patent 3,825,933: Spiral Antenna Stripline Termination. Filed 18 July 1973, patented 23 July 1974. Not available NTIS.

Patent 3,826,056: Module Construction System. Filed 7 June 1972, patented 30 July 1974. Not available NTIS.

Patent 3,826,520: Mechanical Door Interlock System. Filed 21 March 1973, patented 30 July 1974. Not available NTIS.

Patent 3,826,558: Mechanical Rotary Tilt Stage. Filed 21 July 1972, patented 30 July 1974. Not available NTIS.

Patent 3,827,054: Reentry Vehicle Stripline Slot Antenna. Filed 24 July 1973, patented 30 July 1974. Not available NTIS.

ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M Street, S.W., Washington, D.C. 20460.

Patent 3,617,579: Process for the Partial Denitrification of a Dilute Nitrateion Solution. Filed 31 December 1969, patented 2 November 1971. Not available NTIS.

Patent 3,795,609: Reverse Osmosis-Neutralization Process for Treating Mineral Contaminated Waters. Filed 28 December 1971, patented 5 March 1974. Not available NTIS.

Patent 3,829,363: Process for the Production of High Quality Fungal Protein from Starch and Starchy Processing Wastes. Filed 29 June 1972, patented 13 August 1974. Not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent 3,760,868: Disposal of Waste Heat. Filed 28 January 1971, patented 25 September 1973. Not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia 22217.

Patent 3,734,058: Transporter for Stretcher Borne Animals. Filed 1 September 1971, patented 22 May 1973. Not available NTIS.

Patent 3,728,549: In situ Device for Measuring Light Scattering. Filed 12 April 1972, patented 17 April 1973. Not available NTIS.

Patent 3,729,238: Self-Aligning, Adjustable Anchor Pin Assembly. Filed 13 September 1971, patented 24 April 1973. Not available NTIS.

Patent 3,729,552: Preparation of Pure Beryllium Hydride. Filed 30 November 1965, patented 24 April 1973. Not available NTIS.

Patent 3,730,045: Programmed Cord Cutter. Filed 24 November 1971, patented 1 May 1973. Not available NTIS.

Patent 3,730,122: Salvage Pontoon. Filed 5 May 1971, patented 1 May 1973. Not available NTIS.

Patent 3,733,101: Helo Recovery System Tongs. Filed 15 March 1972, patented 15 May 1973. Not available NTIS.

Patent 3,733,233: Near Infrared Illuminating Composition. Filed 22 May 1972, patented 15 May 1973. Not available NTIS.

Patent 3,733,544: Method for Evaluating Electrostatic Propensity of Fabrics and Soft Sheeting Materials. Filed 24 February 1972, patented 15 May 1973. Not available NTIS.

Patent 3,734,789: Gas Generating Solid Propellant Containing 5-Aminotetrazone Nitrate. Filed 28 November 1969, patented 22 May 1973. Not available NTIS.

Patent 3,734,863: Hydrogen Generating Compositions. Filed 11 June 1971, patented 22 May 1973. Not available NTIS.

Patent 3,734,982: Process for Case Bonding Cast Composite Propellant Grains. Filed 2 February 1962, patented 22 May 1973. Not available NTIS.

Patent 3,735,140: Low Light Level Laser Imaging System. Filed 25 June 1970, patented 22 May 1973. Not available NTIS.

Patent 3,735,150: Low Noise Phase Detector. Filed 21 December 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,154: Disabling Circuit Having a Predetermined Disabling Interval. Filed 19 November 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,227: Direct Current Motor Starter Circuit. Filed 24 January 1972, patented 22 May 1973. Not available NTIS.

Patent 3,735,270: Delayed Pulse Generator. Filed 20 March 1972, patented 22 May 1973. Not available NTIS.

Patent 3,735,271: Pulse Width Coded Signal Detector. Filed 22 October 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,272: Automatic Gain Control. Filed 20 October 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,288: Phase Modulator. Filed 29 December 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,324: Digital Frequency Discriminator. Filed 2 December 1971, patended 22 May 1973. Not available NTIS.

Patent 3,735,411: High-Range Resolution Radar Real-Time Display Apparatus. Filed 11 August 1971, patented 22 May 1973. Not available NTIS.

Patent 3,735,425: Myoelectrically Controlled Prothesis. Filed 10 February 1971, patented 29 May 1973. Not available NTIS.

Patent 3,735,598: Diver's Belt and Method of Manufacture. Filed 9 December 1971, patented 29 May 1973. Not available NTIS.

Patent 3,735,707: Fluidically Controlled Pneumatic to Mechanical Converters. Filed 29 April 1971, patented 29 May 1973. Not available NTIS.

Patent 3,736,018: Hydraulic Claw With Locking Mechanism. Filed 10 September 1971, patented 29 May 1973. Not available NTIS.

Patent 3,736,194: Method of Preparing a Composite Explosive with a Water-Wet Energetic Compound. Filed 18 February 1966, patented 29 May 1973. Not available NTIS.

Patent 3,736,745: Supercritical Thermal Power System Using Combustion Gases for Working Fluid. Filed 9 June 1971, patented 5 June 1973. Not available NTIS.

Patent 3,736,749: Open Loop On-Demand Variable Flow Gas Generator System with Two-Position Injector. Filed 20 August 1971, patented 5 June 1973. Not available NTIS.

Patent 3,736,790: Apparatus for Non-Destructively Testing Fuel Filters. Filed 26 August 1971, patented 5 June 1973. Not available NTIS.

Patent 3,736,791: Gyro Axis Perturbation Technique for Calibrating Inertial Navigation Systems. Filed 18 August 1967, patented 5 June 1973. Not available NTIS.

Patent 3,736,876: Catalyst Generator. Filed 26 June 1970, patented 5 June 1973. Not available NTIS.

Patent 3,737,250: Fiber Blade Attachment. Filed 16 June 1971, patented 5 June 1973. Not available NTIS.

Patent 3,737,790: Noise-Riding Slicer. Filed 21 December 1971, patented 5 June 1973. Not available NTIS.

Patent 3,737,812: Broadband Waveguide to Coaxial Line Transition. Filed 8 September 1972, patented 5 June 1973. Not available NTIS.

Patent 3,738,775: Constant Pressure Liquid Supply System. Filed 7 October 1971, patented 12 June 1973. Not available NTIS.

Patent 3,738,922: Electropolishing Bath Solution. Filed 20 January 1972, patented 12 June 1973. Not available NTIS.

Patent 3,739,351: Phase Control Circuits. Filed 22 February 1972, patented 12 June 1973. Not available NTIS.

Patent 3,739,370: Plotting Projector. Filed 27 October 1971, patented 12 June 1973. Not available NTIS.

Patent 3,739,411: Low Frequency Wave Absorbing Device. Filed 9 November 1971, patented 19 June 1973. Not available NTIS.

Patent 3,740,636: Charge Regulator and Monitor for Spacecraft Solar Cell/Battery System Control. Filed 5 November 1971, patented 19 June 1973. Not available NTIS.

Patent 3,740,643: Apparatus for Measuring the Distance Between a Workpiece Surface and a Datum. Filed 30 August 1971, patented 19 June 1973. Not available NTIS.

Patent 3,741,143: Hull Inspection Platform. Filed 30 December 1971, patented 26 June 1973. Not available NTIS.

Patent 3,742,884: Buoyancy Transport Vehicle Control Console. Filed 23 March 1972, patented 3 July 1973. Not available NTIS.

Patent 3,743,012: Controlled Temperature Garment. Filed 28 July 1971, patented 3 July 1973. Not available NTIS.

Patent 3,744,280: High Security Locking Mechanism. Filed 28 July 1972, patented 10 July 1973. Not available NTIS.

Patent 3,744,782: Torsional Shear Damped Foundation Member. Filed 25 April 1972, patented 10 July 1973. Not available NTIS.

Patent 3,745,353: Bragg Angle Colliner Heterodyning Filter. Filed 26 October 1971, patented 10 July 1973. Not available NTIS.

Patent 3,745,374: Logarithmic Amplifier and Limiter. Filed 26 January 1972, patented 10 July 1973. Not available NTIS.

Patent 3,745,976: Resilient Marine Mammal Nose Cup. Filed 30 December 1971, patented 17 July 1973. Not available NTIS.

Patent 3,746,624: 48-Hour Test for Streptococcus Mutans in Plaque. Filed 21 April 1972, patented 17 July 1973. Not available NTIS.

Patent 3,747,627: Pressure Regulator and Compensator. Filed 8 June 1972, patented 24 July 1973. Not available NTIS.

Patent 3,748,180: Fuel Cell System for Underwater Vehicle. Filed 30 March 1972, patented 24 July 1973. Not available NTIS.

Patent 3,748,292: Corrosion Resistant Primer Coating for Aluminum Surfaces Containing Strontium Chromate and Magnesium Powder. Filed 18 January 1972, patented 24 July 1973. Not available NTIS.

Patent 3,748,899: Conductivity and Temperature Sensing Probe. Filed 12 June 1972, patented 31 July 1973. Not available NTIS.

Patent 3,752,103: Control System for Submersibles to Minimize Bottom Sediment Disturbances. Filed 24 January 1972, patented 14 August 1973. Not available NTIS.

Patent 3,752,267: Disc Brake Mechanism. Filed 7 December 1971, patented 14 August 1973. Not available NTIS.

Patent 3,752,429: Three Axis Simulator. Filed 3 July 1972, patented 14 August 1973. Not available NTIS.

Patent 3,753,911: High Strength Barium Titanate Ceramic Bodies. Filed 24 June 1971, patented 21 August 1973. Not available NTIS.

Patent 3,754,438: Load Measuring Device. Filed 25 May 1972, patented 28 August 1973. Not available NTIS.

Patent 3,754,551: Portable Collapsible Recompression Chamber. Filed 20 September 1972, patented 28 August 1973. Not available NTIS.

Patent 3,755,627: Programmable Feature Extractor and Speech Recognizer. Filed 22 December 1971, patented 28 August 1973. Not available NTIS.

Patent 3,771,362: Fluid Velocity Indicator. Filed 25 May 1972, patented 13 November 1973. Not available NTIS.

Patent 3,774,718: In-situ Acoustic Sediment Probe. Filed 25 May 1972, patented 27 November 1973. Not available NTIS.

Patent 3,774,983: Low Friction Bearing-Journal Arrangement. Filed 27 December 1971, patented 27 November 1973. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent application 395,495: Multiparameter Vision Tester. Filed 10 September 1973, PC $4.25/MF $2.25.

Patent application 415,486: Refinement Control in Tig Arc Welding. Filed 13 November 1973, PC $3.25/MF $2.25.

Patent application 446,560: Space Mirrors. Filed 27 February 1974, PC $3.25/MF $2.25.
Patent application 491,416: Measurement of Gas Production of Microorganisms. Filed 24 July 1974, PC $3.25/MF $2.25.
Patent application 500,979: Variable Beamwidth Antenna. Filed 27 August 1974, PC $3.25/MF $2.25.
Patent application 501,011: Analog to Digital Converter. Filed 27 August 1974, PC $3.25/MF $2.25.
Patent application 501,013: Scnottky Barrier Laser Energy Converter. Filed 27 August 1974, PC $3.25 MF $2.25.
Patent application 502,137: Apparatus for Positioning Modular Components on a Vertical or Overhead Surface. Filed 30 August 1974, PC $3.25/MF $2.25.
Patent application 502,139: A DC Regulator Having Feedforward Control. Filed 30 August 1974, PC $3.25/MF $2.25.
Patent application 504,225: Clock Setter. Filed 9 September 1974, PC $3.25/MF $2.25.
Patent 3,830,552: Journal Bearings. Patented 20 August 1974. Not available NTIS.
Patent 3,830,609: Molding Apparatus. Patented 20 August 1974. Not available NTIS.
Patent 3,831,098: Pulse Stretcher for Narrow Pulses. Patented 20 August 1974. Not available NTIS.
Patent 3,833,322: Apparatus for Forming Drive Belts. Patented 3 September 1974. Not available NTIS.
Patent 3,833,857: Millimeter Wave Pumped Parametric Amplifier. Patented 3 September 1974. Not available NTIS.

[FR Doc.75–1281 Filed 1–14–75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 448,313; Method and Apparatus for Laser Welding. 5 March 1974, PC $3.25/MF $2.25.
Patent application 466,346: A High Strength and High Toughness Steel. Filed 2 May 1974, PC $3.25/MF $2.25.
Patent 3,801,418: Transparent Anti-Static Device. Filed 16 March 1972, patented 2 April 1974. Not available NTIS.
Patent 3,803,512: Hydrogen-Fluoride Chemical Laser Oscillator. Filed 29 September 1972, patented 9 April 1974. Not available NTIS.
Patent 3,804,680: Method for Inducing Resistance to Embrittlement by Neutron Irradiation and Products Formed Thereby. Filed 8 August 1972, patented 16 April 1974. Not available NTIS.
Patent 3,805,218: Battery Cable Assembly. Filed 4 April 1973, patented 16 April 1974. Not available NTIS.
Patent 3,805,715: Method for Drying Sludge and Incinerating Odor Bodies. Filed 26 October 1972, patented 23 April 1974. Not available NTIS.
Patent 3,806,749: Method and Means of Effecting Charge Exchange in Particle Beams. Filed 12 January 1973, patented 23 April 1974. Not available NTIS.
Patent 3,810,963: Method of Preparing A Syntactic Carbon Foam. Filed 29 October 1971, patented 14 May 1974. Not available NTIS.
Patent 3,814,185: Method for Interconnecting Nuclear Chimneys. Filed 27 February 1973, patented 4 June 1974. Not available NTIS.
Patent 3,814,552: Personal Air Sampling Pump. Filed 17 April 1973, patented 4 June 1974. Not available NTIS.
Patent 3,815,038: Differential Amplifier Circuits. Filed 13 April 1973, patented 4 June 1974. Not available NTIS.
Patent 3,815,046: Synchronously Driven Q-Switched or Q-Switched-Mode-Locked Laser Oscillator. Filed 7 February 1973, patented 4 June 1974. Not available NTIS.
Patent 3,815,224: Method of Manufacturing a Ductile Superconductive Material. Filed 8 June 1971, patented 11 June 1974. Not available NTIS.
Patent 3,817,793: High Temperature Thermocouple Alloy Systems. Filed 19 November 1968, patented 18 June 1974. Not available NTIS.
Patent 3,818,375: Multisided Electron Beam Excited Electrically Pumped Gas Laser Systems. Filed 27 March 1973, patented 18 June 1974. Not available NTIS.
Patent 3,821,053: Thermocouple and Method of Making Same. Filed 20 September 1972, patented 28 June 1974. Not Available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia 22217.

Patent 3,743,380: Polarized Light Source for Underwater Use. Filed 31 January 1972, patented 3 July 1973. Not available NTIS.
Patent 3,743,383: High Power Beam Combiner. Filed 23 March 1972, patented 3 July 1973. Not available NTIS.
Patent 3,743,835: Laser Image and Power Level Detector Having Thermographic Phosphor. Filed 23 March 1972, patented 3 July 1973. Not available NTIS.
Patent 3,775,734: Echo-Range Equalizer Sonar System. Filed 5 May 1971, patented 27 November 1973. Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, D.C. 20546.

Patent application 511,334: Spatial Filter for Q-Switched Lasers. Filed 2 October 1974, PC $3.25/MF $2.25.
Patent application 511,887: Atomic Standard with Variable Storage Volume. Filed 3 October 1974, PC $3.25/MF $2.25.
Patent application 511,888: Double Discharge Metal Vapor Laser with Metal Halide as a Lasant. Filed 3 October 1974, PC $3.25/MF $2.25.

[FR Doc.75–1282 Filed 1–14–75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission

Assistant General Counsel for Patents

Washington, D.C. 20545

Patent application 468,314: Shocked Plate Metal Atom Oxidation Laser. Filed 9 May 1974, PC $3.25/MF $2.25.
Patent application 469,737: Metal Atom Oxidation Laser. Filed 13 May 1974, PC $3.25/MF $2.25.
Patent application 473,660: Compact, High Energy Gas Laser. Filed 28 May 1974, PC $3.25/MF $2.25.
Patent 3,798,123: Nuclear Fuel for High Temperature Gas Cooled Reactors. Filed 16 Mar 1972, patented 19 Mar 1974, Not available NTIS.
Patent 3,803,481: Leak Detector. Filed 20 Mar 1973, patented 9 Apr 1974, Not available NTIS.
Patent 3,804,017: Method for Mitigating Blast and Shock Transmission Within a Confined Volume. Filed 30 May 1972, patented 16 Apr 1974, Not available NTIS.
Patent 3,804,928: Method for Preparing Massive Nitrides. Filed 25 Jan 1972, patented 16 Apr 1974, Not available NTIS.
Patent 3,804,939: Method of Precipitating Americium Oxide from a Mixture of Americium and Plutonium Metals in a Fused Salt Bath Containing PuO2. Filed 21 Jun 1972, patented 16 Apr 1974, Not available NTIS.
Patent 3,805,067: Method of Secretly Marking a Surface Employing Fission Products. Filed 14 Aug 1973, patented 16 Apr 1974, Not available NTIS.

Patent 3,805,070: Determination of Radon in Air. Filed 6 Jul 1973, patented 16 Apr 1974, Not available NTIS.

Patent 3,805,075: Image-Dissecting Cherenkov Detector for Identifying Particles and Measuring Their Momentum. Filed 13 Mar 1973, patented 16 Apr 1974, Not available NTIS.

Patent 3,805,076: Noble Gas Scintillator for Mesuring Neutron Flux. Filed 8 May 1973, patented 16 Apr 1974, Not available NTIS.

Patent 3,805,077: Method and Apparatus for Detecting the Presence and Quantity of Mercury in a Sample of Organic Material. Filed 12 Mar 1973, patented 16 Apr 1974, Not available NTIS.

Patent 3,806,581: Removal of Fluoride from Chloride or Bromide Melts. Filed 21 Sept 1971, patented 23 Apr 1974, Not available NTIS.

Patent 3,809,565: Method of Forming Micron-Size, Metal-Carbide Particle Dispersions in Carbon. Filed 23 Apr 1973, patented 7 May 1974, Not available NTIS.

Patent 3,809,762: Synthesis of Sodium Hydroxytrifluoroborate. Filed 18 Aug 1972, patented 7 May 1974, Not available NTIS.

Patent 3,810,780: Carbonaceous Coating for Carbon Foam. Filed 8 Feb 1972, patented 14 May 1974, Not available NTIS.

Patent 3,812,364: Thermoluminescent Detector for Mass Spectrometer Filed 31 May 1973, patented 21 May 1974, Not available NTIS

Patent 3,813,031: Rotor Having Sample Holding Means Filed 2 Aug 1972, patented 28 May 1974. Not aavilable NTIS.

Patent 3,813,555: Method and Means for Producing Coherent X-Ray and Gamma-Ray Emissions. Filed 16 May 1973, patented 28 May 1974, Not available NTIS.

Patent 3,814,587: Method for Monitoring an Aqueous Stream for the Presence of Fluorocarbons. Filed 15 Jan 1973, patented 4 Jun 1974, Not available NTIS.

Patent 3,816,075: Determination of Hypophosphite Ion Concentration. Filed 28 Nov 1972, patented 11 June 1974, Not available NTIS.

Patent 3,817,604: Method of Focusing a High-Powered Laser Beam. Filed 3 Jan 1973, patented 18 Jun 1974, Not available NTIS.

Department of the Air Force, AF/JACP, Washington, D.C. 20314.

Patent application 420,331: Analog Integrator and Hold Apparatus. Filed 29 Nov 1973, PC $3.25/MF $2.25.

Patent application 420,356: High Intensity Proton Source. Filed 29 Nov 1973, PC $3.25/MF $2.25.

Patent application 436,563: Bilinear Resonance Drive. Filed 25 Jan 1974, PC $3.25/MF $2.25.

Patent application 468,326: Air Cycle Cooling System with Rotary Condensing Dehumidifier. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 468,327: Spiit Puise Generator. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 468,328: Pulse Width Detector Circuit. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 468,330: Abiative Surface Insulator. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 468,357: Self-Supporting, Self-Locating Seal for Turbine Engines. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 468,607: Induced Vortex Swirler. Filed 9 May 1974, PC $3.25/MF $2.25.

Patent application 469,196: Pulse Shape Detector. Filed 13 May 1974, PC $3.25/MF $2.25.

Patent application 471,929: Corner Cube Shearing Interferometric System. Filed 21 May 1974, PC $3.25/MF $2.25.

Patent application 471,931: System for Intensification of Weak Absorption and Collection of Weak Light Emission. Filed 21 May 1974, PC $3.25/MF $2.25.

Patent application 471,932: Improved Headset with Reversible Earcup. Filed 21 May 1974, PC $3.25/MF $2.25.

Patent application 474,557: Radial Flow Gas Dynamic Laser. Filed 30 May 1974, PC $3.25/MF $2.25.

Patent application 476,179: Separation of Compounds Differing in Isotopic Composition. Filed 4 Jun 1974, PC $3.25/MF $2.25.

Patent application 492,094: Tuned Current Probe. Filed 26 Jul 1974, PC $3.25/MF $2.25.

Patent application 495,475: Phased Array Antenna with Array Elements Coupled to Form a Multiplicity of Overlapped Sub-Arrays. Filed 7 Aug 1974, PC $3.25/MF $2.25.

Department of Agriculture, Chief, Research Agreements and Patent Mgmt. Branch, Hyattsville, Maryland 20782.

Patent application 499,812: T-Clip Device and Method for Framing Buildings. 22 Aug 1974, PC $3.25/MF $2.25.

Environmental Protection Agency, Room W513, 401 M Street, SW., Washington, D.C. 20460.

Patent 3,617,559: Neutralization of Ferrous Iron-Containing Acid Wastes. Filed 30 Apr 1970, patented 2 Nov 1971, Not available NTIS.

Patent 3,732,164: Nitrogen Removal from Waste Water by Breakpoint Chlorination. Filed 30 Aug 1971, patented 8 May 1973, Not available NTIS.

Patent 3,760,829: Automatic Control System for the Safe and Economical Removal of NH3 by Breakpoint Chlorination. Filed 9 May 1972, patented 25 Sep 1973, Not available NTIS.

Patent 3,824,185: Ammonia Elimination System. Filed 5 Sept 1972, patented 16 Jul 1974, Not available NTIS.

Patent 3,829,558: Disposal of Waste Plastic and Recovery of Valuable Products Therefrom. Filed 21 Jun 1971, patented 13 Aug 1974, Not available NTIS.

Department of Health, Education & Welfare, National Institutes of Health, Bethesda, Maryland 20014.

Patent application 487,032: Cage for Continuous Infusion. 10 Jul 1974, PC $3.25/MF $2.25

Patent 3,833,724: Treatment of Sickle Cell Anemia. Filed 15 Sep. 1971, patented 3 Sep 1974, Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA-Code GP-2, Washington, D.C. 20546.

Patent application 448,320: Spaceflight Meteoroid Composition Experiment. Filed 5 Mar. 1974, PC $3.25/MF $2.25.

Patent application 448,323: Space Vehicle System. Filed 5 Mar. 1974, PC $3.25/MF $2.25.

Patent application 475,338: Cosmic Dust Analyzer. Filed 31 May 1974, PC $3.75/MF $2.25.

Patent application 488,616: Cascade Plug Nozzle. Filed 12 Jul. 1974, PC $3.25/MF $2.25.

Patent application 500,980: Deuterium Pass Through Target. Filed 27 Aug. 1974, PC $3.25/MF $2.25.

Patent application 502,124: Moving Particle Composition Analyzer. Filed 30 Aug. 1974, PC $3.25/MF $2.25.

Patent application 502,135: Micrometeoroid Velocity and Trajectory Analyzer. Filed 30 Aug. 1974, PC $3.25/MF $2.25.

Patent application 502,136: Impact Position Detector for Outer Space Particles. Filed 30 Aug. 1974, PC $3.75/MF $2.25.

Patent application 505,881: Vehicle Simulator Binocular Multiplanar Visual Display System. Filed 13 Sep. 1974, PC $3.25/MF $2.25.

Patent application 506,802: Apparatus for Span Loading to Alleviate Wake-Vortex Hazard Behind Aircraft. Filed 17 Sep. 1974, PC $3.75/MF $2.25.

Patent 3,830,060: Solid Medium Thermal Engine. Patented 20 Aug. 1974, Not available NTIS.

Patent 3,830,431: Abating Exhaust Noises in Jet Engines. Patented 20 Aug. 1974, Not available NTIS.

Patent 3,831,142: Method and Apparatus for Decoding Compatible Convolutional Codes. Patentend 3 Sep. 1974, Not available NTIS.

Patent 3,832,290: Method of Electroforming a Rocket Chamber. Patented 27 Aug. 1974, Not available NTIS.

Patent 3,832,735: Flexible Joint for Pressurizable Garment. Patented 3 Sep. 1974, Not available NTIS.

Patent 3,832,903: Stagnation Pressure Probe. Patented 9 Sep. 1974, Not available NTIS.

Patent 3,833,336: Remote Fire Stack Igniter. Patented 3 Sep. 1974, Not available NTIS.

[FR Doc.75-1280 Filed 1-14-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-75-303]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION II (NEW YORK)

Redelegation of Authority With Respect to Surplus Real Property

The Regional Administrator and the Deputy Regional Administrator, Region II (New York), each is authorized to exercise the authority of the Secretary of Housing and Urban Development, pursuant to section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b), with respect to the hereinafter described property, together with any improvements and related personal property located thereon:

Portions of former Camp Kilmer Military Reservation, Middlesex County, New Jersey identified more particularly in the GSA Notice of Surplus Determination-Government Property of June 12, 1970 (GSA Control Number D-NJ-463B) and November 19, 1971 (GSA Control Number L-NJ-463D).

(Sec. 7(d), Department of Housing & Urban Development Act (42 U.S.C. 3535(d)))

Effective Date. This delegation is effective January 15, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-1269 Filed 1-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Subcommittee on Implants of the Panel on Review of Cardiovascular Devices.	Feb. 3, 9:30 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 1 p.m., closed after 1 p.m., Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: Discussion of guidelines for a product development protocol for prosthetic heart valves. The first half of the meeting will be open to the public to give industry, professional groups, and the public an opportunity to suggest concepts for these guidelines and to comment on a draft protocol for prosthetic heart valves which will be available at the meeting. Those desiring to make formal presentations should notify Mr. Glenn A. Rahmoeller by January 15, 1975, and indicate the approximate time required to make their comments. Closed session: Discussion of guidelines for a product development protocol for prosthetic heart valves and formulation of recommendations on that protocol.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Dental Devices.	Feb. 3 and 4, 9 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open Feb. 3, closed Feb. 4, D. Gregory Singleton, D.D.S. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4499.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of the dental devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from D. Gregory Singleton, D.D.S., Executive Secretary. Those desiring to make formal presentations should notify Dr. Singleton in writing by January 15, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. A summary of agenda items is as follows: Ionator presentation (tentative); discussion of status of denture cushions, pads, repair and reline materials by representatives of Bureau of Drugs OTC review panel for dentifrices and dental care agents; presentation by manufacturers who produce devices classified in the scientific approval category; discussion of panel membership and future composition of membership; determination of consultant needs and subcommittees. Closed session: Final review of classification results and placement of priority on standards development for dental devices.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Devices.	Feb. 3 and 4, 9:30 a.m., Room 5169, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open Feb. 3, 9:30 a.m. to 10:30 a.m., closed Feb. 3 after 10:30 a.m., closed Feb. 4, Richard Hawkins, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ophthalmic devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of ophthalmic devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Richard Hawkins, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Hawkins in writing by January 27, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Absorbable implants; amplifiers; artificial eyes; burrs, electric cornea; cataract removal systems; catholysis apparatuses; cautery apparatuses; chairs, ophthalmic; clips, tantalum; conformers; cornea, artificial; coupler recorders; cryoextractors; cryogenic pencils; cryophthalmic units; cyclodiathermy units; diathermy apparatuses; demonstrators, strabis-

mus; electrodes; eye spheres; headlamps, operating; keratomes, electric; keratoprostheses; lamps, operating; magnets, eye, electro; metal locators, surgical, electronic; microscopes, operating; monitor, eye movement; nystagmograph; occluders; preamplifiers; silicon, implants; sterilizers; trephine engines and related equipment. The devices classified at the previous meeting and the tentative classification are contained in the minutes of the second meeting which took place on December 19 and 20, 1974. Copies of these minutes may be obtained from Dr. Hawkins. Closed session: Classification of the devices listed above. The panel anticipates completing the classification of ophthalmic devices with the exception of the following: cryotherapy units; contact lenses; phacoemulsification units; ultrasonoscopes A and B scan; lasers and photocoagulators. Those devices will be considered at the following meeting April 3 and 4.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Obstetrical and Gynecology Devices.	Feb. 3 and 4, 9:30 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open Feb. 3, closed Feb. 4, Lillian Yin, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of obstetrical-gynecological devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of all obstetrical-gynecological devices. Submission of data is also invited on the tentative classification findings which may be obtained from Lillian Yin, Ph.D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Yin in writing by January 28, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Robert S. Neuwirth, M.D., Director of Ob-Gyn, Women's Hospital, New York, N.Y., will discuss the safety and effectiveness of hysteroscopes. Moris Shore, Ph.D., Bureau of Radiological Health, will discuss the possible threshold levels, if any, and the reproducibility of ultrasonic irradiation of diagnostic devices. Closed session: Panel will begin designating those characteristics of obstetrical-gynecological devices placed in the scientific approval category which cannot be adequately controlled by standards, and review standards on remaining devices.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Physical Medicine (Physiatry) Devices.	Feb. 4, 8 a.m., room 1400, FB-8, 200 C St. SW., Washington, D.C.	Open 8 a.m. to 9 a.m., closed after 9 a.m., Robert C. Livingston, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4499.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physiatry devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of all physical medicine (physiatry) devices. Submission of data is also invited on the tentative classification findings which may be obtained from Robert C. Livingston, Ph.D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Livingston in writing by January 31, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Closed session: Continuing classification of physical medicine devices under review by the panel.

Committee name	Date, time, place	Type of meeting and contact person
6. Endocrinology and Metabolism Advisory Committee.	Feb. 5, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., A. T. Gregoire, Ph. D. (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the treatment of endocrine and metabolic disorders.

Agenda. Open season: Anabolic steroids and the treatment of osteoporosis; Winstrol, NDA 12-885, 13-268, discussion of Dianabol, NDA 12-226; and comments and presentations by interested persons. Closed session: Discussion of NDA 17-644.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Oral Cavity Drug Products.	Feb. 6 and 7, 9 a.m., Conference Room 11, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 6, 9 a.m. to 10 a.m., closed Feb. 6 after 10 a.m., closed Feb. 7, John T. McElroy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing oral cavity drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter oral cavity drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Anesthesiology Devices.	Feb. 7, 8:30 a.m., Veterans Administration Hospital, 6th floor, room 6006, 3350 La Jolla Village Dr., La Jolla, Calif.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m., Frank Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of all anesthesiology devices. Submission of data is also invited on the tentative classification findings which may be obtained from Frank Coombs, Executive Secretary. Those desiring to make formal presentations should notify Mr. Coombs in writing by January 27, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. There will be an open discussion of the classification results to date for anesthesiology devices. There will also be a discussion of formation of subcommittees other than pulmonary function devices. Closed session: The panel will begin designating those characteristics of anesthesiology devices placed in the scientific review category which cannot be adequately controlled by standards, and review standards on remaining devices; begin final report on classification of anesthesiology devices (to be amended later to include pulmonary function device subcommittee report).

Committee name	Date, time, place	Type of meeting and contact person
9. Cardiovascular and Renal Advisory Committee.	Feb. 7, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Joan Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1740.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for use in the treatment of cardiovascular and renal disorders.

Agenda. Open session: Discussion of previous minutes; pediatric digitoxin labeling; discussion of rapidly dissolving digoxin preparations; patient package insert for digitoxin preparations; and discussion of emergency protocol for beta blockers as used in angina and antiarrhythmia. Closed session: Discussion of IND 2905.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Ophthalmic Drugs.	Feb. 7 and 8, 9 a.m., Conference Room 1, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 7, 9 a.m. to 10 a.m., closed Feb. 7 after 10 a.m., closed Feb. 8, John T. McElroy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing ophthalmic drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter ophthalmic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Feb. 7 and 8, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 7, 9 a.m. to 10 a.m., closed Feb. 7 after 10 a.m., closed Feb. 8, Armond Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter contraceptives and other vaginal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Pediatric Subcommittee of Psychopharmacological Agents Advisory Committee.	Feb. 10, 10 a.m., room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open 10 a.m. to 11 a.m., closed after 11 a.m., Julius Cluque (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

Agenda. Open session: Use of phenothiazines in the institutionally retarded; revision of uniform labeling for hyperkinesis/MBD; guidelines for pediatric drug testing; review of package insert for all neuroleptic drugs (particularly stimulants) for uniformity in wording. Closed session: Review of IND 10–949, review of NDA 11–808 (mellaril).

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Feb. 10 and 11, 9 a.m., room 121, Building. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Feb. 10, 9 a.m. to 10 a.m., closed Feb. 10 after 10 a.m., closed Feb. 11. Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral rickettsial microorganisms.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Vitamin, Mineral, and Hematinic Drugs.	Feb. 16, 17, and 18, 9 a.m., Continuing Education Center, University of Chicago, Chicago, Ill.	Closed Feb. 16, open Feb. 17, 9:30 a.m. to 10:30 a.m., closed Feb. 17 after 10:30 a.m., closed Feb. 18, Gary P. Troschair (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing vitamin, mineral, and hematinic drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter vitamin, mineral, and hematinic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
15. Geriatric Subcommittee of Psychopharmacological Agents Advisory Committee.	Feb. 17, 10 a.m., room 1813, FB–8, 200 C St. SW., Washington, D.C.	Open 10 a.m. to 11 a.m., closed after 11 a.m., Julius Cinque (HFD–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3890.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

Agenda. Open session: Geriatric guidelines for clinical drug testing. Closed session: Review recommendations for IND 8681 and NDA 11–808 (Mellaril).

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Antimicrobial Agents.	Feb. 21, 22, and 23, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 21, 9 a.m., to 10 a.m., closed Feb. 21 after 10 a.m., closed Feb. 22 and Feb. 23, Armond Welch (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Bacterial Vaccines and Toxoids.	Feb. 24 and 25, 9 a.m., room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Feb. 24, 9 a.m. to 10 a.m., closed Feb. 24 after 10 a.m., closed Feb. 25, Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of bacterial vaccines and toxoids under investigation.

Committee name	Date, time, place	Type of meeting and contact person
18. Subcommittee on the Division of Training and Medical Applications of the Medical Radiation Advisory Committee.	Feb. 24 and 25, 10 a.m., room T-400, Building 4, 12720 Twinbrook Parkway, Rockville, Md.	Open—William S. Cole, M.D. (HFX-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

Purpose. Advises and consults with the Bureau of Radiological Health in the formulation of policy and the development of a coordinated program related to application of ionizing radiation in the healing arts.

Agenda. Mechanisms and messages for educating the consumer in radiation protection matters, including mass chest x-ray screening, gonadal shielding, x-rays in pregnancy, and repeat examinations; guidelines for physicians on the use of x-rays during pregnancy; a newly completed study on the use of pelvimetry; and reconsideration of a guideline on gonadal shielding.

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Radiology Devices.	Feb. 25 and 26, 9:30 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Feb. 25, closed Feb. 26, Leroy L. Hamilton, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of radiology devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of all diagnostic radiology devices. Those desiring to make formal presentations should notify Leroy Hamilton, Ph.D., Executive Secretary, in writing by February 11, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Closed session: Preliminary classification of diagnostic devices.

Committee name	Date, time, place	Type of meeting and contact person
20. Panel on Review of Orthopaedic Devices.	Feb. 26, 9 a.m., Shasta Room, San Francisco Hilton, San Francisco, Calif.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Davip M. Link (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1743.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of orthopedic devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from David M. Link, Acting Director, Bureau of Medical Devices and Diagnostic Products. Those desiring to make formal presentations should notify Mr. Link in writing by February 19, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Arthroscopes; dynamometers; artificial arms; artificial arms-standard components; artificial hands; artificial legs; artificial legs-standards components; cosmetic gloves; hooks; arch supports; braces; cervical collars; elastic supports; splints; supporting belts; trusses; air pressure tourniquets; pneumatic hand instruments; calipers; depth gages; goniometers; protractors; air filters; isolation chambers; isolation hoods (laminar flow); laminar flow units; clamps; curettes; cutting instruments; drills, burrs and accessories; elevators; extractors and impactors; forceps, pliers and wrenches; guides; mallets; rasps, broaches and files; reamers; retractors; rongeurs; saws; strippers; electrical stimulators; canes; commode chairs; commodes; crutches; walkers; wheelchairs; diaphragm stimulators; extremity stimulators; rehabilitation equipment, powered (energy emitting); rehabilitation equipment, powered (non-energy emitting); rehabilitation equipment, not powered; ankle traction units; head halters; hip traction units; pelvic traction belts; traction splints. Closed session: Classification of devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
21. Panel on Review of Dentifrices and Dental Care Agents.	Feb. 26 and 27, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 26, 9 a.m. to 10 a.m., closed Feb. 26 after 10 a.m., closed Feb. 27, Michael D. Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter dentifrices and dental care products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
22. Psychopharmacological Agents Advisory Committee.	Feb. 27 and 28, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Stephen C. Croft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

Agenda. Review of antipsychotic guidelines; review of pending INDs and NDAs; pediatric panel report; post-marketing surveillance and adverse reaction reporting systems; box warnings about long term use of antidepressants and anxiolytics; review of labeling and data for anxiolytic drugs; teratogenicity of minor tranquilizers; cardiac changes involved with imipramine therapy; and discussion of Nardil (Warner Chilcott), NDA 11-909.

Committee name	Date, time, place	Type of meeting and contact person
23. Arthritis Advisory Committee.	Feb. 27 and 28, 8:30 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Feb. 27, closed Feb. 28, Cyrus H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4290.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for treatment of arthritic conditions.

Agenda. Open session: Welcoming remarks and introductions; discussion of substantial evidence of safety and efficacy; conflict of interest; role of advisory committees in IND and NDA review process; general considerations for the clinical evaluation of drugs; guidelines for the clinical evaluation of nonsteroidal anti-inflammatory drugs. Closed session: Discussion of NDA 8-319, NDA 12-542, NDA 17-286, NDA 17-581, and NDA 17-604.

Committee name	Date, time, place	Type of meeting and contact person
24. Panel on Review of Skin Test Antigens.	Feb. 28 and Mar. 1, 9 a.m., room 121, building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Feb. 28, 9 a.m. to 10 a.m., closed Feb. 28 after 10 a.m., closed Mar. 1, Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products which are used in diagnostic substances for dermal tests.

Agenda. Open session: Presentation of previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of skin test antigens under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is

essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: January 9, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-1265 Filed 1-14-75;8:45 am]

Health Resources Administration

FEDERAL HOSPITAL COUNCIL ET AL.

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Resources Administration announces the rechartering by the Secretary, DHEW, on December 24, 1974, of the following committees:

Committee:	*Termination date*
Federal Hospital Council.	Continuing.
National Advisory Council on Health Professions Education.	Do.
National Advisory Council on Nurse Training.	Do.

Dated: January 7, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-1277 Filed 1-14-75;8:45 am]

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Notice of Establishment

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Resources Administration announces the establishment of the National Advisory Public Health Training Council on January 6, 1975.

Designation: National Advisory Public Health Training Council.

Purpose: The council will advise the Secretary and the Administrator, Health Resources Administration, on matters relating to the Department programs and interests in support of training for professional public health personnel and related activities. The council will review grant applications for support of training projects for innovation and curriculum development in public health education and make recommendations to the Administrator, Health Resources Administration.

Authority for this council will expire June 30, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 9, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-1279 Filed 1-14-75;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Resources Administration announces the renewal by the Secretary, DHEW, on December 26, 1974, with the concurrence by the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Committee:	*Termination date*
Nursing Research and Education Advisory Committee.	Sept. 30, 1976

Authority for this committee will expire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 9, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-1276 Filed 1-14-75;8:45 am]

INDIAN HEALTH ADVISORY COMMITTEE

Meeting

Notice of Renewal

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of February 1975:

Committee name and date/time/place	*Type of meeting and/or contact person*
Indian Health Advisory Committee. Feb. 10-12, 1975—9 a.m., Parklawn Building—conference room C, 5600 Fishers Lane, Rockville, Md.	Open—Contact: Mr. Mose E. Parris, room 5A-43, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-1104.

Purpose: The Committee advises the Secretary; Assistant Secretary for Health; Administrator, Health Services Administration; and Director, Indian Health Service on health and other related matters that have a bearing on the conduct of the Indian health program, as well as current and proposed regulations and policies.

Agenda: The Committee will discuss the current total Indian health administrative program operations, more specifically, the recruitment and retention of physicians and health personnel to deliver comprehensive health care, pertinent pending legislation having a potential definite impact on the Indian health program, and other specific items of departmental interest and concern regarding Indian health endeavors.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: January 10, 1975.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.75-1274 Filed 1-14-75;8:45 am]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON HEALTH MANPOWER SHORTAGE AREAS

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Services Administration announces the rechartering by the Secretary, DHEW, on December 26, 1974, of the following advisory council:

Council:	*Termination date*
National Advisory Council on Health Manpower Shortage Areas.	Continuing.

Dated: January 10, 1975.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.75-1278 Filed 1-14-75;8:45 am]

NATIONAL MIGRANT HEALTH ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Health Services Administration announces the renewal by the Secretary, DHEW, on December 26, 1974, with the concurrence by the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Committee:	*Termination date*
National Migrant Health Advisory Committee.	Nov. 30, 1976.

Authority for this committee will expire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: January 10, 1975.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.75-1275 Filed 1-14-75;8:45 am]

Office of Education

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Extension of Closing Date for Receipt of Applications

Notice is hereby given that the U.S. Commissioner of Education has extended the January 6, 1975 closing date for receipt of applications for support of new and continuation early education projects under section 623 of the Education of the Handicapped Act (20 U.S.C. 1423) (previously published in the FEDERAL REGISTER at 39 FR 43752 on December 18, 1974) to January 24th, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.444. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper on envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered application.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations governing the Early Education for Handicapped Children Program published in the FEDERAL REGISTER on May 25, 1973 at 38 FR 13744–13745 (45 CFR Part 121, Subpart C–3). A notice of proposed rule making which would revise these regulations was published in the FEDERAL REGISTER on October 11, 1973 at 38 FR 28234–28237, proposed 45 CFR Part 121d. When republished in final form, the proposed regulations will supersede 45 CFR Part 121, Subpart C.

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance, No. 13.444 Early Education for Handicapped Children)

Dated: January 9, 1975.

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

[FR Doc.75–1450 Filed 1–14–75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name National Professional Standards Review Council.

Date and Time: February 3, 1975 (1 p.m. to 5 p.m.) February 4, 1975 (9 a.m. to 1 p.m.).

Place: Room 5051, DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A–23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: January 8, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75–1318 Filed 1–14–75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Technical Subcommittee.

Date and Time: February 3, 1975 (9 a.m. to 12 noon).

Place: Room 5051, DHEW North Building, 330 Independence Avenue, SW, Washington, D.C.

Purpose of Meeting: The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems, medical care norms, standards and criteria, and the evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A–23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: January 8, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75–1319 Filed 1–14–75;8:45 am]

Social and Rehabilitation Service

[Docket No. SRS 75–2]

NEVADA STATE PLAN AMENDMENTS

Notice of Reconsideration Hearing

Please take notice that the Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, having received, on December 10, 1974, a petition for reconsideration requesting a hearing pursuant to sec. 1116(a)(2) of the Social Security Act, 42 U.S.C. 1316(a)(2), and the implementing regulations appearing at 45 CFR 201.4, hereby notifies petitioner, the State of Nevada, of the institution of a reconsideration hearing pursuant to sec. 1116(a)(2) of the Social Security Act, 42 U.S.C. 1316(a)(2).

1. The hearing shall commence on Monday, March 10, 1975 at 10 a.m. in Room 450, Federal Office Building, 50 Fulton Street, San Francisco, California 94102, or at such other time and place as may be fixed, pursuant to 45 CFR 213.22(a)(1), by the presiding officer to be designated pursuant to 45 CFR 213.21.

The hearing shall continue from day to day thereafter until completed.

2. Pursuant to 45 CFR 213.13, the Administrator, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare, has determined that the hearing shall be held at the location stated in paragraph 1, since it is the location of the HEW Regional Office serving the region in which the petitioner is located.

3. The issue to be considered at such hearing is whether the amendments submitted on July 12, 1974 by the State of Nevada to its state plan approved under title IV of the Social Security Act, 42 U.S.C. 601 et seq., conform to the statutory requirements for approval under such titles.

4. Pursuant to 45 CFR 213.11, a copy of this notice shall be published as soon as practicable in the FEDERAL REGISTER.

In witness whereof, the Social and Rehabilitation Service has caused this notice to be issued at Washington, D.C. this 9th day of January, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service, United States Department of Health, Education, and Welfare.

[FR Doc.75-1212 Filed 1-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-75 007]

DEEPWATER PORTS; LICENSE APPLICATIONS

Notice of Availability of Documents

Notice is hereby given that the United States Coast Guard has made available for public inspection and comment the following draft documents relating to submission of applications for licenses to own, construct, and operate deepwater ports under the authority of the Deepwater Port Act of 1974, Pub. L. 93-627:

(1) Guide to Preparation of Environmental Analyses for Deepwater Ports.

(2) Recommended Procedure for Developing Deepwater Ports Design Criteria.

(3) Guidelines for Preparation of a Deepwater Ports Operations Manual.

(4) Glossary for Deepwater Ports Environmental Analyses, Design and Operations Manual Guides.

These documents will supplement forthcoming regulations in providing guidance to prospective applicants in preparing their applications.

Comments and views regarding these draft documents may be filed with the U.S. Coast Guard. Communications should be addressed to the Commandant (G-WDWP/61), U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20016.

K. G. WIMAN,
Captain, U.S. Coast Guard Manager, Deepwater Ports Project.

[FR Doc.75-1346 Filed 1-14-75;8:45 am]

[CGD 74 307]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from April 25, 1973 to November 7, 1974 (List No. 24-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (46 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

SAFETY VALVES (POWER BOILERS)

The J. E. Lonergan Company, Red Lion and Verree Roads, Philadelphia, Pennsylvania 19115, Approval Nos. 162.-001/131/2, 162.001/132/2 and 162.001/133/2 expired and were terminated effective November 4, 1974.

The Ashton Valve Company, Wrentham, Massachusetts 02093, Approval No. 162.001/218/0 expired and was terminated effective April 16, 1974.

RELIEF VALVES (HOT WATER HEATING BOILERS)

The Bell & Gossett Company, 8200 North Austin Avenue, Morton Grove, Illinois 60053, Approval Nos. 162.013/31/0, 162.013/32/0 and 162.013/33/0 expired and were terminated effective April 25, 1973.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Jet Board Corporation, 9255 Sunset Boulevard, Los Angeles, California 90069, Approval No. 162.041/93/1 expired and was terminated effective September 2, 1974.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Gustin Bacon Division, Certain-Teed Products Corporation, P.O. Box 15079, Kansas City, Kansas 66115, no longer manufactures certain incombustible materials and Approval Nos. 164.009/127/0, 164.009/128/0 and 164.009/129/0 were therefore terminated effective November 7, 1974.

Dated: January 2, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.75-1342 Filed 1-14-75;8:45 am]

[CGD 75-006]

PROPOSED REPLACEMENT OF DUMBARTON HIGHWAY BRIDGE (ROUTE 84) ACROSS SOUTH PART OF SAN FRANCISCO BAY, MILE 32.0 NAVIGATION REQUIREMENTS AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Twelfth Coast Guard District, at 8 p.m., Friday, 14 February 1975 in the City Council Chambers, Fremont Administration Building, 39700 Civic Center Drive, Fremont, California. This hearing will be held jointly with the U.S. Army, Corps of Engineers, District Engineer, San Francisco District. The proposed replacement bridge will require permits from both the Coast Guard and the Corps of Engineers. A bridge permit issued by the Coast Guard is required for the construction of the replacement bridge and removal of parts of the existing bridge not used in the replacement bridge and dredging and excavation for pier construction. Permits issued by the Corps of Engineers are required for the dredging of a construction access channel, disposal of dredged spoil in the navigable waters and retention of parts of the existing bridge as fishing piers not used in the replacement bridge. While the permits required by the Coast Guard and Corps of Engineers are issued under different authorities, the activities involved are causally related. Meaningful public comment thereon cannot be solicited separately for full consideration in the context of each permit application.

The Coast Guard is the lead agency for the preparation of the Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4332). A Draft Environmental Impact Statement (EIS) was prepared by the Coast Guard and circulated on 7 December 1974 to Federal, State and local government agencies, and groups and individuals who had made substantive comment on the State Draft EIS prepared and circulated in accordance with the laws of the State of California.

The supply of free copies of the Draft EIS prepared by the Coast Guard has been exhausted. However, this Draft EIS is available for public inspection at the following locations:

Twelfth Coast Guard District
Aids to Navigation Branch, Rm. 932
630 Sansome Street
San Francisco, CA 94126

San Francisco District
U.S. Army Corps of Engineers
Regulatory Functions Branch, Rm. 504
100 McAllister Street
San Francisco, CA 94102

California Toll Bridge Administration
151 Fremont Street, Second Floor
San Francisco, CA 94105

Alameda County Library, Newark

Atherton Public Library

Fremont Public Library

Hayward Public Library

Menlo Park Public Library

Oakland Main Public Library

Palo Alto Main Public Library

Peninsula Conservation Center Library—Palo Alto

Redwood City Main Public Library

San Francisco Main Public Library

San Jose Main Public Library

The proposed replacement bridge will be a fixed high level bridge providing a vertical clearance of 85 feet above MHHW (92 feet above MLLW) and a horizontal clearance of 210 feet between fenders, normal to the axis of the channel. The existing vertical lift bridge provides a vertical clearance in the open position of 135 feet above MHHW (142 feet above MLLW) and in the closed position a vertical clearance of nine feet above MHHW (16 feet above MLLW), and a horizontal clearance of 200 feet between fenders, normal to the axis of the channel.

Project information has been previously advertised in Commander, Twelfth Coast Guard District Public Notices 12–60 (15 January 1974) and 12–60a (17 May 1974) and Corps of Engineers, San Francisco District Public Notice 74–0–88 (7 February 1974).

Maps of the location of the bridge, dredging and spoil disposal areas, and plan and elevation drawings of the replacement bridge and the parts of the existing bridge to be retained for fishing piers may be inspected during normal business hours in the offices of the Twelfth Coast Guard District, Aids to Navigation Branch (Room 932), 630 Sansome Street, San Francisco, CA 94126 or in the offices of the Corps of Engineers, Regulatory Functions Branch (Room 504), 100 McAllister Street, San Francisco, CA 94102.

Interested persons may present data, views and comment at the public hearing concerning whether the proposed location and clearances of the bridge will provide for the reasonable needs of navigation and whether the proposed dredging and disposal of spoil in the navigable waters and retention of parts of the existing bridge will provide for the reasonable needs of navigation. Further, interested persons may comment concerning the content of the Draft EIS or on any relevant environmental impacts that are not discussed in the Draft EIS which may result if the proposed bridge is constructed. Comments on the DRAFT EIS previously made by interested persons in response to the circulation of the Draft EIS on 7 December 1974 are a matter of record. Redundant comment is not required or desired in the interest of making a clear record.

Interested persons desiring to appear and be heard are requested to notify the Commander, Twelfth Coast Guard District, or the District Engineer, Corps of Engineers, in writing at the addresses listed above indicating the approximate time required to make their presentation. Organizations or groups of individuals are requested to limit their presentation to a single speaker on behalf of the organization or group. Depending upon the number of persons desiring to be heard it may be necessary to limit the time available for each speaker. Whenever possible the presentation should be submitted in writing to assure completeness and accuracy of the record. In such cases a brief oral summary of the content may be given. Interested persons unable to attend the hearing or making oral presentations who wish to submit supplemental written material may do so within two weeks after the date of this hearing. Thereupon the record will be closed.

The decisions for the issuance of the required permits by the respective agencies will rest primarily upon whether the proposed actions will provide for the reasonable needs of navigation after full consideration of their impacts upon the human environment as required by the National Environmental Policy Act of 1969 and other relevant Federal Statutes. The final decisions of the respective agencies will be made in accordance with the established procedures of each agency after mutual coordination and consultation.

33 U.S.C. 525; 42 U.S.C. 4321, et seq.; 49 U.S.C. 1651(b)(2), 1653(f), 1655(g)(6)(C); 40 CFR 1500; 49 CFR 1.45(a)(4), 1.46(c)(10)

Dated: January 8, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-1345 Filed 1-14-75;8:45 am]

[CGD 75-010]

BERWICK BAY VESSEL TRAFFIC SYSTEM

Order To Establish

Notice is hereby given that W. W. Barrow, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, has issued the following special order establishing the Berwick Bay Vessel Traffic System on the Atchafalaya River and Gulf Intracoastal Waterway in the Morgan City-Berwick Bay Area.

LOUISIANA, ATCHAFALAYA RIVER AND INTRACOASTAL WATER, MORGAN CITY, PORT ALLEN (ALTERNATE ROUTE)

1. *Background.* For a period of more than 20 years, the combination of navigational restrictions and periodic high water have created emergency conditions in the Berwick Bay area resulting in vessel collisions and bridge rammings. In order to alleviate the situation, the Southern Pacific Railroad bridge lift span was aligned with the highway bridge span in 1971, under the Truman/Hobbs Act. Subsequently, in 1973 and 1974 special orders establishing operational restrictions on vessel traffic transiting the Berwick Bay area were placed into effect as well as a temporary Vessel Traffic System in 1974. While serious casualties have occurred most often during the high water period, traffic congestion, converging waterways, and navigational limitations combine to create a potentially hazardous area all during the year.

2. *Purpose.*—a. *General.* In order to enhance the safety of navigation through these waterways, this Special Notice 1–75 establishes the Berwick Bay Vessel Traffic System on the Atchafalaya River and Gulf Intracoastal Waterway in the Morgan City-Berwick Bay Area.

b. *Specific.* The heart of the system will be a Vessel Traffic Center manned by the Coast Guard. The Traffic Center is located in the SPRR Bridge-tender's station house and is equipped with radios on the frequencies specified in paragraph 3a and a telephone. Based upon information provided by masters of vessels and the SPRR bridge-tender, the Vessel Traffic Center may make recommendations to coordinate the flow of traffic in the vicinity of and through the bridges across Berwick Bay. While the recommendations of the VTC to coordinate traffic flow are advisory in nature, compliance with the reporting requirements, operating procedures and high water vessel and traffic limitations is mandatory for those vessels which must participate in the vessel traffic system. Navigational safety information will be relayed by the Vessel Traffic Center. Mutual planning by vessels using the Bridge to Bridge Radiotelephone is encouraged.

3. *Application.* a. Within the Vessel Traffic System area the provisions of this Special Notice apply to all vessels equipped to communicate on any of the following frequencies:

(1) VHF–FM Channel 13 (156.65 MHz)
(2) VHF–FM Channel 16 (156.8 MHz)
(3) 2738 KHz
(4) 2182 KHz

b. The provisions of this Special Notice to Mariners also apply to any other vessels intending to transit under the lift span on the SPRR bridge. For these vessels the Communications Procedures specified in paragraph 7.b. can be satisfied by communicating with the VTC prior to transiting by telephone (504–385–2462) or other means.

4. *Definitions.*—a. *Vessel Traffic Center (VTC)* means the facility that operates the Berwick Bay Vessel Traffic System.

b. *Vessel Traffic System area (VTS area)* means the area described in paragraph 5.a.

c. *ETA* means estimated time of arrival.

d. *Horsepower* means horsepower as listed in "Merchant Vessels of the United States" (CG–408) or as appearing on the marine document of the vessel.

e. *Bow Steering Unit* means a power unit specifically designed for and adequate to provide lateral control to the head of the tow.

f. *Master* means master, pilot, operator or person in charge of a vessel.

g. *Integrated Tow* means a tow consisting of a lead barge and one or more box sections, or a lead barge and trailing barge with or without middle box sections. Variations in draft and bean shall not exceed ten percent of the draft of the barge drawing the most water and shall not exceed ten percent of the beam of the widest barge in the tow.

5. *Dangerous cargo.* a. Dangerous cargo as used in this order shall mean:

(1) Explosives, Class A (Commercial or Military).

(2) Oxidizing materials for which a special permit for water transportation is required by 46 CFR 146.22.

(3) Radioactive materials for which a special approval by the Commandant for water transportation is required by 46 CFR 146.25–30.

(4) Any dangerous cargo considered to involve a particular hazard when transported or handled in bulk quantities, as further described in paragraph 5.b.

b. (1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, is any commodity which by virtue of its properties would create an unusual hazard if released. These commodities are:

Acetaldehyde	Methane
Acetone	Methyl Acrylate
Cyanohydrin	Methyl Bromide
Acetonitrile	Methyl Chloride
Acrylonitrile	Methyl Methacrylate
Allyl Alcohol	(Monomer)
Allyl Chloride	Methyl Phenol
Ammonia, anhydrous	Oleum
Aniline	Phenol
Butadiene	Phosporus, elemental
Carbolic oil	Propane
Carbon disulfide	Propylene
Chlorine	Propylene Oxide
Chlorohydrine, crude	Sulfuric Acid
Crotonaldehyde	Sulfuric Acid, spent
1, 2-Dichloropropane	Tetraethyl Lead
Dichloropropene	Tetraethyl Lead
Epichlorohydrin	mixture
Ethylene	Vinyl Acetate
Ethyl Ether	Vinyl Chloride
Ethylene Oxide	Vinylidene Chloride
Hydrochloric Acid	

(2) Each commodity listed in subparagraph 5.b.(1) is considered to possess one or more of the following properties:

(a) Is highly reactive or unstable; or

(b) Has severe or unusual fire hazards; or

(c) Has severe toxic properties; or

(d) Requires refrigeration for its safe containment; or

(e) Can cause brittle fracture of normal ship structural materials or ashore containment materials by reason of its being carried at low temperatures, or because of its low boiling point at atmospheric pressure (unless uncontrolled release of the cargo is not a major hazard to life).

6. *Description of the System.*—a. *Geographic Boundaries.* The VTS area consists of the segments of the waterways listed below:

(1) The Intracoastal Waterway Morgan City to Port Allen Alternate Route from mile 0 to mile 7.

(2) The Intracoastal Waterway from mile 93 WHL to mile 100 WHL.

(3) The Atchafalaya River Route from mile 113 to mile 122.

b. *Vessel Traffic Center.* The Vessel Traffic Center located in the SPRR bridge-tender building will maintain continuous listening watch on the following frequencies.

(1) VHF–FM Channel 13 (156.65 MHz)
(2) VHF–FM Channel 16 (156.8 MHz)
(3) 2738 KHz
(4) 2182 KHz

c. *Reporting Points.* The reporting points are:

(1) Stouts Point Light
(2) Northern end of Long Island
(3) Wax Bayou Junction Light A.
(4) Bayou Boeuf Lock

7. *Operating procedures*—a. *General Information.* (1) Participation in the VTS is mandatory for those vessels listed in paragraphs 3.a. and 3.b. Masters of all participating vessels must observe these operating procedures.

(2) The purpose of the Berwick Bay VTS is not to attempt to maneuver or navigate vessels from shore, but to coordinate the flow of traffic through the VTS area.

(3) Compliance with VTC recommendations should preclude the possibility of two vessels attempting passage through the bridge openings from opposite directions at the same time. However, in the event that due to communication loss or for other reasons that should occur, the vessels and tows proceeding with the current shall have the right of way over vessels and tows proceeding against the current. When two vessels or tows are about to enter the navigation opening through the bridges from opposite directions at the same time, the vessel or tow proceeding against the current shall stop short and remain clear of the opening until the vessel or tow having the right of way shall have passed through.

(4) The requirements stated herein are minimum requirements. It is the responsibility of the master to keep his vessel under control at all times and to determine whether a safe passage through the VTS area can be affected, giving due consideration to vessel power and maneuverability and to prevailing currents, weather, visibility and other vessel traffic. If conditions are not favorable, the master shall delay passage until conditions improve and a safe transit can be assured.

b. *Communication procedures.* (1) Vessels in the VTS area shall continuously monitor one of the frequencies listed in paragraph 3a. except when transmitting on that frequency. Vessels subject to the Bridge-to-Bridge Radiotelephone Act shall call and work the VTC on Channel 13. All other vessels shall use Channel 13 if so equipped. Vessels not equipped with VHF–FM shall call and work the VTC on 2738 KHz. Channel 16 and 2182 KHz will be used only if a vessel is unable to communicate with the VTC on Channel 13 or 2738 KHz. Transmissions must be limited to the exchange of navigational safety information and be transmitted at the lowest possible power ratings.

(2) Nothing in these procedures should be construed as contravening or modifying the Vessel Bridge-to-Bridge Radiotelephone Act. The communications required between vessels by the Act shall be transmitted on Channel 13.

(3) The call sign of the VTC is "Berwick Bay Vessel Traffic Center". After communications have been established, the abbreviated call sign "Berwick Traffic" may be used.

(4) Vessels must communicate with the VTC in the following instances:

(a) To enter the system, including unmooring or weighing anchor within the VTS area.

(b) To report passing an established reporting point.

(c) To request navigational information.

(d) To report leaving the system, including mooring or anchoring within the VTS area.

(e) To report any item of navigational safety which might affect other vessels in the VTS area.

c. *Communication failures*—(1) *Vessels intending to transit under the lift span of the SPRR Bridge.* Unless already cleared by the VTC, all vessels must contact the VTC by telephone (504–385–2462) or other means prior to passage. Vessels already cleared must exercise extreme caution while completing passage.

(2) *Vessels intending to transit only the ICW immediately south of the SPRR Bridge.* Towing vessels with tows must contact the VTC by telephone (504–385–2462) or other means prior to passage. Other vessels need not contact the VTC but must exercise extreme caution when passing through this section.

(3) *Vessels within the system but not covered by paragraphs 6.c.(1) and 6.c.(2) above.* All such vessels need not contact the VTC but should exercise extreme caution while in the VTS area.

d. *Reporting procedures.* (1) All vessels governed by this Special Notice are required to furnish the following information when making the initial communication with the VTC:

(a) The name of the vessel.

(b) The type of vessel (crewboat, supply, fishing, towing, etc.).

(c) The position of the vessel.

(d) Destination in or route through the VTS area.

(e) ETA abeam Southern Pacific Railroad Bridge.

(f) Any condition on the vessel that may affect its navigation in the VTS area such as fire, defective propulsion

machinery, or defective steering equipment.

(g) Whether or not any dangerous cargo as specified in paragraph 5 is on board. Additionally, towing vessels with tows that intend to transit the Lower Atchafalaya River (Berwick Bay) through the openings of the SPRR and highway bridges shall also furnish:

(h) The horsepower and length of the towing vessel.

(i) The total length of the tow (excluding the towing vessel).

(2) After the initial communication has been made, any vessel whose ETA abeam the Southern Pacific Raiload Bridge will vary by more than ten (10) minutes shall provide the VTC with a revised ETA.

(3) The VTC will coordinate the operation of the SPRR Bridge lift span so separate radio communications to the SPRR Bridgetender are unnecessary.

8. *Vessel and traffic limitations—a. High Water Notification and Determination.* High water vessel traffic limitations will be put in effect and removed by Notice to Mariners. High water will be considered to exist when the Morgan City River Gage reads three feet mean sea level or more for five consecutive days and is anticipated to remain at three feet or more for an additional five consecutive days. High water limitations will be removed when the Morgan City River Gage reads less than three feet for five consecutive days and is anticipated to remain at less than three feet for an additional five consecutive days.

b. *High Water Vessel and Traffic Limitations.* When the high water conditions exist, the following limitations apply to vessels transiting the navigational openings of the two highway bridges and the railroad bridge:

(1) Towing on a hawser in either direction is prohibited.

(2) Barges and towing vessels must be arranged in tandem.

(3) Towing vessels with less than 1000 horsepower shall not tow barges with any dangerous cargo listed in paragraph 5.

(4) Southbound tow limitations:

(a) Non-integrated southbound tows without bow steering units shall not exceed one barge.

(b) Integrated southbound tows without bow steering units shall not exceed 600 feet excluding the towboat.

(c) Southbound tows with a bow steering unit shall not exceed 1180 feet including the towing vessel.

(5) Northbound tow limitations:

(a) Non-integrated northbound tows without bow steering units shall not exceed two barges.

(b) Integrated northbound tows shall not exceed 1180 feet including the towing vessel.

(c) Northbound tows with bow steering units shall not exceed 1180 feet including the towing vessel.

(d) Northbound tows with a second towboat used on the lead barge shall not exceed 1180 feet including the towing vessels.

9. *Authorization to deviate.* The Commander, Eighth Coast Guard District may upon request issue an authorization to deviate from any rule in this Special Notice if he finds that the proposed operations under the authorization can be done safely. A written application for an authorization must state the need for the authorization and describe the proposed operations.

10. *Effective date.* This order is effective commencing at 12 o'clock Noon, Central Standard Time, Wednesday, January 15, 1975.

11. *Authority and penalty.* This order is issued under the provisions of 33 CFR 6. Violation of this order is punishable by forfeiture of the vessel and its equipment and, a fine of not more than $10,000.00, and imprisonment for not more than 10 years. 50 USC 192, 33 CFR 6.18–1."

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 USC 191, 49 USC 1655(b)(1); Proc. No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950), E.O. 10637, 3 CFR 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b))

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

JANUARY 10, 1975.

[FR Doc.75–1341 Filed 1–14–75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Tuesday, January 28, 1975 at 9:00 a.m. in Room 5334, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The agenda for this meeting will include discussion and approval of a statement of objectives, approaches and priorities to be followed by the Committee, a review and approval of a draft revision of rule 34, a presentation by one committee member of an operating rules training program, a presentation by FRA staff of accident statistics with respect to human factors, and a discussion of accident investigation material related to rule 93.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to allow distribution to each of the Committee members. Members of the public who wish to make oral statements should inform the Office of Chief Counsel, Federal Railroad Administration (202) 426–0767 at least 5 days prior to the meeting so that reasonable provision can be made for their appearance on the agenda.

Minutes of the meeting will be made available for public inspection during regular business hours in the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street SW, Washington, D.C.

Issued at Washington, D.C. on January 10, 1975.

ASAPH H. HALL,
Acting Administrator.

[FR Doc.75–1449 Filed 1–14–75;8:45 am]

[Docket No. RAR–2]

RAILROAD ACCIDENT/INCIDENT REPORTING

Notice of Public Meeting

The Federal Railroad Administration (FRA) promulgated reporting and record keeping requirements, entitled "Railroad Accident/Incidents: Reports Classification, and Investigations", in the December 11, 1974 FEDERAL REGISTER (39 FR 23222). These rules constituted a revision to Part 225 of Title 49 of the Code of Federal Regulations, and became effective as of January 1, 1975. The revision has changed the reporting and record keeping requirements imposed upon railroads.

In an effort to familiarize railroad personnel with the new requirements under Part 225, the FRA will conduct a number of briefings in a series of public meetings. The first meeting in this series will be held on Tuesday, January 21, 1975 at the Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C., at 9:30 a.m. in Room 2230. The second meeting will be held on Thursday, January 23, 1975 at the Pick-Congress Hotel, Chicago, Illinois at 9:30 a.m. in the Florentine Room. Because of the limited accommodations at the meeting locations, and the anticipated turn-out, it is requested that each interested organization send no more than two representatives to any one public meeting. Additional meetings in other areas of the country will be scheduled during the month of February. At each of these meetings FRA Office of Safety personnel will explain the new reporting requirements and the use of new reporting forms.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75–1447 Filed 1–14–75;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. P–505–A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and

docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. The portion of the application filed contains 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.

The remaining portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Docket No. P–505–A has been assigned to the application and it should be referenced in any correspondence relating to it.

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. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 8th day of January, 1975.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing.

[FR Doc.75–1176 Filed 1–14–75;8:45 am]

URANIUM ENRICHMENT SERVICES

Termination Charges

The United States Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "URANIUM ENRICHMENT SERVICES: Termination Charges", as published in the FEDERAL REGISTER on February 1, 1974 (39 FR 4126) and as amended in 39 FR 22182, June 20, 1974 (referred to herein as the notice).

Paragraphs 1, 2, and 3 of the notice are deleted and the following paragraphs are inserted in lieu thereof:

1. The termination charge applicable to termination, in whole, by the Customer or the Commission of a Long-Term Fixed-Commitment Agreement Including First Core prior to receipt of the construction permit (or comparable authorization in the case of an agreement entered into pursuant to an agreement for cooperation with a foreign nation) from the cognizant regulatory body for the facility designated therein or subsequent to receipt of such permit or authorization but prior to the time the Customer is required to agree upon an Appendix A to the Agreement shall be advance payment amounts already paid by the Customer at the time of such termination plus any advance payment installment for which payment is due and outstanding.

2. The termination charge applicable to termination, in part, by the Customer of a Long-Term Fixed-Commitment Agreement Including First Core resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement shall be the termination charge prescribed by the provisions of such Agreement which is hereby incorporated herein by reference.

3. The termination charge applicable to termination, in part, (other than a partial termination resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement) by the Customer or by the Commission of a Long-Term Fixed-Commitment Agreement Including First Core prior to receipt of the construction permit (or comparable authorization in the case of an agreement entered into pursuant to an agreement for cooperation with a foreign nation) from the cognizant regulatory body for the facility designated therein or subsequent to receipt of such permit or authorization but prior to the time the Customer is required to agree upon an Appendix A to the Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the table set forth in section 5 hereof.

4. The termination charge applicable to termination, in whole or part (other than a partial termination resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement) by the Customer or the Commission of a Long-Term Fixed-Commitment Agreement Including First Core subsequent to the receipt of a construction permit and subsequent to the time the Customer is required to agree to an Appendix A to the Agreement for the facility designated therein and the termination charge applicable to termination, in whole or part, by the Customer or the Commission of a Long-Term Fixed-Commitment Agreement Excluding First Core or a Short-Term Fixed-Commitment Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the table set forth in paragraph 5 hereof.

5.

Table of termination charges

For advance notice of termination [1]		Termination charge per kilogram unit of separative work terminated as percentage of applicable enriching service charge [2]
At least—	But less than—	
0 year	1 year	63.1
1 year	2 years	58.8
2 years	3 years	55.5
3 years	4 years	50.4
4 years	5 years	45.7
5 years	6 years	42.5
6 years	7 years	39.5
7 years	8 years	37.3
8 years	9 years	26.9
9 years	10 years	25.4

[1] For purposes of determining when enriching services would have been furnished but for such termination, enriching services scheduled to be delivered on a monthly basis shall be deemed to be scheduled for delivery on the 15th day of such months; and for services scheduled for delivery on a fiscal year basis, they shall be deemed to be scheduled for delivery on January 1 of such fiscal years.

[2] For purposes of determining the applicable enriching services charge per kilogram units of separative work terminated which have not been scheduled for delivery on other than a fiscal year basis, such applicable charge shall be the average of the applicable charges scheduled to be effective during such fiscal year.

For advance notices of termination of 10 years or more, the applicable unit termination charge shall be 25.4 percent of the applicable enriching services charge divided by $(1.06)^n$ where n is the number of years in excess of 9 years, 11 months and 29 days for such notice of termination; provided, however, that if n has a fractional part it shall be rounded up to the next higher integer before being applied as an exponent.

6. Enriching Services charges applicable to the terminated enriching services shall be determined in accordance with the established charges for enriching services in effect on the date of receipt of notice of termination; provided, however, that in the event revisions in the standard table of enriching services, revisions in the established charges for enriching services, and/or automatic periodic increases in the enriching services charges have been announced and are to become effective subsequent to receipt of notice of termination, the kg units of separative work and the enriching services charge applicable to the terminated enriching services, which, but for such termination, would have been furnished under this agreement on and after the effective date of such revision or automatic periodic increases shall be determined in accordance with such revised table of enriching services and/or revised or automatic periodic increases in charges for enriching services.

Effective Date: This notice shall become effective on January 15, 1975.

Dated at Germantown, Maryland, this 10th day of January, 1975.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.75–1353 Filed 1–14–75;8:45 am]

[Construction Permit Nos. CPPR-77 and CPPR-78]

VIRGINIA ELECTRIC AND POWER CO.

Notice and Order for Prehearing Conference and Evidentiary Session

Pursuant to the Notice of Public Hearing dated October 21, 1974, and the "Order on Motion for Extension of Time" dated November 4, 1974, both relating to the Notice of the Commission dated May 28, 1974 granting the petition of the North Anna Environmental Coalition (Coalition) for a public hearing as to whether the construction permits for the North Anna Power Station should be suspended or revoked for allegedly material false statements by Virginia Electric and Power Company in required submissions to the Atomic Energy Commission, the Atomic Safety and Licensing Board will hold a prehearing conference on January 22, 1975 at 9:30 a.m. at the U.S. District Court (Courtroom #23), 3rd & Constitution Avenue, NW, Washington, D.C. 20001. The cardinal objective of this prehearing conference is to consider all procedural and preliminary matters in preparation for the evidentiary hearing.

The evidentiary hearing in this proceeding will be held on January 29, 1975 commencing at 9:30 a.m. at the U.S. District Court, 3rd & Constitution Avenue, NW, Washington, D.C. 20001 (Courtroom #24).

It is so ordered.

Dated at Bethesda, Maryland, this 9th day of January 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-1356 Filed 1-14-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS HIGH TEMPERATURE GAS-COOLED REACTORS SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182(b) of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards' Subcommittee on High Temperature Gas-Cooled Reactors will hold a meeting on January 30-31, 1975 at the Denver Hilton Hotel, 1550 Court Place, Denver, Colorado.

The purpose of the meeting will be to discuss generic issues relating to the current generation of high temperature gas-cooled reactors for which construction permits are pending.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday and Friday, January 30 and 31, 1975, 9 a.m.-5 p.m. Discussions with the General Atomic Company and the AEC Regulatory Staff.

Representatives of the General Atomic Co. will make presentations on various aspects of the design of the current generation of high temperature gas-cooled reactors.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of each day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the General Atomic Co. to discuss privileged information relating to the proposed design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of each day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 23, 1975 to the Executive Secretary; Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on January 30, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 28, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., e.s.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after February 3, 1975 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after April 30, 1975. Copies may be obtained upon payment of appropriate charges.

ROBERT A. KOHLER,
Acting Advisory Committee Management Officer.

[FR Doc.75-1300 Filed 1-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26348; Order 75-1-35]

INSTITUTIONAL CONTROL OF AIR CARRIERS

Procedures for Investigation

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

By Order 74-1-132, January 25, 1974, the Board instituted this proceeding to inquire into the relationships between certificated air carriers (and their parents), on the one hand, and equity holding financial institutions, substantial creditors, and aircraft lessors, on the other hand. Petitions for reconsideration

have been filed by eleven parties.[1] In addition, Eastern Air Lines (Eastern) has filed a consolidated answer to petitions for reconsideration.[2]

Eastern and Northwest request that the Board rescind the order instituting this proceeding. The other petitioners request the Board to rescind the designation of those persons as parties to the proceeding.

Eastern asserts that the investigation is ill-conceived in that it will be the largest and most complex investigation ever conducted by the Board and require intensive participation by key financial and other top executives of the carriers and financial institutions at a time when the industry faces critical economic problems which those executives must address on a full-time basis. While the Board recognizes that this proceeding will be lengthy and complex, the fact that it will be so is not a valid reason to avoid the investigation of matters of such potential importance to the regulation of the air transportation system as those encompassed in this proceeding. Similarly, in the Board's view, the allegations of control of air carriers by financial institutions, raise issues that warrant a full and thorough investigation of the situation.

Eastern further asserts that there is no factual basis to support the institution of any inquiry of this nature, stating, for example, that there is no evidence or allegation that any financial institution actually exercises control over any airline. The Board need not establish that a control relationship in fact exists before instituting an investigation to determine whether such control does or does not exist under its discretionary right to investigate.[3] Moreover, to establish the existence of "control" within the meaning of section 408 of the Act, it is not necessary to establish that a financial institution has actually exercised control of an airline. Control "implies the existence of a right or power in the controlling party to direct or dominate the affairs of a company whether actually exercised or existing only in potential use." [4] Thus, control "involves the act or the power of direction or domination under many and varied circumstances" [5] and the controlling person need not direct or dominate all of the affairs of the controlled corporation.[6]

Both Eastern and Northwest also question the need for a full scale adversary proceeding, arguing that the Board currently has access to sufficient information regarding the relationships in question. They assert that a comprehensive review of this material would probably provide the necessary information and suggest that, if further inquiry is needed, the Board should resort to its powers under sections 407(e) and 415 of the Act. While these materials can provide certain objective information which may be useful in dealing with the questions at issue, that information may not be comprehensive enough to enable the Board to resolve the questions in issue. More importantly, such data cannot provide the Board with the essential information regarding the way that carrier-financial institution relationships function on a day-to-day basis. Moreover, the tools provided by sections 407 and 415 do not readily lend themselves to the development of this latter sort of information.

Finally, Eastern's answer asserts that the Board lacks section 408 jurisdiction to investigate creditor relationships.[7] This argument, however, will not bear close scrutiny. As the Board stated in 1943, and has reiterated in numerous subsequent cases:

> While the term "control" is not defined in the Act, an acquisition of control in any manner whatsoever is prohibited. The decisions of the courts support the view that "control" as used in section 408 does not necessarily depend upon the ownership of any specific percentage of stock or other ownership rights but rather depends, in the light of all the facts and circumstances in a particular case, upon whether there exists as a matter of fact a power to dominate or an actual domination of one legal personality by another. * * * "'Control' may embrace every form of control, actual or legal, direct or indirect, negative or affirmative." As the late Justice Cardozo stated, a "dominating influence may be exerted in other ways than through a vote." (Footnotes omitted.)[8]

Since that time, the Board has held that control may be found as a result of a debtor-creditor relationship [9] as well as a wide variety of other relationships not involving the holding of stock.[10]

In light of the foregoing, the petitions for reconsideration of Eastern and Northwest will be denied.

All of the petitioning manufacturers of aircraft and aircraft components [11] assert that they should not be made parties to the proceeding because they do not fit any of the three categories named as subjects of this investigation.[12] The Board has determined, however, with the exception of Rolls Royce Limited,[13] that these manufacturers should nevertheless be retained as parties.[14] Aircraft and engine manufacturers (hereafter "equipment manufacturers") play a major role in the financial affairs of their airline customers. They frequently extend credit, accept trade-ins of older aircraft, or lease equipment directly to the air carrier involved. Moreover, they often play a major role in arranging carrier financing of advance payments and equipment purchases with third parties. In sum, we have concluded that this proceeding should encompass the relationships between equipment manufacturers and airlines as well as between financial institutions and airlines.

Both Lockheed and Rolls Royce (1971) state that, as they do not control or have any potential for control of an air carrier, sections 408 and 409 do not provide the Board with any statutory basis

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[1] Eastern Air Lines (Eastern), Lockheed Aircraft Corp. (Lockheed), Bank of Detroit (NBD), Northwest Airlines (Northwest), Reeve Aleutian Airways (Reeve), Rolls Royce Ltd. (Rolls Royce), Rolls Royce (1971) Ltd., Rupe Investment Corp. (Rupe), Saturn Airways (SAT), Union Commerce Bank (UCB), and United Aircraft Corporation (UAC). Lockheed's petition was accompanied by a motion for leave to file late, which motion will be granted. In addition, the Travelers' Insurance Company (Travelers') has filed a letter in the nature of a petition for reconsideration.

[2] Northwest's motion to expand the scope of the investigation to include supplemental air carriers has been mooted by the erratum to Order 74–1–132, served on February 8, 1974. Accordingly, Northwest's motion will be dismissed.

[3] Sections 204, 407, 415, and 1002 of the Act. See also, U.S. v. Morton Salt Co., 338 U.S. 632, 642–3 (1950). *Cf.* General Passenger-Fare Investigation, 24 C.A.B. 517, 520–1 (1957).

[4] New York Airlines, Inc., Order E–23713, February 16, 1966, p. 51, citing Transcontinental and W.A., Control by Hughes Tool, 9 C.A.B. 381, 386 (1948). See also, REA Enforcement Proceeding, Order E–26199, December 29, 1967, p. 5, n. 4, citing North American Co. v. SEC, 327 U.S. 686, 693 (1946); West Coast Airlines, Enforcement, 42 C.A.B. 561, 577 (1965).

[5] Eastern-Colonial Control Case, 20 C.A.B. 629, 635 (1955), and cases cited therein.

[6] Transcontinental and W.A., Control by Hughes Tool, 9 C.A.B. 381, 386 (1948).

[7] Eastern's assertion that the Board has no statutory basis to inquire into interlocking relationships because Public Law 91–62 did not apply to section 409 was answered in Order 74–1–132 which indicated that the question of interlocking relationships is relevant to a consideration of the control issue under section 408 and that this proceeding will afford us "an opportunity to consider whether and the extent to which equity holding, lessor, or creditor relationships are relevant to jurisdictional issues under 49 U.S.C. 1379." See Order 74–1–132, p. 3 and p. 5, n. 9, respectively.

[8] Railroad Control of Northeast Airlines, 4 C.A.B. 379, 381–2 (1943).

[9] See, *e.g.*, Standard Airways Acquisition, 43 C.A.B. 532, 542 (1966), Saturn Airways, Inc. and Howard J. Korth, Order 68–8–16, dated August 5, 1968; and Universal Air Freight Corp., Order 70–1–156, dated January 30, 1970.

[10] See, *e.g.*, *Ibid.*; New York Airways, Inc., Order E–23713, dated February 16, 1966; Hertz Rent A Plane System, Enforcement, 31 C.A.B. 41 (1960); and Seaboard and Western, Agreements, 18 C.A.B. 726 (1954).

[11] Lockheed, Rolls Royce, Rolls Royce (1971), and UAC.

[12] See Order 74–1–132, p. 1.

[13] The instituting order erroneously named Rolls Royce Limited as a party to the proceeding rather than Rolls Royce (1971) Limited. Rolls Royce is currently in liquidation; essentially all of its assets and virtually all of its records relating to the business of manufacturing and selling gas turbine engines for use in aircraft have been sold and transferred to Rolls Royce (1971) Limited. Accordingly, the petition of Rolls Royce Limited requesting that it be deleted as a party to the proceeding will be granted, and Rolls Royce (1971) will be named as a party.

[14] We note that UAC has been found to be in control of San Francisco and Oakland Helicopter Airlines by reasons of its holding of a substantial amount of stock of that carrier, which control relationship has been approved pursuant to Orders 73–7–101 and 73–8–5, dated July 20 and August 1, 1973, respectively. Moreover, UAC's petition indicated that UAC holds more than five percent of Northwest's total indebtedness.

for asserting jurisdiction over them. We find, however, that the involvement of these manufacturers in carrier financing is sufficient to raise the question of whether or not these manufacturers, either alone or in conjunction with various lending institutions, are in control of one or more air carriers. Accordingly, the Board has initial jurisdiction over these relationships to determine, by means of this proceeding, whether or not the relationships involved come within the purview of sections 408 and 409 of the Act.[15] Thus, as the Supreme Court stated in U.S. v. Morton Salt Co., the investigative powers of agencies like the Board are analogous to those of a grand jury, which "can investigate merely on suspicion that the law is being violated, or even just because it wants assurance that it is not." [16]

Lockheed further errs in asserting that the statutory basis for this proceeding can only be found in sections 408 and 409 of the Act. Section 205 directs the Board to report to Congress "such information and data collected by the Board as may be considered of value in the determination of questions connected with the development and regulation of civil aeronautics, together with such recommendations as to additional legislation relating thereto as the Board may deem necessary." This provision, in conjunction with the investigation provisions of the Act,[17] is more than sufficient to support the institution of an investigation into the relationships here in issue with a view towards determining what, if any, additional legislation is warranted in light of the nature of such relationships.[18]

Rolls Royce (1971) further argues that the Board lacks personal jurisdiction over it in that the company is owned by a foreign government and does no business in the United States. First, the fact that Rolls Royce (1971) is government owned does not defeat the Board's jurisdiction.[19] Second, as to the assertion that the company maintains no offices and has no directors, officers, or agents in this country, we note that Rolls Royce (1971) has a U.S. subsidiary, Rolls Royce Aero Engines, Inc., whose recently appointed president is a U.S. citizen. According to the trade press, in announcing the July appointment of the new president of Rolls Royce Aero Engines, Rolls Royce (1971) indicated that his primary function would be to direct the marketing and service support of Rolls Royce engines in North America and that he would be a member of the top management of Rolls Royce (1971). Without reaching the ultimate question of the Board's jurisdiction over Rolls Royce (1971), we find that there are sufficient grounds to assert our initial jurisdiction [20] to decide that question in this proceeding.

In light of the foregoing, the petitions for reconsideration of Lockheed, Rolls Royce (1971) and UAC will be denied.[21]

The National Bank of Detroit asserts that it should not be made a party to this proceeding in that it does not fit into any of the three categories of financial institutions set forth in Order 74–1–132. However, petitioner admits that it holds the stock of a number of airlines, including 4.87 percent of the common stock of American Airlines, which we consider to be a substantial amount of airline stock for purposes of determining the parties to this proceeding.[22] Accordingly, NBD's petition for reconsideration will be denied.

Saturn asserts that it should be dismissed as a party to this proceeding in light of its small size, minimal impact on the air transportation system, clear control by one individual, and the burdens which participation as a party would produce. Having determined that supplemental air carriers should be included in this investigation, we will deny Saturn's petition. While Saturn is not a large carrier, its 1973 revenues are not insubstantial, exceeding $60 million. Moreover, Saturn is one of the leading supplementals in the carriage of commercial air freight. Finally, Saturn's major lender, as of December 31, 1973, was also a major lender of three other supplemental carriers.[23]

The Travelers Insurance Company also requests that it be deleted as a party because it does not fit any of the three categories specified in the instituting order.[24] While Travelers' assertion is technically correct, we have, nevertheless, decided to deny its petition. In each of the past five years Travelers has ranked as one of the top ten insurance company holders of total certificated carrier debt. Moreover, as of the end of 1973, petitioner was the 22nd largest holder of total certificated carrier debt, being a creditor of eight carriers and holding a total of $58 million in carrier debt. We, therefore, find Travelers to be a substantial creditor and will retain them as a party to this proceeding.

ADDITION AND DELETION OF PARTIES

As stated in the instituting order:

"The listing of institutions in Appendix A is not intended to be all inclusive, but derives from available information on holders of air carrier debt and equity. The list makes no effort to identify other debt or equity holders, or lessors or other institutions, which may be brought into the investigation upon development of further information." [25]

Since the issuance of that order, the Board has conducted a detailed examination of the latest available material indicating holders of air carrier debt and equity, as well as aircraft lessors. As a result of this examination, we have discovered a number of persons who meet the criteria for party status set forth in the order instituting this proceeding. These persons are listed in Appendix B to this order and will be made parties to this proceeding.[26] Included in this list, where applicable, are the parent companies of the persons made parties to the proceeding. In light of section 413 (49 U.S.C. 1383), a finding that any party is in control of an air carrier would necessarily result in the finding that its parent corporation is also involved in that control relationship. Moreover, the inclusion of parent companies is essential to a thorough examination of the relationships here in issue. For example, many of the banks holding carrier debt and/or equity are owned by bank holding companies which have subsidiaries engaged in aircraft leasing.

We would also note that among the additional persons made parties to this proceeding are a number of brokers that do not hold five percent of the stock of

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[15] See Caledonian Airways (Prestwick) Limited, Order 70–5–113, May 25, 1970, p. 2, n. 4; and Studebaker Corporation, Disclaimer, 37 C.A.B. 738, 739, n. 6 (1962). See also, FPC v. Louisiana Power and Light Co., 406 U.S. 621, 647 (1972); and Thompson Products v. NLRB, 133 F. 2d 637, 640 (1943). *Cf.*, Marine Engineers v. Interlake Co., 370 U.S. 173 (1962); and Meyers v. Bethlehem Corp., 303 U.S. 41 (1938).

[16] 338 U.S. 632, 642–3 (1950).

[17] Sections 204, 407, 415 and 1002.

[18] Cf., Colonial Airlines, Inc., Investigation, 9 C.A.B. 379 (1948).

[19] See Marjorie M. Whiteman, Digest of International Law (Department of State Publication 8350, 1968), Vol. 6, pp. 569–72. See also, Victory Transport Inc. v. Comisaria General, 336 F. 2d 354 (2 Cir. 1964), cert. den. 381 U.S. 934 (1965); and Pan American Tankers Corp. v. Republic of Vietnam, 296 F. Supp. 1969 (S.D.N.Y., 1969).

[20] See n. 15, above.

[21] Both Lockheed and Rolls Royce (1971) contend that they were not properly served with a copy of Order 74–1–132 pursuant to section 1005 of the Act. We cannot find, however, that either of these parties has been prejudiced in any way by any alleged lack of notice. It is clear that both have received copies of the order and, by means of their petitions for reconsideration considered herein, have had ample opportunity to make any legal or factual argument which they believe warrants an alteration of the Board's decision. Moreover, care will be taken to insure that they are properly served with copies of this order.

[22] See n. 27, below. In addition, we note that a senior executive officer and director of NBD is one of the directors of American Airlines and a member of its executive committee and that NBD, as of December 31, 1973, held 4.5 percent of Delta's total outstanding debt.

[23] Bank of America: 60% of Saturn's reported debt; 98% TIA; 97.2% World; and 37.4% Capitol.

[24] Although Travelers' request was filed in the form of a letter and, thus, has failed to comply with, *inter alia*, rules 3 and 37 of the Board's Rules of Practice, we will, nevertheless, treat Travelers' letter as a petition for reconsideration.

[25] Order 74–1–132, p. 7, n. 10.

[26] Appendix A to this order contains a list of those persons made parties to this proceeding by Order 74–1–132, less those who have been dismissed as parties pursuant to this order. While it is hoped that the listings contained in Appendices A and B are exhaustive, we cannot be certain that that is the case. Accordingly, it may be necessary to add additional parties to this proceeding upon the development of further information indicating that such action is warranted.

any one carrier.[27] These brokers are major participants in Depository Trust Co. and each holds more than one percent of the stock of two or more carriers.

The latest available data also indicates that Actus Technology, Union Life Insurance Co., and Banco Popular de Puerto Rico should be dismissed as parties. These persons were originally made parties because of their creditor relationships with carriers that are now defunct. Accordingly, we find that their participation in the proceeding will be of too marginal a value to justify their inclusion as parties.

In support of its petition requesting dismissal as a party, Reeve Aleutian Airways states that: it is closely held by eight individuals; it has no leased aircraft; there are no interlocking relationships between its officers and directors or those of any financial institution, aircraft lessor, or substantial creditor; Reeve's nontrade debt consists of only $2.7 million of collateral notes secured by two of Reeve's 14 aircraft, which notes contain no restricted covenants; and, in light of Reeve's small size, participation would be a severe financial burden on a carrier which is not logically within the Board's area of concern in instituting this investigation. Reeve's petition will be granted. Reeve's certificated operations are limited to Alaskan bush routes which are served with small equipment. Thus, the operations of Reeve to that extent resemble those of air taxi operators, which were not made parties to this proceeding. In light of its size and the peculiar nature of its operations, we will dismiss Reeve as a party to this proceeding. For the same reason, and on our own initiative, we will also dismiss several other carriers: Kodiak-Western Alaska Airlines, Howard J. Mays, Aspen Airways, Inc. (and its parent, Ringsby Airline System, Inc.), and Wright Air Lines, Inc.[28]

The Union Commerce Bank asserts that, except for its relationship with Wright Air Lines, it does not fit within the three categories of financial institutions indicated in the instituting order. UCB was originally made a party to this proceeding solely because of its substantial creditor relationship with Wright Air Lines. In light of our decision to dismiss Wright as a party, UCB's petition for reconsideration will be granted and it will also be dismissed as a party.

In support of its petition requesting dismissal as a party, Rupe Investment Corp. asserts that: It is not a bank, insurance company, brokerage or investment firm; its only involvement with air transportation or air carriers is its ownership of 4.87 percent of Wein's common stock; Rupe and Wein share no common directors, officers or principal stockholders; and retaining Rupe as a party will contribute nothing to the inquiry. Rupe was originally made a party because of its substantial equity interest in Wein. However, in light of the facts presented, we conclude that Rupe is not a "financial institution" and, therefore, does not properly fit within the category of "equity holding financial institutions." Accordingly, the petition will be granted and Rupe dismissed as a party to the proceeding.

PHASING AND OTHER PROCEDURAL MATTERS

In view of the magnitude and complexity of the issues presented and the large number of parties involved in this case, the Board has carefully considered how best to facilitate the proceeding without compromising on the development of a full and complete record which will be essential to a careful consideration and definitive resolution of the issues presented in the instituting order. We have concluded that this can best be accomplished by dividing the case into two phases, each with a separate decision. These phases will be tried seriatim.[29]

The decision to phase the case results, in part, from the manifest difficulty, and the burden thereby imposed on the Board and the parties, of conducting a thorough and detailed examination of each and every relationship existing among financial institutions,[30] air carriers, and their respective parents. Thus, it is clearly necessary to limit the number of relationships which will be examined in full and complete detail. On the other hand, we must have a broad overview of the situation if we are to reach a decision on all of the issues presented and consider adopting rules of general applicability. Thus, it is essential that each of the relationships existing among the carriers, financial institutions, and their respective parents, be identified, and that certain basic information be developed about each such relationship and the underlying industry economic conditions which gave rise to it.

In addition, we believe that the issue of whether the Board's present reporting requirements (and their underlying statutory bases) regarding the relationships among financial institutions and air carriers fully meet the needs of the Board and the public should be made a part of this proceeding. Much of the information needed to reach a decision on the adequacy of our reporting requirements in this area will also be highly pertinent to the other issues herein. Moreover, we feel that questions relating to such reports are of sufficient importance to warrant prompt consideration by the Board.

By dividing the case into two phases, it will be possible to achieve the objectives set forth above. As a conceptual matter, Phase I will be designed to provide the sort of broad overview discussed above, lay the groundwork for Phase II, and enable us to assess the adequacy of our reporting requirements. Phase II, by focusing on a number of selected relationships, will provide the detailed information which, in combination with the Phase I data, will enable us to decide the remaining issues in the proceeding.

We now proceed to a general outline of the matters which will be considered in each phase of the investigation. This outline dose not, of course, preclude consideration of other matters which may be raised by the parties and found by the Administrative Law Judge to be necessary to decision at the prehearing conference(s) and, subject to adequate notice, during the course of the proceeding.

Phase I will develop the facts needed to identify, on a current, prospective and historical basis, each of the relationships, direct and indirect, existing among the certificate carriers and financial institutions (including the parents and affiliates, if any, of either). In addition, Phase I will develop the information necessary to understand the nature and extent of the relationships identified; the underlying carrier and industry conditions giving rise to them; and such other information as the Judge, with the assistance of the Bureau and the other parties, shall determine will be necessary in Phase II to select the relationships which will there be examined definitively (see discussion of Phase II, below).[31]

Based on this data, and the information currently being reported, the Board's Phase I decision will determine whether

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[27] Although the instituting order establishes a five percent holding as a criteria for identifying "substantial creditors," it does not use such a percentage with regard to "equity holding financial institutions," nor did it intend to do so. A number of parties have so misinterpreted that order, thereby necessitating this clarification.

[28] In light of the helicopter carriers' long history of financial relationships with and dependence upon certificated carriers and others, we have decided that they should remain parties to this proceeding even though their operations may otherwise be similar to those of air taxi operators.

[29] Unless otherwise indicated by the Board, Phase II will begin after the issuance of the Board's decision in Phase I.

[30] Hereinafter, the term "financial institutions" will be used to refer to equity holding financial institutions, substantial creditors, aircraft lessors, and equipment manufacturers.

[31] Thus, Phase I will, for example, develop evidence concerning: (1) The purchase and sale of shares of airline stock, size of stockholdings, for whom the shares of stock are held where record and beneficial ownership are separate, who has ultimate authority to specify how the shares will be voted, under what circumstances they may be voted by someone else, who actually votes the shares in practice, and the stock voting records of the various stockholders that are parties hereto; (2) the existence of debtor-creditor relationships, the purposes for which the money was borrowed, cost of borrowing (including, in addition to interest rates, compensating balances and other such devices), restrictions on the carrier imposed in the debt instrument or otherwise, waivers of such restrictions, and assistance of third parties in arranging the financing; and (3) the existence of interlocking relationships between equity holding financial institutions, substantial creditors, aircraft lessors, and equipment manufacturers, inter se, or between such persons and air carriers (whether or not they are currently considered subject to section 409 and including interlocking relationships arising as a result of the possible representation of one person by another). This list is merely illustrative and is not intended to limit the scope of the information developed.

the present reporting requirements that relate in any respect to the stockholder, creditor, lessor, and interlocking or other financial relationships among air carriers and financial institutions are sufficient, and, if not, (i) in what way they should be changed, and (ii) what new reports, if any, should be required. Thus, the Board's Phase I decision will consider whether amendments or additions to the Board's current reporting requirements should be adopted (and, if so, will provide for the issuance of appropriate notices of proposed rule making), and whether additional legislation is needed to authorize the Board to obtain any further reports which should be required.

The Board's decision in Phase II will decide the remaining issues specified in Order 74–1–132, including whether, and in what manner, financial institutions may influence the managements of airlines; whether any such persons, individually or jointly, may or do control any carrier within the meaning of the general scheme of the Act, and of section 408 and are or may be involved in an interlocking relationship subject to section 409;[32] whether and what further adjudicatory action should be taken with regard to any control or interlocking relationships found to exist, or which the evidence indicates are likely to exist, within the scope of sections 408 and 409 (and pursuant to the general scheme of the Act); and what further amendments or changes, if any, to the Board's Regulations, the Federal Aviation Act or other statutory provisions are warranted by reason of the above.[33]

The evidence developed in Phase II will consist of a thorough and detailed analysis of a number of relationships between the various types of noncarrier parties, on the one hand, and the carrier parties, on the other. These relationships will be selected on the basis of the Phase I evidence and any further information developed prior to the hearing in Phase II.[34] Tentatively, two general categories of relationships will be selected. First those relationships which appear to present the most serious problems of control or influence of airlines, or are believed most likely to involve substantial influence over or control of airlines, will be selected. The second category of relationship to be selected will consist of normal and/or typical examples of each type of relationship.[35]

We recognize that every relationship between an airline and a financial institution may, to some extent, be unique. However, we believe that the examination of the above sampling of relationships will, to the extent practicable in one proceeding, enable the Board to draw general conclusions as to how such relationships operate, the sort of influence which may potentially be exercised, the implications of such relationships in terms of the public interest, and what sort of regulation, legislation or adjudication, if any, is necessary to deal with such influence.

As is evident from the foregoing, Phase I will require the active participation and cooperation of all of the parties, which we expect will be forthcoming. Phase II, on the other hand, will involve the active participation of a more limited number of parties.[36] By so structuring the proceeding, we believe that the Board's needs can be accommodated without unduly burdening any of the parties to the investigation.

Recognizing the scope and complexity of the issues presented in this case, and in view of its nonadversary nature and investigatory function, we recommend that the Administrative Law Judge, with the assistance of the parties, develop a simplified procedure allowing the use of written interrogatories as a supplement to requests for information and evidence throughout both phases of this proceeding.[37] The use of such a procedure would expedite the proceeding by reducing the number of prehearing conferences which might otherwise be necessary. It may also serve to limit the number of witnesses which the parties would otherwise have to produce at the hearings in both phases of the investigation, thereby reducing the amount of hearing time required. We recommend that this matter be discussed at the first prehearing conference.

Petitions for Reconsideration of This Order

In view of the large number of parties which have been added by this order, we have decided to allow for the filing of petitions for reconsideration of this order. In light of this determination, and the fact that we have restructured the proceeding, we will also entertain petitions for reconsideration from those persons who were made parties pursuant to Order 74–1–132. We will not, however, entertain successive petitions filed by the same parties upon substantially the same grounds as a former petition which has been considered and denied herein. Due to the complexity of the proceeding and the large number of additional parties who may be unfamiliar with Board procedures, we will allow 20 days for the filing of petitions for reconsideration of this order and an additional 10 days for the filing of answers thereto. (For the Board's Rules of Practice, see generally, 14 CFR Part 302 and, in particular, 14 CFR 302.37 regarding petitions for reconsideration.)

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 205, 407, 408, 409, 415, and 1002 thereof,

It is Ordered, That:

1. The motion of the Lockheed Aircraft Corp., for leave to file a late petition for reconsideration of Order 74–1–132, be and it hereby is granted;

2. The motion of Northwest Airlines, Inc., to expand the scope of the investigation, be and it hereby is dismissed;

3. The petitions for reconsideration filed by Eastern Air Lines, Inc., Northwest Airlines, Inc., United Aircraft Corp., Lockheed Aircraft Corp., Rolls Royce (1971), Ltd., National Bank of Detroit, Saturn Airways, Inc., and the Travelers Insurance Company, be and they hereby are denied;

4. The petitions for reconsideration filed by Rolls Royce, Ltd., Reeve Aleutian Airways, Inc., Union Commerce Bank, and Rupe Investment Corp., be and they hereby are granted;

5. Rolls Royce, Ltd., Reeve Aleutian Airways, Inc., Kodiak-Western Alaska Airlines, Inc., Howard J. Mays, Aspen Airways, Inc., Ringsby Airline System, Inc., Wright Air Lines, Inc., Union Commerce Bank, Rupe Investment Corp., Actus Technology, Union Life Insurance Company, and Banco Popular De Puerto Rico, be and they hereby are dismissed as parties to this proceeding;

6. This proceeding be and it hereby is divided into Phase I and Phase II as set forth above;

7. This order and a copy of Order 74–1–132 will be served upon the persons listed in Appendix B hereto, each of

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[32] By way of clarification of our discussion in Order 74–1–132, as this proceeding includes the issue of whether further adjudicatory proceedings are warranted, it is not essential that either phase specifically determine whether each of the many noncarrier parties thereto is or is not in control of one or more air carriers or involved in interlocking relationships subject to section 409. (On the other hand, we do not preclude such a finding as to any one or more of them.) Rather, this proceeding will undertake to determine (in Phase II) such issues to the extent that the nature of such relationships, or the process by which they were established, may be representative, likely to involve substantial influence or control, or otherwise appropriate for Board consideration herein.

[33] While further recommendations, with regard to reporting regulations and their underlying legislation are not likely to arise as a result of Phase II, we will not preclude their consideration in this Phase.

[34] The Bureau will initally select the relationships to be examined in Phase II. That initial selection will be ruled upon, as necessary, by the Administrative Law Judge in conjunction with his other rulings on the Bureau's request(s) for evidence and information at the Prehearing Conference(s) held in Phase II.

[35] Carrier-shareholder, debtor-creditor, lessor-lessee, manufacturer-customer, and interlocks.

[36] We will not, however, be favorably disposed towards motions for leave to withdraw from the proceeding which may be filed by the parties who are not involved in the relationships selected for detailed exploration in Phase II. While their active participation may not be required in the evidentiary portions of Phase II, such parties may, nevertheless, be affected by the Board's decision in Phase II. Accordingly, we wish to insure that all viewpoints are presented for our consideration in reaching a final decision in this proceeding.

[37] We recognize that § 302.20 of the Board's Procedural Regulations already authorizes the taking of depositions on written interrogatories. However, we believe that the requirements which must be met before the taking of such a deposition may be authorized, as well as the procedure for taking such depositions, are such that they may preclude the effective use of written interrogatories in this particular case. In essence, Rule 20 is designed to permit the taking of a deposition without the presence of the questioner. The sort of written interrogatory procedure which we contemplate here would be a discovery device without the formal requirements which usually accompany the taking of a deposition.

whom shall be and hereby is made a party to this proceeding;

8. This order will also be served upon those persons listed in ordering paragraph 5 above, and in Appendix [38] A hereto; and

9. Petitions for reconsideration of this order shall be filed within 20 days of the date of service of this order and answers thereto shall be filed within 10 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-1322 Filed 1-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/169; FRL 319-7]

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 March 17, 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 March 17, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 407-GIA. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL 1% COUMAPHOS INSECTICIDE CONTAINS CO-RAL. Active Ingredients: 0,0-Diethyl 0-(3-chloro-4-methyl-2-oxo-[2H]-1-benzopyran-7-yl) phosphorothioate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1157-UE. Moorman Mfg. Co., General Office, 100 N. 30th St., Quincy IL 62301. MOORMAN'S IGR MINERAL BLOCK. Active Ingredients: methoprene [Isopropyl (E,E) - 11 - methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1157-UR. Moorman Mfg. Co., General Office, 100 N. 30th St., Quincy IL 62301. MOORMAN'S LGR MINERALS (GRANULAR). Active Ingredients: methoprene [Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl - 2,4 - dodecadienoate] 0.02%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4887-RTL. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA 30337. DIELDRIN 1.5 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Dieldrin 17.84%; Heavy Aromatic Naphtha 77.16%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction in the list of Applications Received published in the FEDERAL REGISTER of December 27, 1974 (39 FR 44801).

EPA File Symbol 4643-ET. Dearborn Chemical Div., Chemed Corp., Lake Zurich IL 60047. DEARCIDE 732. Originally published as DEARODE 732.

EPA File Symbol 3770-GER. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. PRESSURIZED FLY SPRAY FOR HORSES AND SHOW STOCK. Active Ingredients: Butoxypolypropylene glycol 15.00% * * * Pyrethrins 0.13% * * * Originally published as Pyrethrins 0.31%.

EPA File Symbol 1021-RGGE. McLaughlin Gormley King Co., 8810 Tenth Ave., N., Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7238. Originally published as ETPA File Symbol 1021-RGGG.

Dated: January 7, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-1074 Filed 1-14-75;8:45 am]

[FRL 317-8]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Pub. L. 92-463 notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Thursday and Friday, January 30 and 31, 1975, at Conference Room 1133A of the U.S. Environmental Protection Agency, Region V Offices, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss the comments received regarding the Program Report and to revise the Program Report according to the recommendations of the Panel.

This meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Chairman, Mr. Karl E. Bremer, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is (312) 353-1458.

Minutes of the meeting will be available for public inspection two weeks after the meeting at the EPA Region V Office.

JOHN QUARLES,
Acting Administrator.

JANUARY 13, 1975.

[FR Doc.75-1542 Filed 1-14-75;8:45 am]

[FRL 322-2]

COMPLIANCE SCHEDULES FOR KENTUCKY

Notice of Rescheduled Public Hearing

On December 5, 1974 (39 FR 42416), notice was given of the Environmental Protection Agency's public hearing on compliance schedules proposed for fuel combustion sources of sulfur dioxide in the Commonwealth of Kentucky. The date and location of this hearing have been changed. As rescheduled, the hearing will be held on February 25, 1975, in the meeting rooms of the Ramada Inn, 919 Versailles Road, Frankfort, Kentucky, starting at 10:00 a.m. The schedules in question were proposed in the FEDERAL REGISTER of December 5, 1974 (39 FR 42377).

Dated: January 10, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.75-1543 Filed 1-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on February 7, 1975, in Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m.

The Agenda for the meeting is:

1. Approval of the Minutes of the January 3, 1975, meeting.
2. Special Committee Activities Report for January, 1975.
3. Approval for publication of Minimum Performance Standards—Airborne Ground Proximity Warning System.
4. Proposed changes to the RTCA Constitution and Bylaws.

[38] Appendices A and B filed as part of original document.

5. Other Business.
6. Date and place of next meeting.

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring to attend the meeting or more specific information should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or phone area code (202) 296–0484.

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

[FR Doc.75–1689 Filed 1–14–75;8:45 am]

[Docket No. 20303]

LYCURGUS G. TSIMPIDES

Amateur Radio and Technician Licenses

In the Matter of the Application of LYCURGUS G. TSIMPIDES, 545 Durham Drive, Birmingham, Alabama 35209, for Amateur radio station and Technician Class operator licenses.

The Commission has under consideration the above-entitled application for an Amateur radio station license and an Amateur radio operator (Technician Class) license filed by Lycurgus G. Tsimpides.

The applicant's license for Citizens radio station KCQ–6091 was revoked, effective August 13, 1973, in Docket No. 19406, Lycurgus G. Tsimpides, 48 FCC 2d 248, following a hearing held December 5, 1972. In an Initial Decision issued June 22, 1973, the presiding Administrative Law Judge found and concluded, inter alia, that Tsimpides had operated his radio station in violation of various Commission Rules and that he had made misrepresentations of material facts, which continued throughout the hearing process. No exceptions were filed to the Initial Decision and it became final on August 13, 1973, (FCC 73 R–326, released September 18, 1973).

In an Order released an January 8, 1974, Tsimpides was directed to cease and desist from further operation of an unlicensed Citizens radio station (SS–194–74). The Cease and Desist Order was predicated on Tsimpides' having operated radio transmitting apparatus without authorization on September 4, 1973. (Despite such Order, Tsimpides apparently operated the station again on January 18, 1974, and October 28, 1974.)

The applicant's history and the possibility that he has continued to operate an unlicensed Citizens radio station after the issuance of a Cease and Desist Order raise serious questions as to whether applicant possesses the requisite qualifications to be a licensee and whether a grant of his application would serve the public interest, convenience, and necessity.

Accordingly, *It is ordered,* Pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's Rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent Order, upon the following issues:

1. To determine whether applicant operated radio transmitting apparatus without authorization on January 18, 1974, and October 28, 1974, and the nature and extent of such operation.

2. To determine, in light of the Initial Decision, 48 FCC 2d 248, and the Cease and Desist Order (SS–194–74), whether Tsimpides is qualified to be a licensee of the Commission.[1]

3. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, whether Tsimpides has the requisite qualifications to be a licensee of the Commission and whether a grant of the subject applications for Amateur radio station and operator (Technician) licenses would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's Rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified on this Order.

Adopted: December 18, 1974.

Released: January 8, 1975.

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

[FR Doc.75–1294 Filed 1–14–75;8:45 am]

[Docket Nos. 19746, 20097; RM–1997, 2218]

REGULATORY POLICIES OF COMMON CARRIERS

Memorandum Opinion and Order Extending Time for Comments

In the Matter of AMERICAN TRUCKING ASSOCIATIONS, INC., Washington, D.C., Complainant, v. AMERICAN TELEPHONE & TELEGRAPH COMPANY, New York, New York, Defendant, regulatory policies concerning resale and shared use of common carrier services and facilities.

1. Pursuant to § 0.303(c) of the Commission's rules[1] the Chief of the Common Carrier Bureau has under consideration a "Motion for Extension of Time" filed December 20, 1974, by GTE Service Corporation (GTESC) and a "Partial Opposition to Motion for Extension of Time" filed December 31, 1974, by American Trucking Associations, Inc. (ATA). GTESC requests that the date for the filing to Reply Comments in the above captioned proceeding be moved from January 23, 1975, to April 15, 1975, and that the date for the filing of Responses be set in a later order to provide a minimal interval of ninety days between the filing of Reply Comments and Responses. ATA opposes the extension suggested by GTESC and proposes instead an extension of time for filing Reply Comments until February 24, 1975. ATA also suggests that the date for filing of Responses be moved to March 26, 1975.

2. GTESC bases its request upon the voluminous nature of the Comments received from the parties participating—approximately one thousand pages by its count—and the complex and far reaching nature of the issues involved. ATA recognizes that some additional time may be warranted but pleads for prompt resolution of the proceeding because of the preferential treatment it believes continues to be accorded to one of its competitors.

3. The Bureau is aware of the significant volume of the comments received in this proceeding and of the nature of the questions presented. For this reason an extension of time will be granted. At the same time though it is understood that some parties may be prejudiced to a greater extent than others by delay in the final resolution of the issues presented here. For that reason the full extension of time requested by GTESC will not be granted.

4. Accordingly, pursuant to Section 0.303(c) of the FCC Rules and Regulations,[2] *It is ordered,* That the Motion for Extension of Time filed by GTE Service Corporation is denied. It is further ordered that Reply Comments in the above captioned proceeding will be due February 24, 1975, and that Responses thereto will be due March 26, 1975.

Adopted: January 8, 1975.

Released: January 9, 1975.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.75–1296 Filed 1–14–75;8:45 am]

TECHE BROADCASTING CORP. AND PHILLIPS RADIO, INC.

[Docket Nos. 20300, 20301; File Nos. BP–19587, 19733]

Applications for Construction Permits

In re TECHE BROADCASTING CORP., Bayou Vista, Louisiana, (Requests: 1170 kHz, 250 W, Day), PHIL-

[1] It is not necessary to adduce evidence related to the Initial Decision or the Cease and Desist Order. The facts, as set forth in those documents will be considered in this proceeding. However, Tsimpides and the Bureau may introduce supplementary evidence related to the matters that were at issue in those proceedings.

[1] 47 CFR § 0.303(c).

[2] *Id.*

LIPS RADIO, INC., Berwick, Louisiana, (Requests: 1170 kHz, 1 kW, DA–Day).

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in nearby communities.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals and the availability of other primary aural service (1 mV/m or greater in the case of FM) to such areas and populations.

2. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order

6. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: January 6, 1975.

Released: January 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–1295 Filed 1–14–75;8:45 am]

[Docket No. 20203; RM–1977]

USE OF RERUNS IN PRIME TIME TELEVISION

Extension of Time for Filing Comments

In the matter of use of "re-run" material in prime time on network-owned or affiliated television stations in regular network program series; and on-air identification of such material ("S.T.-O.P." Petition of Bernard A. Balmuth).

1. The Commission on October 3, 1974 adopted a Notice of Inquiry which seeks to elicit information concerning the broadcasting network broadcasts of repeat episodes of regularly scheduled prime time network program series.[1] before January 10, 1975.

2. National Broadcasting Company, Inc. (NBC) filed a Request for Extension on Time on December 31, 1974, seeking an extension of the due date for filing comments to February 10, 1975. The reason stated for the request is that press of other business and disruptions of holiday schedules have caused delays in research and studies undertaken by NBC in response to the Notice of Inquiry.

3. When the Notice of Inquiry was issued, more than three months were allotted for the preparation of comments, which appears to be an adequate amount of time for this proceeding. Because of the intervening Christmas and New Year's holidays, however, it is understandable that some delays would result. The requested extension of a month appears to be unreasonably long, in light of the stated cause of the delay, and it appears that, while some extension is warranted, it must be for a time shorter than is requested.

4. Accordingly, *It is ordered,* That the time for filing comments in this proceeding is extended to January 27, 1975, and the time for filing reply comments is extended to February 24, 1975.

5. This action is taken pursuant to delegated authority contained in § 0.281 of the Commission's rules.

Adopted: January 8, 1975.

Released: January 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–1297 Filed 1–14–75;8:45 am]

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[1] FCC 74–1067, released October 4, 1974. Comments are due to be filed on or

FEDERAL ENERGY ADMINISTRATION

EMERGENCY AMENDMENT ON LIMITATION OF REFINERY FUEL USE OF PROPANE AND BUTANE, AND CLARIFICATION OF SPECIAL RESTRICTION OF PROPANE AND BUTANE FOR SNG USE, GAS UTILITY USE AND INDUSTRIAL USE

Notice of Response of Environmental Protection Agency

On December 19, 1974, the Federal Energy Administration issued an emergency amendment to 10 CFR, Part 210 and Part 211 concerning the allocation of propane and butane to limit their use as refinery fuel. In addition, the special restrictions on the use of propane and butane contained in § 211.10(g)(8) and former § 211.10(g)(9) were clarified and expanded to include refinery fuel use. The emergency amendment appeared at 39 FR 44405, December 24, 1974.

As stated in the amendment, the review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) were waived for a period of fourteen days upon a finding that there was an emergency situation requiring immediate action, but FEA submitted the text of the emergency amendment to the Environmental Protection Agency for its review concurrently with the issuance of the amendment.

The Environmental Protection Agency thereafter informed FEA by letter dated December 27, 1974, that EPA foresees no unfavorable impacts on the quality of the environment as a result of the issuance of the emergency amendment and has no comments to offer.

Dated: January 9, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75–1352 Filed 1–14–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ASSOCIATION

Branching in Illinois

Notice is hereby given that the Federal Home Loan Bank Board has entered into a Working Understanding with the Office of the Commissioner of Savings and Loan Associations of the State of Illinois. The Understanding concerns the processing of "new office" (as defined in the Understanding) applications by Federal savings and loan associations in Illinois and Illinois-chartered savings and loan associations.

Copies of the Working Understanding are being mailed to Federal associations located in Illinois and to Illinois-chartered savings and loan associations. Additional copies are available by writing to the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Chicago, Illinois 60601.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–1330 Filed 1–14–75;8:45 am]

[No. 75–16]

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Extension of Charter

Pursuant to the provisions of section 8a of the Federal Home Loan Bank Act, as amended, the Federal Home Loan Bank Board causes the following notice to be published.

The Federal Home Loan Bank Board, having determined the continuation of the Federal Savings and Loan Advisory Council to be in the public interest in connection with the duties imposed on it by law, hereby extends the existence of the Federal Savings and Loan Advisory Council for two years to January 5, 1977, and acknowledges receipt of the following Charter and causes it to be published in the FEDERAL REGISTER.

CHARTER

Pursuant to the provisions of section 9 of the Federal Advisory Committee Act of 1972 (5 U.S.C., App. I, as amended), and the implementing regulations issued by the Office of Management and Budget, the Federal Home Loan Bank Board having determined that the continuation of the Federal Savings and Loan Advisory Council is in the public interest, the charter of the Federal Savings and Loan Advisory Council (which appears as Section 8a of the Federal Home Loan Bank Act of 1932 (12 U.S.C. 1428a)) is hereby reissued:

There is hereby created a Federal Savings and Loan Advisory Council which shall continue to exist as long as the Board biannually determines as a matter of formal record, after consultation with the Director of the Office of Management and Budget, with timely notice in the FEDERAL REGISTER, to be in the public interest in connection with the performance of duties imposed on the Council by law. The Council shall, in other respects, be subject to the provisions of the Federal Advisory Committee Act. The Council shall consist of one member for each Federal Home Loan Bank district to be elected annually by the Board of Directors of the Federal Home Loan Bank in such district and twelve members to be appointed annually by the Board to represent the public interest. Each such elected member shall be a resident of the district for which he is elected. All members of the Council shall serve without compensation, but shall be entitled to reimbursement from the Board for traveling expenses incurred in attendance at meetings of such Council. The Council shall meet in Washington, District of Columbia, at least twice a year and oftener if requested by the Board. The Council may elects its chairman, vice chairman, and secretary, and adopt methods of procedure, and shall have power—

(1) To confer with the Board and Board of Trustees of the Federal Savings and Loan Insurance Corporation on general business conditions, and on special conditions affecting the Federal Home Loan Banks and their members and such Corporation.

(2) To request information, and to make recommendations, with respect to matters within the jurisdiction of the Board and the Board of Trustees of such Corporation.

It is further provided that there shall be no annual operating costs to the United States, as the Federal Savings and Loan Advisory Council's estimated budget of $93,000 is to be paid for by the self-supporting Federal Home Loan Bank System.

It is further provided that no amendment, addition, alteration or repeal of this charter shall be made unless such change is made by the Congress or by the Federal Home Loan Bank Board.

It is finally provided that this Charter shall terminate on January 6, 1977 unless reissued prior to that date by the Federal Home Loan Bank Board.

The Savings and Loan Advisory Council.

[SEAL] J. J. FINN,
Executive Secretary.

GRENVILLE L. MILLARD, Jr.,
Assistant Secretary to the Board.

[FR Doc.75–1331 Filed 1–14–75;8:45 am]

FEDERAL MARITIME COMMISSION

[License No. 1485]

AMERICAN PACIFIC FORWARDERS

Order of Revocation

On December 27, 1974, the Federal Maritime Commission received notification that American Pacific Forwarders, 2350 Dominguez Street, Long Beach, California 90801 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1485 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 1485 be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1485 of American Pacific Forwarders be and is hereby revoked effective December 27, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon American Pacific Forwarders.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.75–1314 Filed 1–14–75;8:45 am]

COMPAGNIE MALGACHE DE NAVIGATION AND IRAN EXPRESS LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. J. Soleto, Inbound Manager
Jan C. Uiterwyk Company, Inc., General Agents
Iran Express Lines
715 E. Bird Street
Tampa, Florida 33604

Agreement No. 10151 is a transshipment agreement between Compagnie Malgache de Navigation and Iran Express Lines applying to the transportation of general cargo under through bills of lading from all ports on the island of Madagascar served by Compagnie Malgache de Navigation to United States Atlantic and Gulf ports served by Iran Express Lines with transshipment at Tamatave, or any other Malagasy port.

By Order of the Federal Maritime Commission.

Dated: January 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–1313 Filed 1–14–75;8:45 am]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE; MERCHANT'S FREIGHT CONTRACT

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New

Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before January 27, 1975. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 8260 D.R.-1 is an application by the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference for permanent approval of its dual rate contract system.

By Order of the Federal Maritime Commission.

Dated: January 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-1311 Filed 1-14-75;8:45 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 5850-27, among the members of the above-named Association, is an agreement to extend the period of approval of its authority in respect to "non-coastal" ports situated on inland waterways tributary to U.S. South Atlantic "coastal ports" for an additional one-year period or through March 31, 1976.

By order of the Federal Maritime Commission.

Dated: January 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-1312 Filed 1-14-75;8:45 am]

PORT OF SAN FRANCISCO AND CALIFORNIA STEVEDORE & BALLAST CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Richard A. Bobier, Esq.
Chief Counsel
Port of San Francisco
Ferry Building
San Francisco, California 94111

Agreement No. T-2813-1 between the Port of San Francisco and California Stevedore & Ballast Company (CS & B) modifies the basic agreement which provides for the 10-year operation by CS & B of a wharfinger facility and marine terminal at the Port of San Francisco, California. The purpose of this modification is to add Pier 27 and Pier 29 to the operating agreement and to increase the minimum guarantee of tariff charges to reflect this addition as well as to cover the increased cost of improvements to Pier 80.

By order of the Federal Maritime Commission.

Dated: January 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-1309 Filed 1-14-75;8:45 am]

PORT OF SAN FRANCISCO AND STATES STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Richard A. Bobier, Esq.
Chief Counsel

Port of San Francisco
Ferry Building
San Francisco, California 94111

Agreement No. T–2227–3 between the Port of San Francisco (Port) and States Steamship Company (States) modifies the basic agreement which provides for the 10-year lease of a portion of the Port's Army Street Terminal. The sole purpose of this modification is to permit vessels owned or operated by Knutsen Line to utilize the premises encompassed by the agreement on a joint basis with States.

By order of the Federal Maritime Commission.

Dated: January 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–1310 Filed 1–14–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9199]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND ILLINOIS POWER CO.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 30, 1974, Central Illinois Public Service Company (CIPS) and Illinois Power Company (IP) filed a joint application seeking an order pursuant to section 203 of the Federal Power Act, authorizing the acquisition by CIPS of IP's portion of the 230 KV Joppa-West Frankfort transmission line 48.3 miles in length and IP's 156 MVA, 230–138 KV three phase power transformer and associated facilities located in CIPS' West Frankfort substation; and for the acquisition by IP of 10 miles of CIPS' portion of the 345 KV West Mt. Vernon-TVA Shawnee transmission line south of Route 45, the present point of ownership division, and certain rights-of-way located north of Route 45 secured by CIPS over which IP constructed its portion of the 345 KV West Mt. Vernon-TVA Shawnee transmission line. The depreciated original cost of the properties to be acquired by each Applicant was $813,000 as of January 1, 1974. No exchange of cash is contemplated by the Applicants in execution of the proposed exchange of facilities.

The Applicants state that the exchange of the above described facilities will result in the simplification of operation and maintenance of said facilities and the public interest will be served thereby.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1245 Filed 1–14–75;8:45 am]

[Docket No. CP75–189]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 24, 1974, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75–189 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities for the purpose of purchasing gas from Great Basins Exploration and Development Program, a Limited Partnership, Great Basins Petroleum Company, General Partner (Great Basins), and for the purpose of effecting a gas exchange between Applicant and Natural Gas Pipeline Company of America (Natural),[1] all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Applicant and Natural have entered into a long-term contract dated September 15, 1974, to exchange gas in Lea County, New Mexico, Hutchinson County, Texas, and Beaver County, Oklahoma, pursuant to which agreement Natural will receive up to 10,000 Mcf of gas per day from Applicant through a proposed tap connection on Natural's 30-inch pipeline in section 24, Township 23 South, Range 34 East, Lea County, from gas reserves committed to Applicant in the Antebellum Unit area of Lea County.

The September 15, 1974, agreement states that Natural will deliver concurrently the exchange volumes to Applicant at two existing points of interconnection between the systems of Natural and Applicant in Hutchinson County, Texas, and Beaver County, Oklahoma, each of which interconnections, according to Applicant, are presently used for the delivery of gas which Natural purchases from Applicant pursuant to two existing service agreements. Applicant states that Natural will reduce volumes received from Applicant at these delivery points equivalent to exchange volumes received in Lea County at the proposed new exchange point.

Under the terms of the exchange agreement, Natural has an option to purchase up to twenty-five percent of the volume received from Applicant in Lea County, but aside from said option, no compensation is provided in the exchange agreement it being understood that the transaction is to be a gas-for-gas exchange. The September 15, 1974, contract states that Natural shall pay Applicant per Mcf of gas purchased the same average price that Applicant pays for the gas it purchases in the Antebellum Unit area, subject to reimbursement to Applicant by Natural for advance payments Applicant has made or will make to producers in the area. Applicant states that this price is 80 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.[2]

Applicant maintains that approval of this exchange and sale will help alleviate a portion of Applicant's gas supply deficiencies and make additional gas available to both Applicant's and Natural's markets.

Applicant proposes, in order to implement the subject exchange, to construct metering facilities, a dehydrator at the wellhead, and approximately 3.22 miles of 6-inch pipeline to deliver the gas to Natural's existing pipeline. The cost of the facilities is estimated to be $157,549, to be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required,

[1] Natural's application for authorization for its part in the subject exchange has been filed in Docket No. CP75–183.

[2] Applicant states that since Great Basins, the seller, is a small producer, it is not required to obtain a certificate from the Commission for this 80-cent per Mcf sale.

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.75-1238 Filed 1-14-75;8:45 am]

[Docket No. CP75-187]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JANUARY 8, 1975.

Take notice that on December 23, 1974, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP75-187 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce under a revised service agreement with Delta Natural Gas Company, Inc. (Stanton) [Delta Stanton], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the revised service agreement with Delta Stanton, under which service is proposed, would transfer Delta Stanton's purchases to Rate Schedule SGS and cancel its service agreement under Rate Schedule G. Applicant further states that the proposed transfer is permitted by its FPC Gas Tariff, Original Volume No. 1. Applicant explains that under the depth of curtailments it projects, Delta Stanton's average cost of gas under Rate Schedule G would be in excess of its cost under Rate Schedule SGS by an estimated $5,508 for the 12-month period ending November 1975. Applicant states that no change in Delta Stanton's daily contract volume will result from the proposed change in rate schedules.

Applicant requests that Commission authorization of the proposed change in service be conditioned to limit Delta Stanton's purchases to those volumes which would have been available to Delta Stanton under Rate Schedule G pursuant to whatever interim or permanent curtailment plan shall be in effect on Applicant's system. Applicant further requests that Commission authorization for sales under the revised service agreement be effective as of December 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1232 Filed 1-14-75;8:45 am]

[Docket No. RP73-65; PGA75-3-A]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 8, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 23, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Columbia states that this filing amends its filing of November 25, 1974, while preserving the effective date of January 1, 1975, proposed therein. Columbia states that the proposed changes result from Texas Eastern Transmission Corporation's filing revised tariff sheets in FPC Docket No. RP74-41, to be effective January 1, 1975, and the inclusion of Panhandle Eastern Pipe Line Company's increased rates in FPC Docket No. RP73-36 effective December 1, 1974.

The net result of the above revisions to Columbia's January 1, 1975, rates is that the revised rates herein proposed to be effective January 1, 1975, are approximately $3,615,000 lower than the rates originally proposed to become effective January 1, 1975.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1234 Filed 1-14-75;8:45 am]

[Docket No. CP75-188]

FLORIDA GAS TRANSMISSION CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 23, 1974, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32789, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 (jointly Applicants) filed in Docket No. CP75-188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas under the terms of an agreement dated November 19, 1974, and to construct and operate the necessary facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that under the exchange agreement Transco will deliver or cause to be delivered daily into Florida Gas' facilities in San Patricio County, Texas, up to 10,000 Mcf of gas per day at 14.73 psia. Florida Gas will return, contemporaneously, equal volumes of gas to Transco at any mutually agreeable authorized exchange point between the two companies.

Applicants further state that they have agreed to the proposed exchange in order to assist Transco in taking into its system certain of its natural gas available to Transco in the South Ewing Field, San Patricio County, Texas. Because Florida Gas has facilities in the immediate area and Transco does not, Applicants explain, the proposed exchange will obviate the necessity for the construction of unnecessary facilities on Transco's part.

In order to deliver the gas to Florida, Transco proposes to construct approximately 1.5 miles of 4-inch line from the South Ewing Field to Florida Gas' existing 20-inch transmission line in that county. The cost of such pipeline facilities is estimated to be $168,000. Florida Gas proposes to construct and operate the necessary tap and flange connection on its line at an estimated cost of $3,200 which will be reimbursed to Florida Gas by Transco. Transco proposes to finance such facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1240 Filed 1-14-75;8:45 am]

[Docket No. E-9205]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

JANUARY 8, 1975.

Take notice that on January 3, 1975, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $5,000,010 in 10 percent Series Cumulative Preferred Stock.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The Cumulative Preferred Stock will be dated February 1, 1975 and mature not later than February 1, 1985. The dividend rate will be $3.00 per share annually, to be paid quarterly beginning May 1, 1975.

The proceeds from the issuance of the Cumulative Preferred Stock will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1973 and 1974, the principal item of which, was $20,500,000 for the Applicant's 28 percent ownership share in a 520,000 kilowatt turbo-generator at the Neal Station near Sioux City, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426; petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1236 Filed 1-14-75;8:45 am]

[Docket No. CP75-190]

LONE STAR GAS CO.

Notice of Application

JANUARY 8, 1975.

Take notice that on December 26, 1974, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP75-190 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, for permission and approval to abandon, during the calendar year 1975, certain direct sales facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it will abandon only those sales measuring facilities where maximum deliveries of natural gas to any one direct sales customer have not exceeded 100,000 Mcf annually during the last year of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the 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, and 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.75-1233 Filed 1-14-75;8:45 am]

[Docket No. CP75-195]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 8, 1975.

Take notice that on December 30, 1974, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and compression facilities to enable Applicant to meet the increased peak day requirements of its existing distribution customers and to increase deliveries to meet said requirements by approximately 92,900 Mcf of gas per day commencing September 1, 1975, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that its distribution customers for the contract year commencing September 1, 1975, have nominated an increased peak-day quantity of natural gas from the existing maximum daily quantity of 3,775,879 Mcf to a proposed 3,868,781 Mcf. Applicant further states that this increase in peak-day volumes only changes its customers' patterns of purchase under Applicant's rate schedules without causing increase in annual gas supply, and that such increase in peak-day volumes enables Applicant's customers to husband their available annual gas supply and upgrade the end-use of such supply.

To transport these proposed increased peak-day volumes Applicant proposes to install and operate 10.8 miles of 42-inch main-line loop paralleling existing facilities on Applicant's Bridgman-to-St. John mainline in the state of Indiana, a 7,500 horsepower class compressor unit on Applicant's existing Bridgman Compressor

Station site in the state of Michigan, and 7.5 miles of 24-inch pipeline loop paralleling Applicant's existing Madison laterals in the states of Illinois and Wisconsin. Applicant states that all proposed facilities will be constructed on or adjacent to existing rights-of-way or compressor station sites.

Applicant further states that the cost of the proposed facilities is estimated at $12,412,330 which will be financed with treasury funds, retained earnings and other internally generated funds, together with borrowings from banks under short-term lines of credit as required.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to apear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1247 Filed 1-14-75;8:45 am]

[Docket No. CP75-182]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 8, 1975.

Take notice that on December 19, 1974, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-182 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant (1) to extend for one year short-term transportation and storage services for Northern Indiana Public Service Company (Nipsco), Northern Natural Gas Company (Northern), Natural Gas Pipeline Company of America (Natural), and The Peoples Gas Light and Coke Company (Peoples), and (2) to provide long-term storage and transportation services for Northern, Natural, and Peoples, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that, pursuant to Commission orders issued June 9, 1972, in Docket No. CP72-147 (47 FPC 1477) and September 6, 1974, in Docket No. CP74-213 (52 FPC —), it was authorized to render a short-term transportation service for Nipsco by transporting 5,000,000 Mcf of natural gas for delivery to Michigan Consolidated Gas Company (Consolidated) during the storage injection cycle for storage for the account of Nipsco and redelivering equivalent volumes to Nipsco during the storage withdrawal cycle. Under the existing authorization, this arrangement will terminate as of March 1, 1975, and Applicant states that Nipsco has requested Applicant and Consolidated, and they have agreed, to extend the arrangement for one year to March 1, 1976, with no change in the existing terms and conditions.

Applicant further states that, pursuant to Commission orders issued October 2, 1972 (48 FPC 661), and October 9, 1973, (50 FPC 1021), in Docket No. CP72-277, and September 6, 1974, in Docket No. CP74-213, Applicant was authorized to render short-term transportation services for Northern and Natural and to provide for a related storage service by Consolidated. During the storage injection cycle, Applicant asserts that it transports and delivers to Consolidated for storage 2,800,000 and 5,800,000 Mcf of natural gas for Northern and Natural, respectively, and redelivers equivalent volumes during the storage withdrawal cycle. Under existing authorizations these arrangements, Applicant states, will terminate as of March 1, 1975; and Applicant states that Northern and Natural have requested Applicant, and it has agreed, to extend the arrangements for one year to March 1, 1976, with no change in the existing terms and conditions.

Applicant also states that, pursuant to the Commission's order issued September 6, 1974, in Docket No. CP74-213, it was authorized to render short-term transportation service for Peoples and to provide for a related storage service by Consolidated. During the storage injection cycle, Applicant indicates that it transports and delivers to Consolidated for storage 6,000,000 Mcf of natural gas for Peoples and redelivers equivalent volumes during the storage withdrawal cycle. Under the existing authorization, these arrangements, Applicant states, will terminate as of March 1, 1975; and Applicant states further that Peoples has requested Applicant, and it has agreed, to extend the arrangement for one year to March 1, 1976, with no change in the existing terms and conditions.

Accordingly, Applicant requests authority to extend for one year the services presently being provided for Nipsco, Northern, Natural, and Peoples.

Applicant further proposes to render long-term transportation and storage services to Northern, Natural, and Peoples at the request of these companies. During the storage injection cycle, Applicant proposes to transport for storage 4,200,000 Mcf of gas for Northern, 3,800,000 Mcf for Natural and 1,000,000 Mcf for Peoples. Applicant states that it does not presently have available the capacity to store the 9,000,000 Mcf of gas, but that it has arranged for Consolidated to store the 9,000,000 Mcf of gas during 1975 and 5,000,000 Mcf during 1976. Applicant further states that it has pending in Docket No. CP74-316 an application to acquire and develop three depleted gas fields into natural gas storage fields and proposes to store in such fields 4,000,000 Mcf of the 9,000,000 Mcf of the long-term storage gas in 1976, and in subsequent years to store the full 9,000,000 Mcf.

To provide the proposed services, Applicant requests authorization to construct and operate four sections of 42-inch pipeline loop with an aggregate length of 51.7 miles. The proposed pipeline looping will consist of 16.1 miles of 42-inch pipeline paralleling existing pipeline facilities on Applicant's Woolfolk to Hamilton mainline in Michigan, 15.9 miles of 42-inch pipeline loop on Applicant's Hamilton to Bridgman mainline in Michigan, 6.4 miles of 42-inch pipeline loop paralleling Applicant's existing Bridgman to St. John mainline in Indiana, and 13.3 miles of 42-inch pipeline loop paralleling Applicant's existing St. John to Sandwich mainline in Illinois. The total estimated cost of the proposed facilities, the application indicates, is $ 26,693,760, which Applicant states will be financed initially with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short term lines of credit as required.

Applicant has entered into transportation and storage agreements with Northern, Natural, and Peoples providing for a primary term extending from March 1, 1975, to February 28, 1995. The application indicates that the agreements provide that the storage customers will pay for transportation and storage services a demand charge of $6.75 per month per Mcf of maximum daily quantity for each month of the year.

Applicant has entered into a storage agreement with Consolidated under which Applicant will pay Consolidated $3.54 per month per Mcf of maximum daily quantity for the storage service to be rendered by Consolidated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1237 Filed 1-14-75;8:45 am]

[Docket No. CP75-192]

MID LOUISIANA GAS CO.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 26, 1974, Mid Louisiana Gas Company (Applicant), Twenty-first Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP75-192 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing February 1, 1975, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The application states that the total cost of the proposed facilities will not exceed $500,000, with no single project to exceed $125,000, which cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1243 Filed 1-14-75;8:45 am]

[Docket No. CP74-29]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

JANUARY 8, 1975.

Take notice that on December 23, 1974, Mississippi River Transmission Corporation (Petitioner), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74-29 a petition to amend the order of the Commission issued in said docket pursuant to section 7(c) of the Natural Gas Act on January 11, 1974 (51 FPC —), by authorizing an increase in the maximum daily quantity of gas to be exchanged with and sold to Natural Gas Pipeline Company of America (Natural) and by authorizing the operation of an additional delivery point for the redelivery of the gas to Petitioner, as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On January 11, 1974, Petitioner was issued a certificate of public convenience and necessity authorizing it, among other things, to sell to and exchange with Natural, for two years, gas which Petitioner purchases from various producers in the Mills Ranch Field, Wheeler County, Texas. The gas is delivered by Petitioner to Natural and one-third is sold to Natural and the remaining two-thirds is redelivered to Petitioner by Natural at an existing sales point in Clinton County, Illinois. Petitioner claims that due to continued development of the Mills Ranch Field Petitioner will soon have available gas volumes in excess of the 90,000 Mcf per day presently certificated for sale. Accordingly, Petitioner requests that the order be amended to authorize an increase in the maximum daily quantity of gas to be exchanged with and sold to Natural from 90,000 Mcf to 150,000 Mcf and to authorize the redelivery of gas at an additional delivery point in Randolph County, Arkansas. Petitioner states that the changes requested would be in accordance with the June 25, 1974, and September 23, 1974, amendments to Natural's and Petitioner's earlier gas exchange and purchase agreements.

In order to permit redelivery of the additional 60,000 Mcf of gas per day, Petitioner states that it and Natural have designated a previously used point of interconnection between the parties in Randolph County, Arkansas, as an additional delivery point. Petitioner maintains that any modifications necessary to use this interconnection will be made in accordance with the provisions of § 2.55 of the Commission's general policy and interpretations.

Petitioner states that the amendment is required by the public convenience and necessity since it will help it offset its critical supply problem and permit greater system operating flexibility. Petitioner proposes no new sales as a result of the requested amendment and states that receipt of the increased volumes of gas will provide it with additional gas for injection into its storage fields during the injection season and for use during a number of spring and fall days as a part of its system supply.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1242 Filed 1-14-75;8:45 am]

[Docket No. CP75-183]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 9, 1975.

Take notice that on December 19, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-183 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), and the construction and operation of the facilities required to implement such arrangement, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Applicant and CIG have entered into a long term contract dated September 15, 1974, to exchange gas in Lea County, New Mexico, Hutchinson County, Texas, and Beaver County, Oklahoma, pursuant to which agreement Applicant will receive up to 10,000 Mcf of gas per day from CIG through a proposed tap connection on Applicant's 30-inch pipeline in section 24, Township 23 South, Range 34 East, Lea County, from gas reserves committed to CIG in the Antebellum Unit area of Lea County.

Applicant proposes to deliver concurrently the exchange volumes to CIG at two existing points of interconnection between the systems of Applicant and CIG in Hutchinson County, Texas, and Beaver County, Oklahoma, each of which interconnections, according to Applicant, is presently used for the delivery of gas which Applicant purchases from CIG pursuant to two existing service agreements. Applicant states that it will reduce volumes received from CIG at these delivery points equivalent to exchange volumes received in Lea County at the proposed new exchange point.

Under the terms of the exchange agreement, Applicant has an option to purchase up to twenty-five percent of the volumes received from CIG in Lea County, but, aside from said option, no compensation is provided for in the exchange agreement, it being understood that the transaction is to be a gas-for-gas exchange.

The September 15, 1974, contract states that Applicant shall pay CIG per Mcf of gas purchased the same average price that CIG pays for the gas it purchases in the Antebellum Unit area subject to reimbursement to CIG by Applicant for advance payments CIG has made or will make to producers in the area.

Applicant states that the option to purchase a percentage of the gas makes the exchange beneficial in that the additional gas will augment Applicant's overall reserves.

Applicant further proposes to construct and operate a 3-inch tap connection on its existing 30-inch pipeline in Lea County, the estimated cost of which tap is $2,535, which cost will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1239 Filed 1-14-75;8:45 am]

[Docket No. CP74-41]

NATURAL GAS PIPE COMPANY OF AMERICA

Notice of Petition To Amend

JANUARY 8, 1975.

Take notice that on December 27, 1974, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-41 a petition to amend the order of the Commission issued on January 11, 1974, in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the volumes of natural gas to be exchanged with Mississippi River Transmission Corporation (MRT) and the operation of an additional exchange point, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order of January 11, 1974, Petitioner was authorized to transport and exchange up to 90,000 Mcf of gas per day with MRT to be delivered by MRT in Wheeler County, Texas, and redelivered by Petitioner Clinton County, Illinois, for a period of two years after initial delivery, under the terms of a gas exchange agreement dated July 9, 1973.

Petitioner states that said agreement has been amended to increase the maximum exchange quantity to 150,000 Mcf of gas per day and to establish an additional exchange point for redelivery to MRT in Sec. 32, T19N, R2E, Randolph County, Arkansas. In all other respects, according to Petitioner, the subject exchange will remain the same as originally authorized.

Petitioner states that no new facilities are required for the proposed changes since the proposed new exchange point will, according to Petitioner, be by reactivation and modification of an existing delivery point which was constructed pursuant to § 157.22(a) of the Commission's regulations under the Natural Gas Act (18 CFR 157.22(a)) for the testing and purging of Petitioner's facilities authorized in Docket No. G-1246.

Petitioner states that the subject exchange will provide additional gas to augment Petitioner's overall gas reserves, but will have no effect on any of the other sales or services now rendered by Petitioner, nor will said exchange change Petitioner's operations. Petitioner further states that inasmuch as it retains all of the Mills Ranch gas delivered to it from MRT during the months of December, January, February and March, approval of the authorization sought herein will enable Petitioner to receive additional volumes of gas as they become available during the winter heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1249 Filed 1-14-75;8:45 am]

[Docket No. RP75-33]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 8, 1975.

Take notice that Southern Natural Gas Company, on December 20, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No.

3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F–12 by $230,100 based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of June 21, 1974.

This filing is being made to reflect an increase pursuant to §2.56a(j) of the Federal Power Commission's general policy and interpretations.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1235 Filed 1–14–75;8:45 am]

[Docket No. RP74–91–16]

TENNESSEE GAS PIPELINE CO.

Petition for Extraordinary Relief

JANUARY 8, 1975.

Take notice that on January 2, 1975, Humphreys County Utility District (Humphreys County), 304 North Church Street, Waverly, Tennessee 37185, filed in Docket No. RP74–91–16 a petition for special relief pursuant to Section 4 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78). Humphreys County requests interim relief in the form of an order that Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee), not curtail its delivery of gas to Humphreys County to less than 5,000 Mcf per day (118,817 Mcf per month) for use by E. I. DuPont de Nemours Co., Inc., in the production of titanium dioxide, 2,500 Mcf per day (75,000 Mcf per month) for use by Inland Container Corporation in the production of corrugating medium paper, 1,500 Mcf per day (36,735 Mcf per month) for use by Consolidated Aluminum Corporation in the production of liquid aluminum and primary aluminum, and 340 Mcf per day (9,000 Mcf per month) for use by Foote Mineral Company in the production of electrolytic manganese, at their Humphreys County, Tennessee, plants, and that the Commission grant such other relief as may be appropriate in the circumstances.

Humphreys County's petition indicates that its supplier of natural gas, Tennessee, will curtail 59 percent of the gas supply used for the subject industrial plants until March 31, 1975, and that said curtailment came about with no advance warning whatever. Humphreys County states that the gas delivered to the DuPont, Consolidated and Foote plants is process gas and is properly classified as priority 2 in § 2.78 of the Commission's general policy and interpretations.

Humphreys County relates that the threatened curtailment will affect the DuPont plant by forcing a 40 to 50 percent curtailment in production accompanied by a substantial reduction in work force; will force a possible complete shutdown at the Inland Plant; will necessitate a production cut and a layoff of personnel at the Consolidated plant; and will reduce operations at the Foote plant before that plant will be able to convert to alternate fuels.

Humphreys County, thus, maintains that the curtailment threatens the operation and even the existence of these industries, which are considered by Humphreys County to be of extreme importance to the county's economy. Humphreys County states that the subject plants employ approximately 2,000 persons, with thousands more being employed as a direct result of plant operations, and that Tennessee's curtailment threatens numerous jobs in Humphreys County, as well as in the surrounding counties of Benton, Carroll, Perry, Houston, Stewart and Dickson, from which approximately 30 percent of the 2,000 employees come.

Humphreys County's petition further indicates that the lack of warning provided by Tennessee in relation to the curtailment has made it difficult, if not impossible, to convert to alternate fuels where such conversion is possible.

A shortened notice period in this proceeding may be in the public interest.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1228 Filed 1–14–75;8:45 am]

[Docket No. RP74–91–17]

TENNESSEE GAS PIPELINE CO.

Petition for Extraordinary Relief

JANUARY 8, 1975.

On January 6, 1975, East Tennessee Natural Gas Company (East Tennessee) filed a petition for extraordinary relief pursuant to section 4 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78), from curtailment by Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., the sole supplier of natural gas to Petitioner. East Tennessee requests that the Commission issue an order directing Tennessee to supplement its deliveries by up to 961,982 Mcf of gas to customers of East Tennessee above East Tennessee's curtailment period quantity entitlement (CPQE) from Tennessee for the period January 1, 1975, to March 31, 1975, and to provide interim relief pendente lite for said amounts pending consideration of the instant petition. The 961,982 Mcf volume for which relief is requested reflects the total amount of relief requested by customers of East Tennessee as of the date of filing; however, East Tennessee requests that this volume be augmented by any extraordinary relief volumes granted to its customers subsequent to the date of the instant filing. East Tennessee requests that the Commission consolidate with this proceeding certain existing petitions for extraordinary relief filed by its customers and, to the extent any such petitions are granted, that the Commission in turn issue an order directing Tennessee to provide the volumes necessary to serve such additional system needs. East Tennessee's petition is on file with the Commission and open to public inspection.

East Tennessee states that by letter dated December 18, 1974, Tennessee notified it of Tennessee's invocation, pursuant to section 2 of Article XXIV of the General Terms and Conditions of Tennessee's FPC Gas Tariff, of curtailment for the period of December 16, 1974, through March 31, 1975, at a level greater than had previously been invoked, thus assigning East Tennessee a lower CPQE. East Tennessee relates that it accordingly assigned a lower CPQE to its customers for the same period and has received from several of such customers requests for special adjustment pursuant to Paragraph 24.4 of section 24 of the General Terms and Conditions of East Tennessee's FPC Gas Tariff.[1] East Tennessee states further that its denial of this requested relief was necessitated by the fact that the entire gas supply currently available to East Tennessee from its supplier has been allocated among East Tennessee's customers so that the granting of such relief would serve only to reduce the gas supply available to other priority 2 consumers, which could create similar emergencies for

[1] Petitions for extraordinary relief have been filed with the Commission by the Natural Gas Utility District of Hawkins County, Tennessee for 111,450 Mcf of additional gas in Docket No. RP75–41–1 on December 18, 1974; Aluminum Company of America for 186,300 Mcf of additional gas in Docket No. RP75–28 on December 27, 1974; Colonial Natural Gas Company for 618,647 Mcf of additional gas in Docket No. RP75–41–2 on December 23, 1974, and by United States Atomic Energy Commission for 45,585 Mcf of additional gas.

other consumers. In light of the fact that all of its gas supply has already been allocated East Tennessee asserts that the only way in which it could equitably provide the relief requested of its would be by securing the required additional volumes from its supplier and that East Tennessee has, therefore, pursuant to Section 4 of Article XXIV of the General Terms and Conditions of Tennessee's FPC Gas Tariff requested Tennessee to make available to it the additional volumes necessary for East Tennessee to provide the relief requested by its customers.

East Tennessee submits that it would be appropriate and hereby requests the Commission to consolidate the petitions for emergency relief filed by its customers and any such additional petitions which may be filed with the instant proceeding to avoid evidentiary duplication in proceedings by similarly situated customers. East Tennessee alleges that the average curtailment on its system is 48 percent for the period from January 1 through March 31, 1975, which East Tennessee understands to be several times greater than the average curtailment on Tennessee's system. East Tennessee states that it has no storage from which to alleviate the effect of this curtailment. The petition states that curtailment by Tennessee will result in East Tennessee's curtailment of 100 percent of priority categories 3–9 for January, February and March 1975, and 39 percent of priority category 2 during January 1975, 20 percent of priority category 2 during February 1975, and 35 percent of priority category 2 during March 1975. East Tennessee maintains that any relief granted to any of its customers will, unless Tennessee is simultaneously required to grant such relief to East Tennessee, necessarily result in a further reduction of priority 2 gas supplies to other affected customers of East Tennessee and could create similar emergencies for other priority 2 consumers. As a result East Tennessee states that it must oppose the granting of relief requested by those customers who have to date filed petitions for extraordinary relief [2] and similarly situated customers, unless simultaneous relief is granted to East Tennessee from Tennessee.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of petitions to intervene and protests. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[2] Supra.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1229 Filed 1-14-75;8:45 am]

[Docket No. CP75-186]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 20, 1974, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, (jointly Applicants) filed in Docket No. CP75-188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas under the terms of a ten-year primary term agreement dated August 23, 1974, and to construct and operate the necessary facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that under the exchange agreement Texas Eastern will deliver such volumes of gas up to 6,500 Mcf per day as United may require and as Texas Eastern may be able and willing to deliver on a best efforts basis at a proposed interconnection between Applicants' systems in West Carroll Parish, Louisiana. United will return, contemporaneously, equal volumes of gas to Texas Eastern at the existing interconnection between Applicants' systems near Kosciusko, Mississippi. Applicants believe that the proposed exchange will give added reliability to the system of United, especially in the Lake Providence, Louisiana, area.

In order to implement the proposed exchange United proposes to construct a meter and regulating station in West Carroll Parish at an estimated cost of $79,207. At the same location Texas Eastern will construct a tap and flange connection estimated to cost $7,530, which cost also will be borne by United. United indicates that such construction costs will precipitate no new financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1241 Filed 1-14-75;8:45 am]

[Docket No. RP75-16-7]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Extraordinary Relief

JANUARY 8, 1975.

Take notice that on January 6, 1975, the City of Laurens, South Carolina (Petitioner), Box 347, Laurens, South Carolina 29360, filed in Docket No. RP75-16-7 a petition for special relief pursuant to section 4 of the Natural Gas Act and § 2.78 of the Commission's general policy and Interpretations (18 CFR 2.78). Petitioner requests interim relief and permanent relief during any period of time when its supplier, Transcontinental Gas Pipe Line Corporation (Transco), curtails into natural gas service classified as priority 2 in § 2.78. Specifically, Petitioner requests relief in the amount of 2,269 Mcf of gas per day, thereby making the total amount of gas available to Petitioner 2,750 Mcf per day for delivery to the plants of Laurens Glass Company for process gas used in the manufacture of glass containers and to the 3-M Company for use in the manufacture of ceramic parts used primarily in the production of electronic equipment and partly for equipment relating to national defense.

Petitioner further requests the Commission to authorize and direct Transco to reclassify to priority 2 3,650 Mcf of the requirements of Laurens Glass which are currently designated in priority 3, by virtue of the fact that said volumes, according to Petitioner, have been erroneously classified by Transco. Petitioner also requests the Commission waive any "payback" obligations that Petitioner might incur as a result of the requirements of Commission Order No. 467-C, issued April 4, 1974.

In support of this petition, Petitioner states that the Laurens and 3–M plants are the only industrial customers presently being served by Petitioner, and that without relief from Transco's curtailment the glass and ceramic plants will be forced to curtail production severely or shut down. Such a situation, according to Petitioner, will result in significant loss of employment to an already depressed area of South Carolina, in which current levels of unemployment are 11 percent. Such levels would be increased to 20 percent as a result of curtailment, according to Petitioner's sources.

Petitioner further states that the gas claimed to be erroneously classified in category 3 should be reclassified due to the fact that the customer covered by these volumes purchases under a "firm" contract and no alternate fuel is technically feasible for process uses.

Petitioner, in support of its request for waiver of payback requirements, states that it does not have the capability of meeting any mandatory payback arrangements that might be imposed by Order No. 467–C and that any gas supply available in excess of its priority 2 requirements should be delivered to its priority 3 end-users, who also use gas, although interruptible, for process purposes.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make any protest with reference to said petition should on or before January 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition is on file with the Commission and open to public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1230 Filed 1–14–75;8:45 am]

[Docket No. E–9179]

WASHINGTON WATER POWER CO.

Notice of Application

JANUARY 9, 1975.

Take notice that on December 16, 1974, the Washington Water Power Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, an Intercompany Pool Agreement (Revised), dated September 1, 1973, which supersedes the expired September 1, 1957 Intercompany Contract, amendments and supplements thereto, with Pacific Power & Light Company, Portland General Electric Company, and Puget Sound Power & Light Company, designated Washington Water Power Company Rate Schedule FPC No. 47, Pacific Power & Light Company Rate Schedule FPC No. 36, Portland General Electric Company Rate Schedule FPC No. 12, and Puget Sound Power & Light Rate Schedule FPC No. 2.

The Intercompany Pool Agreement (Revised) provides for expanded service operations for the interchange of power and energy among parties to the Pooling Agreement, and offers Pool admission to any other Northwest electric generating utility. The Idaho Power Company, The Montana Power Company, and The Utah Power & Light Company have consequently executed the Agreement in addition to the original four Intercompany Pool members.

Rates charged pursuant to Section 6 of the Agreement for storage and load factoring operations and Section 8 of the Agreement for transmission facility use are identical to rates established by the Pacific Northwest Coordination Agreement, and all other services will be provided at rates set by private service schedules to be separately filed by each party. Applicant requests that the Intercompany Pool Agreement (Revised) take effect September 1, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–1244 Filed 1–14–75;8:45 am]

[Docket No. CS75–275]

WECO DEVELOPMENT CORP.

Notice of Application

JANUARY 8, 1975.

Take notice that on December 24, 1974, WECO Development Corporation (Applicant), 718 Seventeenth Street, Denver, Colorado 80202, filed in Docket No. CS75–275 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder (18 CFR 157.40) for a small producer certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as successor in interest to PetroDynamics, Inc. (Operator), et al. (PetroDynamics), and Worldwide Energy Corporation (Worldwide), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that, as a result of a corporate reorganization, sales previously made by PetroDynamics and Worldwide under their respective small producer certificates in Dockets. CS72–302 and CS72–684 will be undertaken by Applicant on and after January 1, 1975. Applicant further states that, while the properties of Semco Gas, Inc. (Semco), will not be transferred to Applicant, Semco is to become a wholly-owned subsidiary of Applicant by virtue of Semco's wholly-owned subsidiary status in relation to PetroDynamics.

Applicant requests that authorizations for small producer sales granted to PetroDynamics and Worldwide be transferred to Applicant. Applicant further requests that Semco's small producer certificate, which Applicant states was issued in Docket No. CS72–302, be amended to reflect Semco's subsequent acquisition by Applicant.

Applicant lists the following jurisdictional sales for the calendar year preceding the instant application:

	Mcf
PetroDynamics	3,028,910
Worldwide	396,257
Semco	1,497,979
Total	4,923,146

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1248 Filed 1-14-75;8:45 am]

[Docket No. RP75-51]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Instituting Investigation and Order To Show Cause, Setting Hearing, and Establishing Procedures

JANUARY 8, 1975.

With the advent of a natural gas supply shortage on interstate pipeline systems, the Commission has requested, among other things, jurisdictional pipelines to file semiannual projections of curtailment levels anticipated for forthcoming winter heating seasons. In compliance with our requirements, on September 30, 1974, Transcontinental Gas Pipeline Corporation (Transco) filed its Form 16 reflecting projected curtailment for the 1974-75 season to be at an approximate level of 28 percent. For the winter period extending from November 15, 1974, through March 15, 1975, Transco projected curtailment at an approximate level of 20 percent.[1]

Recent submittals by Transco indicate a system-wide curtailment far in excess of the amount projected by Transco. On October 15, 1974, Transco advised its customers that its available gas supply was approximately 20 Bcf less than previously estimated. On October 16, 1974, Transco notified its customers that:

(1) Supplies from 'regular sources' have been revised * * * We currently estimate that these supplies will be reduced * * * by approximately 35 MMcfd due to production or reservoir problems in two fields and by approximately 20 MMcfd due to production from marginal wells not coming back on as a result of being shut-in during Hurricane Carmen.

(2) 'Estimated Producer Outages' have been revised to reflect well work currently scheduled by producers." On November 13, 1974, Transco advised its customers that "a downward adjustment has been made [in gas supply projections] to reflect our current estimate of 'Regular Sources' based upon most recent performance of a number of fields since our last letter." On December 11, 1974, Transco notified its customers that "1 percent has been added to each of the winter month's factors in estimating producers outages * * * The net effect of the changes for outages is approximately 5.9 BCF for the winter period and 9.3 BCF for the summer period." Finally on December 30, 1974, Transco advised its customers that: "[two major events have recently occured that will require Transco to reduce the previously announced Winter Period Entitlements of its CD and Firm Direct Industrial customers and the Annual Period Entitlements of its ACQ customers. These events are as follows:

(1) The operator of Block A-76 Offshore Texas reported on December 23, 1974, that one of the wells in this block for which remedial work had just been completed would require additional work and delay production from Block A-76 until January 20, 1975. This date was considered to be optimistic because (a) the producer is performing the work during the winter period, and (b) the producer has been unable to meet its estimated completion dated in the past. Based on these factors, our Gas Supply Department has extended the producer's estimated date of completion to February 15, 1975. Estimated production from this block is 90,000 Mcf per day.

(2) During the first three weeks of December, producer outages have been substantially higher than previously projected. Also, the Company has been advised by producers that planned production work during January and February will be greater than had been previously anticipated."

Recent submittals by several parties indicate an increasing dissatisfaction with the trend of Transco's gas supply situation. In a petition for rehearing filed on December 30, 1974, in Docket Nos. RP75-16-1 and RP75-17-1, the Stauffer Chemical Company stated:

> This is the third large decrease in gas supply availability which Transco has experienced since September, 1974 * * * In light of the continually and unexpectedly worsening situation on Transco's system, perhaps Commission action is appropriate. CF. Order Instituting Investigation, etc., issued on December 24, 1974, in Tennessee Gas Pipeline Company, Docket No. RP75-45.

In a petition for rehearing filed on December 30, 1974, in Docket No. RP75-16-4 New Jersey Zinc Company stated:

> We do not understand how the ⅔ curtailment by Transco can be accepted in view of their representations as to available supplies which formed the basis for their interim settlement agreement now imposed.

The Commission finds. It is necessary and proper to institute a formal investigation and proceeding pursuant to section 14 of the Natural Gas Act into the matters set forth above and for the procedures hereinafter ordered.

The Commission orders. (A) Pursuant to sections 14, 15, and 16 of the Natural Gas Act and the Commission Rules and Regulations promulgated thereunder, the Commission institutes an investigation of the circumstances for the increased curtailment, on the system of Transco and a determination as to the current projections of curtailment for said system.

(B) Transco is hereby ordered to appear at a formal hearing to convene on January 27, 1975, at 10 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, and submit testimony and documentary evidence in explanation of the causes for the increased curtailment beyond the levels projected in its Form 16 filing of September 30, 1974. Such evidence shall include, inter alia, the adequacy of the gas reserves held or controlled by it or dedicated to it, the change, if any, in the level of production from such reserves, the effect on deliverability of gas from reserves affected by adverse weather such as hurricanes, tornadoes, etc., and the actions taken to fully reactivate the production from those reserves. In addition, Transco shall show its storage inventories (inclusive of that stored by others), injections and withdrawals, for the immediate past 12-month period on a monthly basis.

(C) Immediately following Transco's presentation, the parties, to the extent that they are able, shall commence cross-examination of Transco's witnesses. The Presiding Administrative Law Judge may permit, if needed, a short recess to permit the parties to prepare for such cross-examination.

(D) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall prescribe such further procedures as may be warranted to expedite consideration of the matters involved in this investigation.

(E) All Parties selling and delivering gas to Transco under FPC certificate authority in excess of 5,000 Mcf per day are deemed to be parties to this proceeding and may be required to present testimony and evidence as circumstances dictate and as may be determined by the Administrative Law Judge.

(F) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C., 20426, on or before January 24, 1975, in accordance with the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1250 Filed 1-14-75;8:45 am]

[Docket No. RP75-16-6]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Extraordinary Relief

JANUARY 8, 1975.

Take notice that on December 31, 1974, the City of Danville, Virginia (Danville), Danville, Virginia 24541, filed in Docket No. RP75-16-6 a petition pursuant to section 4 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78) for extraordinary relief from natural gas curtailment imposed by its sole supplier Transcontinental Gas Pipe Line Corporation (Transco), as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Danville requests relief as of January 1, 1975, from a curtailment of which it

[1] See Order Finding An Emergency on Transco's system and Denying Motion for Interim Settlement As To Curtailment Rules issued November 12, 1974 in Docket No. RP72-99 at 8.

claims to have been notified on December 27, 1974. Danville alleges that if such relief is not granted as requested the immediate result would be severe unemployment. Danville claims that the economic welfare of its citizens is almost totally dependent upon four industrial facilities, Dan River, Inc., U.S. Gypsum Company, Corning Glass Works, and Goodyear Tire and Rubber Company, all of which require natural gas for processing. The four industries are said to employ about 10,700 people in a city with a population of about 47,000.

Danville states that due to a prior curtailment the firm industrial process gas of the aforesaid four industries is the lowest priority presently being served on its system.[1] Danville further states that according to Transco's communication of December 27, 1974, gas supply curtailment would be increased from approximately 44 percent to 55 percent of Danville's contract amount (from 2,213,000 Mcf of gas to 1,747,000 Mcf of gas). Under such curtailment Danville predicts that its entire supply of natural gas including storage (except for about 4.5 percent reserve for severe weather) will be utilized by residential customers and others in higher priorities than the four industries even if this winter is mild. As a result, Danville maintains, it will have no gas available to the four industries, which have a minimum composite winter seasonal requirement of 247,800 Mcf of gas, and they will be forced to shut down either totally or partially, leaving up to 9,452 people unemployed within two weeks of curtailment initiation.

In a self-help effort, Danville claims to be seeking additional gas from Transco, from other gas suppliers, and through diversion from higher priorities. Danville further claims to be seeking propane for its peak shaving plant. In addition, Danville represents that it has imposed a moratorium on natural gas use in new homes and businesses and has stepped up its public conservation campaign.

Danville states that it faces the choice of serving residential and other high priority uses at the risk of massive unemployment or gambling the safety and security of family residents by continuing to serve the industries. To avoid the necessity to make such a choice Danville requests an emergency allocation from January 1 to April 15, 1975, of 247,800 Mcf of gas above the curtailment proposed by Transco for the following:

Dan River for high temperature fabric processing, curing and finishing, 7,000 Mcf per week, 30,100 Mcf per month.

Corning Glass Works for glass melting, annealing, and finishing, 4,900 Mcf per week, 21,070 Mcf per month.

U.S. Gypsum for preheating hardboard mat and tempering hardboard, 2,200 Mcf per week, 9,600 Mcf per month.

Goodyear Tire and Rubber Company for manufacture of tires, 2,400 Mcf per week, 10,320 Mcf per month.

[1] Danville states that its curtailment program is identical to that of the Commission.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of petitions to intervene and protests.

Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before January 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-1227 Filed 1-14-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Correction

In the Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Procedures and Granting Waiver, issued November 29, 1974 and published in the FEDERAL REGISTER on December 10, 1974, page 43122, lines 12 and 13: change "16 C.F.R." to "18 C.F.R.". Page 43122, ordering paragraph A, line 20: change "16 C.F.R." to "18 C.F.R.".

KENNETH F. PLUMB,
Secretary.

DECEMBER 18, 1974.

[FR Doc.75-1231 Filed 1-14-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Changed Meeting Location

The location for a closed meeting of the Federal Prevailing Rate Advisory Committee, to be held on Thursday, January 16, 1975, was to be Room 5A06A, 1900 E Street, NW., Washington, D.C., as previously announced on page 43776, Federal Register, Vol. 39, No. 244—Wednesday, December 18, 1974.

This location is not now available for that meeting.

Therefore, the January 16, 1975, meeting of the Federal Prevailing Rate Advisory Committee will be held in Room 303, 1325 Massachusetts Avenue, NW., Washington, D.C.

This emergency notice is published for the aforementioned reason, as required by section 8(b)(3) of OMB Circular A-63, revised.

Dated: January 10, 1975.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.75-1270 Filed 1-13-75;8:45 am]

FEDERAL RESERVE SYSTEM

EDWARDSVILLE BANK-SHARES, INC.

Formation of Bank Holding Company

Edwardsville Bank-Shares, Inc., Edwardsville, Kansas, has applied for the Board's approval under sec. 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88 per cent or more of the voting shares of The Edwardsville State Bank, Edwardsville, Kansas. The factors that are considered in acting on the application are set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

Edwardsville Bank-Shares, Inc., Edwardsville, Kansas, has also applied, pursuant to sec. 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 the credit life, accident and health assets of Edwardsville Insurance Agency. Notice of the application was published on December 19, 1974 in The Bonner Springs Chieftain, a newspaper circulated in Wyandotte County, Kansas.

Applicant states that the proposed subsidiary would engage in the sale of credit life, accident and health insurance in a community that has a population not exceeding 5,000. 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 February 7, 1975.

Board of Governors of the Federal Reserve System, January 10, 1975.

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

[FR Doc.75-1284 Filed 1-14-75;8:45 am]

GRACEMONT BANKCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Gracemont Bankcorporation, Inc., Gracemont, Oklahoma, has applied for the Board's approval under Sec. 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of The First National Bank of Gracemont ("Bank"), Gracemont, Oklahoma.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with sec. 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $3.1 million)[1] is the smallest of five banks in the relevant banking market (approximated by central Caddo County), and controls approximately 8 per cent of the total deposits held by commercial banks in the market. Upon acquisition of Bank, Applicant would control 0.04 per cent of the total commercial bank deposits in Oklahoma. Since the purpose of the proposed transaction is essentially a reorganization to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of future competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospectus of Applicant are dependent upon those of Bank. The financial and managerial resources and future prospects of Bank are regarded as satisfactory. The Board notes that the Comptroller of the Currency has expressed some concern that consummation of this proposal may result in a burden upon Bank's earnings. However, on the basis of the Board's review of the financial resources of Bank and Applicant, the Board is of the view that, although Applicant will incur debt in the acquisition of Bank, Applicant appears to be able to service the debt without impairing the financial condition of Bank. Considerations relating to the banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (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 Board of Governors,[2] effective January 6, 1975.

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

[FR Doc.75-1253 Filed 1-14-75;8:45 am]

[1] All banking data are as of December 31, 1973.

THE LOUISVILLE TRUST CO.

Order Approving Application for Merger of Banks

The Louisville Trust Company, Louisville, Kentucky, a State member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the Merger of that bank with The Louisville Trust Bank Company, Louisville, Kentucky. Upon consummation of the transaction the name of the surviving corporation will be changed to Louisville Trust Bank, Inc.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the applications of United Kentucky, Inc., Louisville, Kentucky, to become a bank holding company through the acquisition of the successor by merger to The Louisville Trust Company, Louisville, Kentucky, and to acquire Louisville Mortgage Service Company, provided that said merger shall not be made (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective January 6, 1975.

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

[FR Doc.75-1325 Filed 1-14-75;8:45 am]

[2] Voting for this Action: Chairman Burns and Governors Mitchell, Sheehan, Holland, Wallich and Coldwell. Absent and not voting: Governor Bucher.

UNITED KENTUCKY, INC.

Order Approving Formation of Bank Holding Company

United Kentucky, Inc., Louisville, Kentucky, 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 acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Louisville Trust Company, Louisville, Kentucky ("Bank"). The bank with which Banks is to be merged bank with which Bank is to be merged to facilitate the acquisition of Bank and to effect a concurrent name change to Louisville Trust Bank, Inc., Louisville, Kentucky.

Applicant has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Louisville Mortgage Service Company, Louisville, Kentucky ("Company"), a company that engages primarily in the origination of real estate mortgage loans for the accounts of permanent long-term investors and the servicing of such loans for these investors. Company also sells property and casualty, accident and health, and mortgage cancellation insurance, directly related to its extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)(ii)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 38425). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a newly-formed corporation with no operating history, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon consummation of the transaction, Applicant would assume Bank's position as the sixth largest banking organization in the State with $182.7 million in deposits, representing approximately 2.2 per cent of total commercial deposits in Kentucky.[1] Since Applicant has no subsidiaries and the proposal is merely a corporate reorganization

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Wallich. Absent and not voting: Governors Bucher and Coldwell.

[1] Banking data are as of June 30, 1974.

whereby the ownership of Bank will be shifted to a corporation, consummation of the proposal would not result in an increase in concentration of banking resources nor would it adversely affect existing or potential competition. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, which will become those of Applicant, are considered satisfactory and consistent with approval of the application. Although there will be no immediate change in the operations or services of Bank as a result of this proposal, considerations relating to convenience and needs are also deemed to be consistent with approval. It is the Board's judgment that the proposed transaction is consistent with the public interest and that the application to acquire Bank should be approved.

In connection with the formation of a bank holding company, Applicant has also applied to acquire Louisville Mortgage Service Company, Louisville, Kentucky ("Company"). Company originates real estate mortgage loans for the accounts of permanent long-term investors and services the loans for these investors. Company's sole office is located in Louisville. In 1973, Company originated and serviced loans totalling $40.1 million and $149.9 million, respectively. Bank does not engage in servicing mortgage loans for others and its total originations amounted to about $4.7 million during 1973. Company's share of the market for 1-4 family mortgage loans is approximately 6 per cent while Bank's share is less than one per cent.[2] At least 28 other mortgage banking firms have offices in the market; 14 of these are among the 300 largest mortgage banking companies in the United States. In addition, 17 commercial banks and 14 savings and loan associations provide alternative sources of mortgage financing in the market. It appears that some amount of existing competition would be foreclosed by the consummation of this proposal. However, in light of the small percentage of combined Company and Bank originations in the market and the large number of competitors in the market, the amount of competition that would be eliminated by this proposal is not regarded by the Board as being significant. In addition, Bank does not presently offer, as either agent or broker, insurance related to its extensions of credit. Therefore, consummation of this proposal would not eliminate nor foreclose any competition with respect to the sale of credit related insurance.

Affiliation with Applicant would enhance Company's ability to arrange complete financing for real estate development. Consummation of the proposal would also allow Company to offer home improvement loans. Applicant would expand Company's service area and make its data processing facilities available to Company. These public benefits tend to outweigh any slightly adverse effects the proposal would have on competition in regard to mortgage lending.

Company presently owns a subsidiary engaging in land development. Applicant is aware of the impermissibility of real estate development activities and has committed to distribute all the stock of the subsidiary to Company's present shareholders prior to the Applicant's acquisition of Company. Company presently offers hospital confinement insurance with its extension of credit. Since this type of insurance is not permitted under § 225.4(a)(9)(ii) of Regulation Y, Applicant intends to terminate the sale of this insurance upon Board approval of the acquisition. In addition, Company presently derives in excess of 5 percent of its aggregate insurance premium income from the sale of convenience insurance. Upon approval of the proposed transaction, the sale of such convenience insurance will be terminated and existing policies will be terminated upon their expiration date. Thereafter, Applicant will only engage in the sale of insurance in accordance with § 225.4(a)(9)(ii) of Regulation Y and the Board's interpretation relating thereto (12 CFR 225.128). It appears that consummation of the proposed transaction would not result in an undue concentration of resources, conflicts of interests, unsound banking practices or any other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of the proposal with respect to Company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and the application to acquire Company should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and Company shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority. The determination as to Applicant's mortgage and insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective January 6, 1975.

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

[FR Doc.75-1254 Filed 1-14-75;8:45 am]

[2] The relevant market for 1-4 family mortgage loans is the Louisville banking market, which is approximated by Jefferson County in Kentucky and Floyd and Clark Counties in Indiana.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Wallich. Absent and not voting: Governors Bucher and Coldwell.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Withdrawal of FTC Report Proposal

On December 27, 1974, a request for review and clearance of a one-time statistical survey entitled FTC Special Report Form—Natural Gas Survey was received by the Regulatory Report Review Staff [See 44 U.S.C. 3512 (c) & (d)]. By Federal Register Notice of January 7, 1975 (see 40 FR 1324), written comments on the proposed FTC form were invited from all interested persons, organizations, public interest groups, and affected businesses.

On January 9, 1975, the Commission withdrew the form for further consideration and possible revision. Since the form has been withdrawn, written comments concerning this form are no longer requested.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-1359 Filed 1-14-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR RENEWAL PERMITS; ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4323-000, EDDIE COAL COMPANY, INC., Mine No. 14, Mine ID No. 15 01554 0, Elkhorn City, Kentucky, ICP Permit No. 4323-001-R-2 (Joy 14BU7 Loader, I.D. No. 1), ICP Permit No. 4323-003-R-1 (Mescher HD-12 Tractor, I.D. No. 2).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before January 30, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 9, 1975.

[FR Doc.75-1266 Filed 1-14-75;8:45 am]

THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

ANNUAL REPORT; RESEARCH EFFORTS

Proposed Meeting

JANUARY 10, 1975.

A commitee of the National Advisory Council on Economic Opportunity, authorized by section 605 of the Economic Opportunity Act of 1964, as amended, will hold working sessions at its offices at 1016 16th Street, NW (Room 601), Washington, D.C. on Monday, February 3 and Tuesday, February 4, 1975. The working sessions will begin at 9:30 a.m. and are open to the public.

The committee of the National Advisory Council will discuss the recent amendments to the Economic Opportunity Act and their affects on the committee's research efforts for the next annual report.

It is requested that the above information be published in the FEDERAL REGISTER as required by section 9 of the Federal Advisory Committee Act of 1972.

Sincerely,

JOSEPH A. DOOLING,
Chairman, Advisory Council Committee.

[FR Doc.75-1298 Filed 1-14-75;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

FREEDOM OF INFORMATION

Uniform Agency Fees for Search and Duplication; Proposed Schedule

The National Capital Planning Commission will consider the adoption, at its meeting on February 6, 1975, of the following proposed schedule of uniform agency fees fo rsearch and duplication pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552. Interested organizations, agencies and citizens are requested to submit their views in writing to the Commission prior to February 5, 1975, addressed to:

Daniel H. Shear, Secretary
National Capital Planning Commission
Washington, D.C. 20576.

The proposed schedule is as follows:

1. Publications offered for sale—as marked.
2. Commission reports—$0.25/page.
3. Committee reports—$0.25/page.
4. Commission Memorandums of Actions—$0.25/page.
5. Transcripts of Commission meetings and Committee meetings—$0.25/page.
6. Other records—$0.25/page.

The Commission keeps on file a limited quantity of back copies of Commission reports, Committee reports, and Commission Memorandums of Actions. The Commission will first attempt to fill specific requests for these documents from its supply of back copies and until the supply is exhausted, the Commission will provide the documents at no charge. Once the supply is exhausted, the requested document will be provided in accord with the fee schedule.

The Commission will furnish documents without charge or at a reduced charge where it determines that waiver or reduction of the fee is in the public interest because the information can be considered as primarily benefiting the general public.

DANIEL H. SHEAR,
Secretary.

JANUARY 10, 1975.

[FR Doc.75-1329 Filed 1-14-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE, RESEARCH GRANTS PANEL

Meeting

JANUARY 10, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Resources Panel will meet at Washington, D.C. on January 28, 1975.

The purpose of the meeting is to review research grant applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-1306 Filed 1-14-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-447]

NORTHWEST AIRLINES, INC.

Notice of Hearing

In the Matter of Investigation of an Accident Involving a Northwest Airlines, Inc., Boeing 727-251 of United States Registry N274US, near Thiells, New York, December 1, 1974.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.s.t., on February 12, 1975, at the Cliff House, Bear Mountain Inn, Bear Mountain State Park, Bear Mountain, New York 10911.

Dated this 9th day of January 1975.

[SEAL] LESLIE D. KAMPSCHRER,
Hearing Officer.

[FR Doc.75-1304 Filed 1-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 01/10/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OME, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Tobacco Warehouse Cost Survey, none, single-time, flue-cured tobacco auction warehouse operators, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resources Administration: Recording Form for Long-Term Care Reimbursement Systems—Conversation Guide, HRABHSR 1111, single-time, experts on long-term care reimbursement, Reese, B. F., 395-5630.

Office of the Secretary: Interview Instruments: Evaluation of Head Start Training and Technical Assistance (Nationally), OS-1-75, single-time, persons working with Head Start program, Human Resources Division, 395-3532.

Health Services Administration: Ambulatory Health Care Center Standards for Bureau of Community Health Services Centers, HSABCA 1114, single-time, 314 centers and Sample of BCHS ambulatory centers, Reese, B.F., 395-5630.

Social and Rehabilitation Service: Program Performance Report, quarterly, State agencies, Lowry, R.L., 395-3772.

Office of Education: Evaluation of Project Information Package—Field Test, single-time, students and school staff, Human Resources Division, 395-3532.

Health Resources Administration:
To Develop a Nurse Manpower Data Collection Capability in the Commonwealth of Puerto Rico, (RN's and LPN's), single-time, registered nurses and practical nurses, Collins, L., 395–3756.
To Develop a Nurse Manpower Data Collection Capability in the U.S. Virgin Islands, none, single-time, nurses and auxiliary nursing and health care personnel, Collins, L., 395–3756.
Center for Disease Control: Evaluation of the NIOSH Training Grant Program, CDC 1210, single-time, NIOSH grant recipients and their employers, Human Resources Division, 395–3532.
National Institutes of Health: Survey To Identify Groups of Hospitals Engaged in Cooperative Continuing Medical Education Programs, none, single-time, physicians, Collins, L., 395–3756.
Health Resources Administration: Annual Space Utilization and Enrollment Report, HRABHRD 1125, annually, authorizing official in N.&HP school, Lowry, R. L., 395–3772.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Survey of Demand Deposit Ownership, FR 591A, monthly, Evinger, S. K., 395–3648.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration:
Request for Statement of Debts and Collateral (FHA Loans), FHA 440–32, on occasion, Evinger, S. K., 395–3648.
Labor Standard Interview Report (Contractor Employees on FHA—Funded Jobs), FHA 440–28, on occasion, Construction workers, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–1508 Filed 1–14–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delaying Effectiveness of Proposed Amendment To Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed an amendment to a proposed change in its option plan filed pursuant to Rule 9b–1 (17 CFR 240.9b–1) under the Securities Exchange Act of 1934 delaying its effectiveness until the Commission allows it to become effective or disapproves the change in whole or in part as being inconsistent with the public interest or the protection of investors.

This change (Rule 14.6(b)) was originally noticed on December 12, 1974 at 39 FR 43338 and would provide for Exchange regulation of commission rate increases initiated by its Board Brokers. Such regulation is deemed necessary because of the exclusive franchise held by a Board Broker in handling the "book" in his assigned classes.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 6, 1975.

[FR Doc.75–1215 Filed 1–14–75;8:45 am]

[Rel. No. 18760; 70–5338]

AMERICAN ELECTRIC POWER CO., INC.

Proposed Increase in Maximum Amount of Short-Term Indebtedness; Issue and Sale of Notes and; Exception From Competitive Bidding

JANUARY 7, 1975.

Notice is hereby given that American Electric Power Company ("AEP") 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration, as amended, previously filed in this proceeding pursuant to the Public Utility Holding Company Act of 1935, designating Section 6(b) of the Act and Rule 50 (a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 29, 1973, June 11, 1974, July 5, 1974, October 1, 1974, and December 31, 1974 (Holding Company Act Release Nos. 18013, 18449, 18481, 18588 and 18740), the Commission, among other things, authorized the issuance and sale, from time to time prior to June 30, 1975, of short-term notes (including commercial paper) in an aggregate amount of not more than $150,000,000 to be outstanding at any one time. None of such notes would mature later than December 31, 1975.

AEP now proposes that the maximum aggregate amount of short-term indebtedness it may incur be increased to $175,000,000.

The proceeds from the sale of the short-term notes and commercial paper are to be applied by AEP, together with other funds, to make additional investments in certain of its public-utility subsidiary companies to assist them in the financing of the costs of their respective construction programs. AEP anticipates making such investments in Indiana and Michigan Electric Company in the amount of $30,000,000 and in Ohio Power Company and/or Appalachian Power Company in the amount of $25,000,000 during the first half of 1975. The proceeds may also be applied to retire short-term obligations previously issued by AEP.

The notes to be sold to banks will bear interest not greater than the prime commercial rate then in effect, will mature not more than 270 days from the date of issue or reissue thereof, and will be prepayable at any time without premium or penalty. AEP will file with the Commission by amendment a list of the banks to which it proposes to issue and sell the proposed notes. Such amendment will also indicate compensating balances, if any, required to be maintained in connection with the borrowings and the effective annual cost of said borrowings. No notes will be issued and sold prior to the issuance of a supplemental order by the Commission in connection therewith.

AEP proposes to issue and sell, from time to time prior to June 30, 1975, commercial paper to a dealer in commercial paper ("dealer"). The commercial paper notes will be of varying maturities with no such notes maturing more than 270 days after the date of issue and none will be prepayable prior to maturity. Such notes, in denominations of not less than $50,000 and not more than $5,000,000, will be issued and sold by AEP directly to the dealer at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which AEP could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 200 of such dealer's customers, identified and designated in a nonpublic list prepared by the dealer in advance, at a discount rate of ⅛ of 1 percent per annum less than the discount rate to AEP. It is expected that such customers of the dealer will hold the commercial paper notes to maturity, but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper sold by it and reoffer it to other customers on the list.

It is stated that AEP will retire any notes to banks or commercial paper issued and sold pursuant to the authorization of the Commission in this proceeding on or before December 31, 1975, from internal cash resources and with the proceeds of the sale of common stock and such other securities as the Commission may authorize.

AEP requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. AEP states that it is not practical to invite competitive bids for commercial paper. AEP also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

It is stated that no fees or expenses are expected to be incurred in connection with the proposed transactions. It is further stated that no state commission and no federal commission, other

than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 31, 1975, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-1217 Filed 1-14-75;8:45 am]

[Qualifications Information Request No. 1]

DEVELOPMENT AND OPERATION OF AN INFORMATION PROGRAM

Planned Procurement Action

The Securities and Exchange Commission today released the following letter from its Contracting Officer addressed to Commerce Business Daily correcting a solicitation for qualifications information from organizations having the capability, expertise and experience for operation of the Commission's information program. The solicitation appeared in 39 FR 41915, dated December 3, 1974.

JANUARY 3, 1975.

Commerce Business Daily,
U.S. Department of Commerce,
Room 1304, 433 West Van Buren Street,
Chicago, Illinois 60607.

Message No. 6

Office of Administrative Services
Securities and Exchange Commission
Washington, D.C. 20549

T—Correction 2PSA6206 Development and Operation of the Securities and Exchange Commission's Information Program—The Securities and Exchange Commission's announcement stated that any firm wishing to respond to a request for proposals and to be considered as a qualified bidder must not be engaged in the manufacture of microfilm or microform reader or reader/printer equipment.

The necessity of this restriction has been questioned. As a result, the SEC has reconsidered the prohibition against bids by manufacturers of microfilm or microform reader or reader/printer equipment. Manufacturers of microfilm or microform equipment that might wish to submit proposals may do so. The Commission is extending its acceptance of qualifications from all firms through January 24, 1975. Firms which previously have submitted their qualifications may, should they wish, revise their submittals by that date.

The Commission continues to be concerned, however, that a conflict of interest might exist that might affect the ability of the bidder adequately to perform the contract should the information dissemination contract be awarded to the manufacturer of microfilm or microform equipment. This factor will be a consideration when the Commission's contract is awarded.

Sincerely,

RICHARD J. KANYAN,
Contracting Officer.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 3, 1975.

[FR Doc.75-1214 Filed 1-14-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

COUNCIL STAFF REPORTS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and § 800.6(g) of the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on February 5 and 6, 1975, at 2 p.m., in Room 2008, New Executive Office Building, 726 Jackson Place, NW, Washington, D.C.

The Advisory Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665) to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

The meeting will be open to the public and will involve reports of the Council staff on various matters relating to historic preservation.

Agenda and additional information concerning the meeting are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW, Washington, D.C. 20005 (202) 254-3974.

Dated: January 8, 1975.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.75-1323 Filed 1-14-75;8:45 am]

LAHAINA HARBOR PROJECT

Public Information Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and § 800.5(c) of the Advisory Council's procedures for the protection of historic and cultural properties (36 CFR 800) that on Thursday, January 23, 1975, at 7:30 p.m., a public information meeting will be held at the Lahaina Civic Center, Maui, Hawaii, so that representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens can receive information and express their views on a proposed undertaking of the U.S. Army Corps of Engineers, that will have an adverse effect upon the Lahaina Historic District, a National Historic Landmark included in the National Register of Historic Places. The proposed undertaking is the Corps of Engineers proposed construction of a small boat harbor at Lahaina Harbor which will be operated by the Division of Harbors and Beaches, Hawaii Department of Transportation.

A summary of the agenda of the public information meeting is as follows:

I. Explanation of the procedures and purposes of the meeting by representatives of the Executive Director of the Advisory Council.

II. Explanation of the project by representatives of the Corps of Engineers.

III. Statement by the Hawaii Historic Preservation Officer on the project.

IV. Statements from the public on the project.

Speakers will be permitted to present their views on the project and should limit their statements to approximately five minutes. Statements should be limited to the undertaking, its effects on historic and cultural properties, and alternate courses of action. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting and for two weeks thereafter. Due to special circumstances requiring expeditious consideration of this matter, the Council must depart from its normal guidelines of 15 days notice for its public information meetings. Additional information regarding the meeting is available from the Assistant Director, Office of Review and Compliance, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225 (303-234-4946).

Dated: January 10, 1975.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.75-1324 Filed 1-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway

JANUARY 10, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 27, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 7640 (Sub-No. E7) (Correction), filed May 27, 1974, republished in the FEDERAL REGISTER December 2, 1974. Applicant: BARNES TRUCK LINE, INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., and points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to Gum Springs, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-Maryland State line (except points in Accomack and Northampton Counties), and that part of Pennsylvania on, south, and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 83 to York, thence along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in South Carolina and that part of North Carolina east of U.S. Highway 258 and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 301 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Wilson, North Carolina, and points within 50 miles thereof. The purpose of this correction is to clarify the territorial description.

No. MC 7640 (Sub-No. E10) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 6, 1974. Applicant: BARNES TRUCK LINES, INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, points in South Carolina and that part of North Carolina on, south, and west of a line beginning at Albemarle Sound, thence along U.S. Highway 17 to Windsor, thence along North Carolina Highway 308 to junction U.S. Highway 258, thence along U.S. Highway 258 to Rich Square, thence along North Carolina Highway 305 to Jackson, thence along U.S. Highway 158 to Garysburg, thence along North Carolina Highway 46 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Wilson, Scotland, or Halifax, N.C. The purpose of this correction is to clarify the exception and territorial description.

No. MC 31462 (Sub-No. E58), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri to points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) East St. Louis, Ill., or any points in Illinois within 50 miles thereof, and (2) Fort Wayne, Ind., or any points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E59), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi to points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) Fort Wayne, Ind., or any points in Indiana within 40 miles thereof; and Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 31462 (Sub-No. E60), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota to points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois that is within 50 miles of Burlington, Iowa, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E61), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, LANCASTER, TEXAS 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (2) Kansas City, Mo., or any point in Missouri within 30 miles thereof.

No. MC 31462 (Sub-No. E73), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (2) any point in Tennessee.

No. MC 31462 (Sub-No. E74), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Pa. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of (1) any point in Iowa within 35 miles of Alden, Minn.; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E75), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) any points in Iowa within 35 miles of Alden, Minn.; (2) Cairo, Ill., or any points in

Illinois within 25 miles thereof; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E77), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E194), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of (1) Hoosick Falls, N.Y.; (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point in Missouri within 30 miles thereof.

No. MC 31462 (Sub-No. E195), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point in Missouri within 30 miles thereof.

No. MC 31462 (Sub-No. E196), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Hoosick Falls, N.Y.; (2) Ft. Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point in Missouri within 30 miles thereof.

No. MC 48113 (Sub-No. E1), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Maryland 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, the District of Columbia, those points in that part of Virginia in and east of Henry, Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Page, Shenandoah and Frederick Counties, those in Pennsylvania in and east of Fulton, Huntingdon, Centre, Clinton, Lycoming and Tioga Counties, and those in New York in and east of St. Lawrence, Jefferson, Lewis, Oneida, Onondaga, Cortland, Tompkins, Chemung, Delaware, Sullivan, Orange, Rockland, Westchester and Nassau Counties, and New York City. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E2), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Maryland 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Cleburne, Calhoun, Saint Clair, Jefferson, Tuscaloosa and Pickens Counties, on the one hand, and, on the other, points in Virginia in and west of Patrick, Floyd, Roanoke (including Roanoke City), Botetourt, Rockbridge, Augusta and Rockingham Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga. and points within 50 miles thereof.

No. MC 48113 (Sub-No. E3), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Maryland 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Lamar, Fayette, Walker, Blount, Etowah, and Cherokee Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Bedford, Blair, Clearfield, Cameron and Potter Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E4), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties, on the one hand, and, on the other, points in New York in and west of Steuben, Schuyler, Seneca, Cayuga, and Oswego Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E5), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in that part of Alabama in and south of Choctaw, Marengo, Dallas, Autauga, Chilton, Shelby, Talledega, Calhoun, and Cleburne Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E6), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in, east, and north of Lucas, Ottawa, Sandusky, Huron, Ashland, Holmes, Tuscarawas, Harrison, and Belmont Counties, on the one hand, and, on the other, points in Sumter, Pickens, Lamar, Fayette, Walker, Blount, Etowah, Cherokee, Saint Clair, Jefferson, Tuscaloosa, Greene, Hale, Perry, and Bibb Counties, Ala. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E7), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, the District of Columbia, those in Virginia (except Tazewell, Smyth, Washington, Russell, Buchanan, Dickenson, Scott, Wise, and Lee Counties), those in Pennsylvania in and east of Bedford, Blair, Centre, Clinton, Lycoming, and Tioga Counties, and those in New York in and east of St. Lawrence, Jefferson, Oswego, Onondaga, Cortland, Tompkins, Chemung, Tioga, Broome, Delaware, Sullivan, Orange, Rockland,

Westchester, and Nassau Counties, and New York City. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E8), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia in and west of Washington, Smyth, Tazewell, and Buchanan Counties, on the one hand, and, on the other, points in Mississippi in and south of Noxubee, Winston, Choctaw, Montgomery, Carroll, Leflore, Sunflower, and Bolivar Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E9), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi in and south of Lowndes, Noxubee, Winston, Attala, Yazoo, and Issaquena Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Somerset, Cambria, Clearfield, Cameron, Potter, and Erie Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E10), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi in and south of Lowndes, Oktibbeha, Choctaw, Attala, Holmes, Humphreys, Sharkey, and Issaquena Counties, on the one hand, and, on the other, points in New York in and west of Cayuga, Seneca, Schuyler, and Steuben Counties. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E11), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio, on the one hand, and, on the other, points in Mississippi in and south of Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson Counties; (2) between points in Ohio in and east of Scioto, Pike, Ross, Fayette, Madison, Champaign, Logan, Hardin, Allen, Putnam, Paulding, Defiance, and Williams Counties, on the one hand, and, on the other, points in Lauderdale, Newton, Scott, Rankin, Hinds, Claiborne, Copiah, Simpson, Smith, Jasper, Clarke, Wayne, Jones, Covington, Jefferson Davis, Lawrence, Lincoln, Franklin, Jefferson, and Adams Counties, Miss.; and (3) between points in Astabula, Geauga, Lake, Cuyahoga, Portage, Trumbull, and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Noxubee, Kemper, Winston, Nehoba, Attala, Leake, Madison, Yazoo, Sharkey, Issaquena, and Warren Counties, Miss. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E12), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Gulf, Calhoun, Jackson, Holmes, Washington, and Bay Counties, Fla., on the one hand, and, on the other, points in that part of Alabama in and north of Barbour, Bullock, Montgomery, Lowndes, Dallas, Perry, Bibb, Tuscaloosa, Fayette, and Lamar Counties, and on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E13), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Mississippi in and west of Pike, Lincoln, Copiah, Hinds, Madison, Attala, Montgomery, Webster, Chickasaw, Lee, Itawamba, and Tishomingo Counties, on the one hand, and, on the other, points in Alabama in and east of Houston, Dale, Pike, Montgomery, Elmore, Coosa, Talladega, and Cleburne Counties, and (2) between points in Alabama in and east of Barbour, Bullock, Montgomery, Elmore, Coosa, Talladega, and Cleburne Counties, on the one hand, and, on the other, points in Rankin, Simpson, Lawrence, Walthall, Marion, Jefferson Davis, Covington, Lamar, Forrest, Pearl River, Hancock, Stone, Harrison, and Jackson Counties, Miss. The purpose of this filing is to eliminate the gateway of Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E14), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Mississippi, and that part of Florida west of the Apalachicola River, on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of Virginia, and Columbus, Ga., and points within 50 miles thereof.

No. MC 48113 (Sub-No. E15), filed November 15, 1974. Applicant: MERCURY VAN LINES, INC., P.O. Box 947, Blair Station, Silver Spring, Md. 20910. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New, uncrated, store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Columbus, Ga., to points in Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Missouri, Indiana, Kansas, Virginia, West Virginia, Illinois, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Phenix City, Ala.

No. MC 61592 (Sub-No. E58) (Correction), filed July 4, 1974, re-published in the FEDERAL REGISTER December 3, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Nampa, Idaho, to the plant site of Armour-Dial at Fort Madison, Iowa. The purpose of this filing is to eliminate the gateways of points in Minnesota. The purpose of this correction is to clarify the territorial description.

No. MC 95540 (Sub-No. E817) (Correction), filed December 5, 1974, published in the FEDERAL REGISTER December 18, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Bryan, Ohio, to those points in Arizona, California, and New Mexico on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 66 to its junction with California Highway 58,

thence along California Highway 58 to its junction with California Highway 99, thence along California Highway 99 to its junction with California Highway 152, thence along California Highway 152 to its junction with California Highway 1, thence along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. The purpose of this correction is to clarify the territorial description.

No. MC 95540 (Sub-No. E854), filed December 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milton, Pa., to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 95540 (Sub-No. E855), filed December 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned dairy products*, in vehicles equipped with mechanical refrigeration, from LaFargeville, Arkport, and Binghamton, N.Y. The purpose of this filing is to eliminate the gateway of Griffin, Ga.

No. MC 109587 (Sub-No. E1), filed June 4, 1974. Applicant: RED BALL VAN LINES, INC., 106–20 Sutphin Boulevard, Jamaica, New York 11435. Applicant's representative: Ronald I. Shapss, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (A) between points in Missouri, Wisconsin, Illinois, Minnesota, Iowa, and Florida, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, New Jersey, Maine, and Vermont, (B) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Vermont, and that portion of New Jersey east of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 521 to the Sussex County Warren County line thence along the Sussex County Warren County line to its junction with New Jersey Highway 517, thence along New Jersey Highway 517 to its junction New Jersey Highway 57, thence along New Jersey Highway 57 to its junction with New Jersey Highway 31, thence along New Jersey Highway 31 to its junction with New Jersey Highway 513, thence along New Jersey Highway 513 to its junction with New Jersey Highway 579, thence along New Jersey 579 to its junction with New Jersey Highway 523, thence along New Jersey Highway 523 to the New Jersey-Pennsylvania State line.

(C) Between points in Michigan, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Vermont, and that portion of New Jersey east of a line beginning at the New York-New Jersey State line, and extending along New Jersey Highway 284 to its junction with New Jersey Highway 23, thence along New Jersey Highway 23 to its junction with New Jersey Highway 94, thence along New Jersey Highway 94 to its junction with New Jersey Highway 15, thence along New Jersey Highway 15 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 206, thence along U.S. Highway 206 to the New Jersey-Pennsylvania State line, (D) between points in Georgia, South Carolina, Tennessee, North Carolina, Virginia, and West Virginia on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, and Vermont, (E) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Vermont, and that portion of New Jersey north of a line beginning at the New Jersey-Pennsylvania State line, and extending along U.S. Highway 206 to its junction with New Jersey Highway 68, thence along New Jersey Highway 68 to its junction with unnumbered New Jersey Highway to its junction with U.S. Highway 206, thence along U.S. Highway 206 to its junction with New Jersey Highway 532, thence along New Jersey Highway 532 to its junction with New Jersey Highway 563, thence along New Jersey Highway 563 to its junction with the Atlantic City Expressway, thence along the Atlantic City Expressway to Atlantic City, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E813) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER September 19, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of the Lower Peninsula of Michigan on and north of Michigan Highway 21 to points in West Virginia. The purpose of this filing is to eliminate the gateway of Institute, W. Va. The purpose of this correction is to correct the commodity description.

No. MC 110525 (Sub-No. E1240) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER December 2, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (D) *Dry sugar*, (1) from the District of Columbia to points in New Jersey, and (2) from points in Delaware and Maryland to points in that part of New Jersey on and north of New Jersey Highway 70 (Lima and Philadelphia, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113459 (Sub-No. E53), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; (a) between points in that part of Iowa on and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 30 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line, on the one hand, and, on the other, points in South Dakota; (b) between points in that part of Iowa on and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 61 to its junction with Iowa Highway 151, thence along Iowa Highway 151 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Montana; (c) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 52 to its junction with Iowa Highway 150, thence along Iowa Highway 150 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with Iowa Highway 22, thence along Iowa Highway 22 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Texas; and (d) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to its junction with Iowa Highway 22, thence along Iowa Highway 22 to the Iowa-Illinois State line, on the

one hand, and, on the other, points in Louisiana. RESTRICTION: The operations authorized in (1) and (2) above are restricted against the transportation of agricultural machinery and agricultural tractors, the operations authorized in (2) above are restricted to commodities which are transported on trailers, and the operations authorized in (a) and (b) above are restricted against the transportation of commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113459 (Sub-No. E56), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment; and (B) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (1) between points in that part of Minnesota on, east, and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 71 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with Minnesota Highway 9, thence along Minnesota Highway 9 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-North Dakota State line, on the one hand, and, on the other, points in that part of Arkansas on and east of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 67 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line (points in Illinois)*; (2) between points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line and extending along Minnesota Highway 60 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in that part of Louisiana on and south of a line beginning at the Louisiana-Texas State line and extending along Louisiana Highway 6 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 34, thence along Louisiana Highway 34 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to the Louisiana-Arkansas State line (points in Illinois)*.

(3) Between points in that part of Minnesota on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 53 to its junction with Minnesota Highway 73, thence along Minnesota Highway 73 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with Minnesota Highway 23, thence along Minnesota Highway 23 to its junction with Minnesota Highway 107, thence along Minnesota Highway 107 to its junction with Minnesota Highway 65, thence along Minnesota Highway 65 to its junction with Minnesota Highway 50, thence along Minnesota Highway 50 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in that part of New Mexico, on and south of a line beginning at the New Mexico-Texas State line and extending along Interstate Highway 40 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with New Mexico Highway 26, thence along New Mexico Highway 26 to its junction with U.S. Highway 180, thence along U.S. Highway 180 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line (points in Illinois)*; and (4) between points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S Highway 54 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with Missouri Highway 7, thence along Missouri Highway 7 to its junction with Interstate Highway 44, thence along Interstate Highway 44 to its junction with Missouri Highway 8, thence along Missouri Highway 8 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Missouri Highway 32, thence along Missouri Highway 32 to its junction with Interstate Highway 55, thence along Interstate Highway 55 to its junction with Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Nebraska on and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 83 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with Nebraska Highway 70, thence along Nebraska Highway 70 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line (points in Oklahoma)*; and

(C) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in that part of Minnesota on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 53 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with Minnesota Highway 6, thence along Minnesota Highway 6 to its junction with Minnesota Highway 20, thence along Minnesota Highway 210 to its junction with Minnesota Highway 37, thence along Minnesota Highway 371 to its junction with Minnesota Highway 28, thence along Minnesota Highway 28 to its junction with Minnesota Highway 29, thence along Minnesota Highway 29 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line, on the one hand, and, on the other, points in Alaska (points in Illinois)*. Restriction: The operations authorized in (1), (2), and (3) of (A), (B), and (C) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (B) above are restricted to the transportation of commodities on trailers. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113843 (Sub-No. E282) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., to points in that part of Vermont on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to redefine the authority sought.

No. MC 113843 (Sub-No. E301) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER July 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Houlton, Caribou, and Corinna, Maine, to points in Iowa, Kentucky (except Louisville), Missouri (except Kansas City and Vinita Park), Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E483) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER September 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (1) from New York, N.Y., and points in Passaic, Sussex, Warren, Essex, Bergen, Hudson, Somerset, Morris, and Union Counties, N.J., to points in that part of Tennessee on and west of U.S. Highway 51; (2) from points in Middlesex County,

N.J., to Dyersburg, Tenn.; (3) from Bradford and Susquehanna Counties, Pa., to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 51 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to Cookeville, thence along Tennessee Highway 42 to junction U.S. Highway 70S, thence along U.S. Highway 70S to McMinnville, thence along Tennessee Highway 55 to Tullahoma, thence along Tennessee Highway 130 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line; (4) from points in Lackawana County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; (5) from Pittston and Wilkes-Barre, Pa., to Jackson, Dyersburg, and Memphis, Tenn.; (6) from points in Somerset County, N.J., to Dyersburg and Memphis, Tenn.; (7) from points in Pike County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; and (8) from points in Monroe County, Pa., to Dyersburg, Jackson, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada). The purpose of this correction is to correct spelling of Somerset in (1) above.

No. MC 113843 (Sub-No. E584) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as as *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that part of Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in that part of Maine on and north of a line beginning at the U.S.-Canada International Boundary line and extending along Maine Highway 161 to Caribou, thence along Maine Highway 89 to its intersection with Maine Highway 229, thence along Maine Highway 229 to the U.S.-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to clarify destination points.

No. MC 113843 (Sub-No. E796) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER September 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that portion of Virginia east of the Chesapeake Bay to points in that portion of Minnesota on north and west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y. The purpose of this correction is to indicate the described destination area as a portion of Minnesota.

No. MC 113843 (Sub-No. E817) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER September 24, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Richmond, Va., to points in that part of Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Lake Superior. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y. The purpose of this correction is to correct destination area to Minnesota from Virginia.

No. MC 113855 (Sub-No. E156), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and road construction loaders, conveyors, and vibrating screens, and attachments and parts thereof*, (a) from points in that part of Minnesota north of a line beginning at East Grand Forks, and extending in an easterly direction along U.S. Highway 2 to junction U.S. Highway 71, thence in a northeasterly direction along U.S. Highway 71 to the boundary of the U.S. and Canada near International Falls, Minn., including the points named and points on the indicated portions of the highways specified, to Nevada, Idaho, on and south of U.S. Highway 12, Arizona, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and (b) from points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 in a northerly direction to junction of U.S. Highway 2, thence along U.S. Highway 2 in a westerly direction to the junction of Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line to points in New York. The purpose of this filing is to eliminate the gateway of Sioux Falls, S. Dak.

No. MC 114211 (Sub-No. E290), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery*, and *contractors' equipment* and *supplies*, from points in Minnesota, South Dakota, Colorado, Nebraska, Iowa and points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 54 to junction Kansas Turnpike, thence along Kansas Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line to points in Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and to points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 259 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29.

Thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, and to points in that part of West Virginia on and east of a line beginning at the Maryland-West Virginia State line, thence along U.S. Highway 220 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to junction West Virginia Highway 259 to the Virginia-West Virginia State line, and to points in that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 76, to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 201 thence along Pennsylvania Highway 201 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 653, thence along Pennsylvania Highway 653 to junction Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Maryland-Pennsylvania State line, and to points in that part of Maryland

on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 220 to the West Virginia-Maryland State line restricted to traffic originating at or destined to the plant sites, warehouse sites and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E361), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments,* between Newton, Iowa, on the one hand, and, on the other, points in Washington, Oregon, Idaho, California, Nevada, Utah, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E362), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts thereof* (except commodities, the transportation of which, because of size or weight, requires the use of special equipment) between points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 281 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of North Dakota on and east of a line beginning at the North Dakota-Canada International Boundary line, thence along North Dakota Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to the North Dakota-South Dakota State line restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities,* 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Nassau, Minn.

No. MC 114211 (Sub-No. E363), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grading, paving, and refinishing machinery, equipment, parts, accessories, and attachments,* between points in that part of Kansas on and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in North Dakota and points in that part of Montana on and north of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, and points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along U.S. Highway 12 to the Idaho-Washington State line, and points in that part of Oregon on and west of a line beginning at the Oregon-Washington State line, thence along Oregon Highway 11 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E364), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, stationary engines, and attachments and parts therefor* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities, which, because of size or weight, require the use of special equipment), from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction Nebraska Highway 12, thence along Nebraska Highway 12 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20, to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 95, thence along Nebraska Highway 95 to junction Nebraska Highway 11, thence along Nebraska Highway 11 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 97, thence along Nebraska Highway 97 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line, and from points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 134, thence along Colorado Highway 134 to junction Colorado Highway 131, thence along Colorado Highway 131 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line to points in Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and to points in that part of Indiana on and west of a line beginning at Gary, Ind., thence along Interstate Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 412, thence along U.S. Highway 412 to the Indiana-Kentucky State line, and to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 421 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Horicon, Wis.

No. MC 114211 (Sub-No. E365), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products), and fittings and accessories therefor when moving with such pipe, the transportation of which, because of size or weight, require the use of special equipment, from points in that part of Iowa on and west of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 59 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line to points in Louisiana, Mississippi,

Tennessee, Kentucky, Pennsylvania, New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, Florida, and to points in that part of Ohio on and east of a line beginning at Ashtabula, Ohio, thence along U.S. Highway 20 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E366), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, between all Ports of Entry on the West Coast between and including San Francisco and San Diego, Calif., on the one hand, and, on the other, points in Iowa, Illinois, and points in that part of Kansas on and east of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 17, thence along Kansas Highway 17 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 281, thence along Kansas Highway 281 to the Kansas-Nebraska State line, and points in that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. 281 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, and points in that part of South Dakota on and east of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line, and points in that part of Minnesota on and east of a line beginning at the South Dakota-Minnesota State line thence along U.S. Highway 12 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Minnesota-Canada International Boundary line restricted to the transportation of commodities originating at or destined to Topeka, Kans. (except commodities in foreign commerce). The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E367), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *road making machinery, and contractors' equipment and supplies*, from points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 5, thence long Minnesota Highway 5 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line to points in Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, the District of Columbia, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Delaware, Maine, and to points in that part of Michigan on and south of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to Detroit, Mich., restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company and with no transportation for compensation on return except as otherwise authorized.

No. MC 114211 (Sub-No. E368), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704, Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products), and *fittings and accessories therefore* when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, to points in Florida, New Hampshire, Connecticut, Rhode Island, Massachusetts, Vermont, Maryland, and to points in that part of Georgia on and south of a line beginning at the Oklahoma-Georgia State line, thence along Georgia Highway 62 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Georgia-South Carolina State line, and to points in that part of Louisiana on and south of a line beginning at the Louisiana-Texas State line, thence along Interstate Highway 20 to junction U.S. Highway 71.

Thence along U.S. Highway 71 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line. and to points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence, along U.S. Highway 61 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 528, thence along Mississippi Highway 528 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line, and to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along Alabama Highway 10 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 52, thence along Alabama Highway 52 to the Alabama-Georgia State line, and to points in that part of New Jersey on and east of a line beginning at Atlantic City, N.J., thence along U.S. Highway 30 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction Garden State Parkway, thence along Garden State Parkway to junction U.S. Highway 9, thence along U.S. Highway 9 to junction Garden State Parkway, thence along the Garden State Parkway to junction New Jersey Highway 17, thence along New Jersey Highway 17 to the New York-New Jersey State line, and to points in that part of New York on and east of a line beginning at the New Jersey-New York State line, thence along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York

Highway 30 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 68, thence along New York Highway 68 to the New York-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E369), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, road-making machinery, and contractors' equipment and supplies,* from points on and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, the District of Columbia and to points in that part of Virginia on and northeast of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 460, thence along U.S. Highway 460 to Norfolk, Va., and to points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, and to points in that part of Pennsylvania on and east of a line beginning at Lake Erie, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E370), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments,* from points in that part of Arizona on and west of a line beginning at the Arizona-Utah State line, thence along Alternate U.S. Highway 89 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Arizona Highway 64, thence along Arizona Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 8, thence along Interstate Highway 8 to the California-Arizona State line to points in that part of Indiana on and east of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, and to points in that part of Ohio on and east of a line beginning at the Ohio-Indiana State line, thence along Ohio Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, and to points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E371), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Self-propelled rollers,* from points in that part of Minnesota on and southwest of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa-Minnesota State line to points in Connecticut and Massachusetts, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E372), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, road-making machinery, and contractors' equipment and supplies,* from points in that part of Minnesota on and southwest of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa Minnesota State line to points in Florida, Georgia, Alabama, South Carolina, North Carolina, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Michigan, and to points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to Grand Isle, La., and to points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along Interstate Highway 55 to junction Mississippi Highway 24, thence along Mississippi Highway 24 to junction Mississippi Highway 48, thence along Mississippi Highway 48 to junction Mississippi Highway 33, thence along Mississippi Highway 33 to the Mississippi-Louisiana State line, and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Marinette, Wis., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E373), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof,* from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in Texas and New Mexico. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E374), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractor show displays and experimental tractors,* between points in Lake and Porter Counties, Ind., on the one hand, and, on the other, points in Minnesota, North Dakota, and points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 61 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 21, thence along Iowa Highway 21 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E794), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Contractors, equipment,* between points in that part of Illinois on and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Minnesota on and northwest of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, restricted against operations in foreign commerce. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

No. MC 114211 (Sub-No. E375), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Experimental tractors* between points in that part of Wisconsin on and south of a line beginning at Mikoaukee, Mich., thence along Interstate Highway 94 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, and points in Lake and Porter Counties, Ind., and points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in South Dakota, Nebraska, Colorado, Kansas, and points in that part of Iowa on and west of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line and points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 218 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 175, thence along Minnesota Highway 175 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E376), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof,* from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line, thence along Iowa Highway 5 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in South Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E795), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors' equipment and supplies,* from points in that part of Minnesota on and northwest of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corp., at Minneapolis, Minn.

No. MC 115311 (Sub-No. E2), filed October 25, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Particle board,* from the facilities of Georgia Pacific Corporation at or near Russellville, S.C., to points in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, Texas, Louisiana, Mississippi, Alabama, Arkansas, Oklahoma, Kansas, Missouri, Indiana, Minnesota, Wisconsin, Illinois, Iowa, Ohio, and Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thompson, Ga.

No. MC 119767 (Sub-No. E3), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) (A) *Edible fresh meats and packing-house products and by-products,* from South St. Paul, Minn., to points in the Lower Peninsula of Michigan (points in Dodge, Jefferson, Washington, and Waukesha Counties, Wis.)*; and (B) *Edible meats and packing-house products and by-products,* from South St. Paul, Minn., to points in Bollinger, Cape Girardeau, Wayne, Butler, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Mo. (points in Dodge, Jefferson, Washington, and Waukesha Counties, Wis.)*; (2) (A) *Edible meats, meat products, and meat by-products and articles distributed by meat packing-houses,* from Worthington, Minn., to St. Louis, Mo. (East St. Louis, Ill.)*; (B) *Edible meat, meat products, and meat by-products and articles distributed by meat packing-houses,* from Worthington, Minn., to points in Kentucky (except Louisville) (Burlington, Wis.)*; and (C) *Edible meats, meat products, and meat*

by-products and articles distributed by meat packing houses, from Burlington, Minn., to Louisville, Ky. (New Albany, Ind.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119767 (Sub-No. E5), filed May 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass containers,* from points in Minnesota on and north of Minnesota Highway 19 to those points in Illinois on and east of U.S. Highway 51, and on and south of Interstate Highway 80 (Burlington, Wis.) *; (2) *Glass containers,* from points in Minnesota on and south of U.S. Highway 14, to points in Illinois on and east of U.S. Highway 51 and on and south of Interstate Highway 80 (Burlington, Wis.) *; (3) *Glassware, glass containers, and closures for glass containers,* from points in Illinois on and east of U.S. Highway 51 to points in Minnesota (Burlington, Wis.) *; (4) *Glassware, glass containers, and closures for glass containers,* from points in Cook County, Ill., to those points in Iowa on and west of U.S. Highway 63 and on and north of Interstate Highway 80 (Burlington, Wis.) *; (5) *Glassware, glass containers, and closures for glass containers,* from points in Indiana on and west of a line beginning at Lake Michigan and extending along U.S. Highway 421 to its junction with Indiana Highway 43, thence along Indiana Highway 43 to its junction with U.S. Highway 231, thence along Indiana Highway 57 to the Indiana-Kentucky State line (Burlington, Wis.) *; (6) *Glassware, glass containers, and closures for glass containers,* from points in Indiana on and south of Indiana Highway 38 and on and east of Indiana Highway 37 to points in Minnesota and points in Iowa on and north of U.S. Highway 30 (Burlington, Wis.) *; (7) *Glass containers,* from points in Wisconsin to points in Kentucky (Rockdale, Ill.) *; (8) *Glass containers with closures therefor and fiberboard boxes* when moving in mixed loads with glass containers, from points in Minnesota and points in Whiteside, Lee, Ogle, Winnebago, Stephenson, Jo Daviess, and Carroll Counties, Ill., to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan (except points in Emmet, Cheboygan, Presque Isle and Charlevoix Counties (Burlington, Wis.) *; (9) *Glass containers with closures therefor and fiberboard boxes* when moving in mixed loads with glass containers, from points in Indiana, to points in the Upper Peninsula of Michigan (Burlington, Wis.) *; and (10) *Glass containers with closures therefor and fiberboard boxes* when moving in mixed loads with glass containers, from points in Illinois, to points in Upper Michigan, and points in Emmet, Cheboygan, Presque Isle, and Charlevoix Counties in the Lower Peninsula of Michigan (Burlington, Wis.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119767 (Sub-No. E6), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared food products, dairy products, and by-products, and materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, (1) from points in Wisconsin to Louisville, Ky. (New Albany, Ind.) *; (2) from points in Illinois and Indiana to Minneapolis, St. Paul, South St. Paul, and Newport, Minn. (Rock Elm, Spring Lake, Eau Galle, Weston, and Dunn, Wambeck, Waterville, and Durand, Wis.) *; and (3) from points in Wisconsin to St. Louis, Mo. (East St. Louis, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119767 (Sub-No. E7), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Prepared food products, dairy products and by-products,* and *materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, from Louisville, Ky., and points in Wisconsin. (New Albany, Ind.) *, (2) *prepared food products, dairy products and by-products,* and *materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, from Louisville, Ky., to Minneapolis, St. Paul, South St. Paul, and Newport, Minn. (Rock Elm, Spring Lake, Eau Galle, Weston, Dunn, Wambeck, Waterville, Durand, Pierce, Dunn, and Pepin Counties, Wis., and New Albany, Ind.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-1340 Filed 1-14-75;8:45 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 10, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 96324 (Sub-No. 24) (Republication), filed October 23, 1973, and published in the FEDERAL REGISTER issue of December 13, 1973, and republished this issue. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, W. Va. 26554. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. An order of the Commission, Review Board Number 1, dated December 11, 1974, and served December 20, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, of *containers and closures therefor,* (1) from Winchester, Va., Cumberland, Md., and Short Gap and Martinsburg, W. Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from Chattanooga, Tenn., to points in Kentucky, North Carolina, Ohio, Virginia, and West Virginia, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations; that the authority herein granted, to the extent that it duplicates applicant's existing authority, shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; The purpose of this republication is to modify the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 514) (Republication), filed September 17, 1973, and published in the FEDERAL REGISTER issue of November 15, 1973, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 3, dated December 18, 1974, and served January 6, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *poultry products*, and (2) of *commodities*, the transportation of which is exempt from economic regulation under the provisions of section 203(b) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with regulated commodities (otherwise authorized) from the facilities of Louis Rich Foods, Inc., at or near West Liberty, Iowa, to points in Colorado, Utah, Nevada, Arizona, California, Washington, Oregon, Idaho, Montana, New Mexico, Wyoming, Nebraska, and Kansas, restricted to the transportation of shipments originating at the above-named origin point and destined to points in the above-named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to amend the commodity description in (2) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136956 (Sub-No. 2) (Republication), filed October 19, 1972, and published in the FEDERAL REGISTER issue of November 23, 1972, and republished this issue. Applicant: ROYAL TRANSPORTS, INC., P.O. Box 1451, Kansas City, Kans. 66101. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. An Order of the Commission, Division 1, Acting as an Appellate Division, dated December 12, 1974, and served December 30, 1974, finds, on reconsideration, that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *fuel oil*, in bulk, in tank vehicles, from the facilities (1) of Phillips Petroleum Co., and (2) of Williams Brothers Pipeline, both at Kansas City, Kans., to points in Jackson, Clay, and Buchanan Counties, Mo., under a continuing contract or contracts with Consolidated Fuel Oil Co., Inc., of Kansas City, Kans., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to confrom to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a change in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 30837 (Sub-No. 456) (Notice of filing of petition for modification of certificate), filed December 23, 1974. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Ave., Kenosha, Wis. 53140. Petitioner's representative: Charles Pieroni (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 30837 (Sub-No. 456), issued September 6, 1974, authorizing transportation, over irregular routes, of *Automobiles, trucks, and buses*, in secondary movements, in truckaway service, (a) from Buffalo, N.Y., and points within 20 miles thereof, to points in New York and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, (b) from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, with no transportation for compensation on return except as otherwise authorized, (c) from Hagerstown, Md., and points within 20 miles thereof, to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, (d) from Montebello and Los Angeles, Calif., and points within 20 miles thereof, to points in California and Nevada, with no transportation for compensation on return except as otherwise authorized, (e) from Oakland, Calif., and points within 20 miles thereof, to points in California and Nevada, with no transportation for compensation on return except as otherwise authorized, (f) from St. Paul, Minn., and points within 20 miles thereof, to points in Minnesota, North Dakota, South Dakota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, (g) from Selkirk, N.Y., and points within 20 miles thereof, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, with no transportation for compensation on return except as otherwise authorized, and (h) from Tigard, Oreg., and points within 20 miles thereof, to points in Oregon and Washington, with no transportation for compensation on return except as otherwise authorized.

Restriction: The authority granted in (a) through (h) is restricted to the transportation of vehicles which have had a prior movement by rail from the facilities of Jeep Corporation, a subsidiary of American Motors Corporation at Toledo, Ohio, and South Bend, Ind. By the instant petition, petitioner seeks to modify the restriction to read: "Restriction: The authority granted in (A) is restricted to the transportation of vehicles which have had a prior movement by common carrier from facilities of Jeep Corporation, a subsidiary of American Motors Corporation at Toledo, Ohio, and South Bend, Ind. The authority granted in (B) through (H) is restricted to the transportation of vehicles which have a prior movement by rail from the facilities of Jeep Corporation, a subsidiary of American Motors Corporation at Toledo, Ohio and South Bend, Ind." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 95540 (Sub-No. 705) (Notice of filing of petition for modification of certificate), filed December 26, 1974. Petitioner: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Petitioner's representative: Lorna E. Auger (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 95540 (Sub-No. 705), issued December 30, 1968, authorizing transportation, as pertinent, over irregular routes, of (a) *Food products* (except commodities in bulk, in tank vehicles, and frozen fruits, frozen berries, and frozen vegetables), and (b) *commodities* otherwise exempt under section 203(b)(6) of the Act when moving in mixed loads with the described commodities in (a) above, in vehicles equipped with mechanical refrigeration, from the plant and warehouse sites of Ralston Purina Company at Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant and warehouse sites of Ralston Purina Company at Wellston, Ohio, and destined to the above-named destination points. By the instant petition, petitioner seeks to delete Ralston Purina Company from where it appears in the certificate and to substitute in lieu thereof Banquet Foods Corporation. Any interested person or persons desiring to participate may file an original and six copies of his

written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119710 (Sub-Nos. 5, 16, and 18) (Notice of filing of petition to modify a permit), filed December 23, 1974. Petitioner: SHUPE BROS. CO., a Corporation, 2600 Bypass, P.O. Box 929, Greeley, Colo. 80631. Petitioner's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Petitioner holds motor *contract carrier* permits in No. MC 119710 (Sub-Nos. 5, 16, and 18), issued March 14, 1969, March 24, 1970, and October 2, 1970, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 5, of *animal and poultry feeds* (except liquid, in bulk, in tank vehicles, and except alfalfa meal and alfalfa pellets, dehydrated and suncured), from Lucerne and Ault, Colo., to points in New Mexico, Kansas, Texas, Oklahoma, Nebraska, South Dakota, Wyoming, Montana, Idaho, and Utah, under a continuing contract, or contracts, with W. R. Grace & Co., of New York, N.Y., and Swift & Company, of Chicago, Ill.; in Sub-No. 16 of *feed and feed ingredients*, from points in Colorado, Idaho, Wyoming, and Utah, points in Lubbock, Hockley, Hale, Harris, Wilbarger, Tarrant, Limestone, and Potter Counties, Tex., and Eddy, Curry, Roosevelt, Bernalillo, and Chaves Counties, N. Mex., to Garden City, Kans., Hereford, Tex., Lucerne, Colo., and Billings, Mont., under a continuing contract, or contracts with W. R. Grace & Co., of Lucerne, Colo., restricted against the transportation of bones, meat scraps, tankage, bone meal, meat meal, and blood meal, from points in Wyoming, to Billings, Mont., and further restricted against the transportation of liquid commodities, in bulk, in tank vehicles; and in Sub-No. 18, of *feed ingredients*, from points in Nebraska and Kansas, to Billings, Mont., Lucerne, Colo., Hereford, Tex. and Garden City, Kans., under a continuing contract, or contracts, with W. R. Grace & Co., of New York, N.Y. By the instant petition, petitioner seeks to substitute Kersey, Colo., for Lucerne, Colo. in the above authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124554 (Partial correction of a notice of filing of petition for modification of permit), filed November 21, 1974, published in the FEDERAL REGISTER issues of December 11, 1974, and December 27, 1974, and republished, as corrected in part this issue. Petitioner: LANG CARTAGE CORP., 338 S. 17th Street, P.O. Box 2055, Milwaukee, Wis. 53233. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203.

NOTE.—Petitioner holds a motor *contract carrier* permit in No. MC 124554 issued November 25, 1974. The purpose of this partial republication is to correctly state the petitioner's name. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128375 (Sub-Nos. 1, 2, 8, 11, 20) (Notice of filing of petition to modify the commodity descriptions), filed December 23, 1974. Petitioner: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Petitioner's representative: Duane W. Acklie (same address as applicant). Petitioner holds motor *contract carrier* permits in No. MC 128375 (Sub-Nos. 1, 2, 8, 11, and 20), issued September 20, 1967, December 19, 1967, March 11, 1968, July 23, 1968, and December 22, 1969, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 1, of *Canned animal food*, from Crete, Nebr., to points in Kansas, Oklahoma, Texas, New Mexico, Arizona, South Dakota, North Dakota, Minnesota, and Wisconsin, and to points in that part of Colorado on and south of U.S. Highway 50; and *Supplies and materials* used in the manufacture of canned animal food, from points in Kansas, Oklahoma, Texas, New Mexico, Arizona, South Dakota, North Dakota, Minnesota, and Wisconsin, and from points in that part of Colorado on and south of U.S. Highway 50, to Crete, Nebr., under a continuing contract, or contracts with Allen Products Co., Inc., of Crete, Nebr., restricted against the transportation of fresh edible, meat from points in Arizona, New Mexico, and Texas to Crete, Nebr.; in Sub-No. 2, of *Canned animal food*, from Crete, Nebr., to points in Michigan, Indiana, Ohio, Kentucky, Missouri, Arkansas, and Tennessee; and *Supplies and materials* used in the manufacture of canned animal food, from points in Michigan, Indiana, Ohio, Kentucky, Missouri, Arkansas, and Tennessee, to Crete, Nebr., under a continuing contract, or contracts, with Allen Products Co., Inc., of Crete, Nebr.; in Sub-No. 8, of *Inedible meat and meat byproducts* for use in animal food, from points in Wisconsin, Illinois, Minnesota, Indiana, Michigan, Ohio, Kentucky, Tennessee, Arkansas, West Virginia, and Virginia, to Allentown, Pa., and *Canned pet food and supplies, ingredients, and materials* used in the manufacture of pet food, Between Allentown, Pa., and Crete, Nebr., under a continuing contract, or contracts with Allen Products Company, Inc., of Allentown, Pa.; in Sub-No. 11, of *Canned pet food and supplies, materials, and ingredients* used in the production of canned pet food (except liquid commodities, in bulk, in tank vehicles), (a) Between Crete, Nebr., on the one hand, and, on the other, points in Illinois and Iowa.

(b) Between points in Illinois within the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Iowa, under a continuing contract, or contracts, with Allen Products Co., of Nebraska, Inc., of Crete, Nebr.; in Sub-No. 20, of *Canned pet food*, and *ingredients and materials*, used in the manufacturer of pet food, (a) Between Allentown, Pa., and Crete, Nebr., on the one hand, and, on the other, Buffalo, N.Y., and points in North Carolina, South Carolina, Virginia, Louisiana, Mississippi, Florida, and Maryland, restricted against the transportation to Crete, Nebr., of manufactured animal and poultry feeds, fish meal, and meat scraps moving (1) from the plant or warehouse sites of Mavar Fish & Oyster Company at Biloxi, Miss., Hi-Life Packing Company, at Gulfport, Miss., and Usen Products, Inc., at Golden Meadow and Lockport, La., and (2) from storage facilities used by and for the account of Usen Products, Inc., at New Orleans, La.; (b) Between Crete, Nebr., and points in Pennsylvania (except Allentown); (c) from Allentown, Pa., to points in Kentucky, Tennessee, and West Virginia, under a continuing contract, or contracts, with Allen Products Co., Inc., of Allentown, Pa. By the instant petition, petitioner seeks to delete the word "canned" in the above commodity descriptions so as to read "pet food" or "animal food," as applicable. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 52752 (Sub-No. 24), filed December 27, 1974. Applicant: WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Farmington, Bonaparte, Cantril, Milton, Keosauqua, Birmingham, Fairfield, Stockport, Hillsboro, Salem, Houghton,

West Point, Fort Madison, Denmark, Douds, Pilot Grove, Argyle, and St. Paul, Iowa, as off-route points in connection with carrier's regular route operations.

NOTE.—By this application, applicant seeks a Certificate of Public Convenience and Necessity embracing the operating rights issued by Truman J. Wahrer in Certificate of Registration in No. MC 61503 and subs thereunder. This is a matter directly related to the Section 5 proceeding in MC-F-12403 published in the FEDERAL REGISTER issue of January 15, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 98614 (Sub-No. 4), filed August 21, 1974. Applicant: ARKANSAS TRANSPORT COMPANY, a Corporation, 100 West Emily Street, North Little Rock, Ark. 72117. Applicant's representative: Louis L. Dailey, 2208 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting, over irregular routes: (A) *Petroleum and petroleum products*, in bulk, in tank trucks, (1) from Stephens, Ark., to points on and east of a line beginning at the Arkansas-Missouri State Boundary line and extending southerly along U.S. Highway 65 to Pine Bluff, Ark., thence along the Arkansas River to its intersection with the Mississippi River; and (2) between points in the destination area described above; and over regular routes: (B) *petroleum products*, in bulk, in truck loads, (1) Between Marshall and Little Rock, Ark.: From Marshall over U.S. Highway 65 to Little Rock, serving no intermediate points; (2) Between Little Rock and El Dorado, Ark.: From Little Rock over U.S. Highway 167 to El Dorado, serving no intermediate points, (3) Between Thornton and Camden, Ark.: From Thornton over U.S. Highway 79 to Camden, serving no intermediate points; (4) Between Camden and El Dorado, Ark.; From Camden over Arkansas Highway 7 to El Dorado, serving no intermediate points; (5) Between Russellville and Beebe, Ark.: From Russellville over U.S. Highway 64 to Beebe, serving no intermediate points.

(6) Between Heber Springs, Ark., and junction Arkansas Highway 25 and U.S. Highway 65; From Heber Springs over Arkansas Highway 25 to junction U.S. Highway 65, serving no intermediate points; (7) Between Little Rock and Pocahontas, Ark.: From Little Rock over U.S. Highway 67 to Pocahontas, serving no intermediate points, (8) Between Little Rock and Forest City, Ark.: From Little Rock over U.S. Highway 70 to Forest City, and return over the same route, serving Smackover and El Dorado, Ark., as off route points, and serving all intermediate points north of the Arkansas River; and (C) *petroleum products*, in tank trucks, Between West Memphis and Hot Springs, Ark.: From West Memphis over U.S. Highway 70 to Hot Springs, and return over the same route, serving all intermediate points.

NOTE.—By this application, applicant seeks to convert its Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC-F-12284 published in the FEDERAL REGISTER on August 14, 1974. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 98742 (Sub-No. 13) (Correction), filed December 4, 1974, published in the FEDERAL REGISTER issue of December 18, 1974, and republished as corrected this issue. Applicant: THE ROCKET FREIGHT LINES COMPANY, 2921 Dawson Road, Tulsa, Okla. 74110. Applicant's representative: I. E. Chenoweth, Suite 1012, Mayo Bldg., 420 South Main Street, Tulsa, Okla. 74103. 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, and commodities requiring special equipment), (1) Between Okla.; (5) Between the junction of Oklahoma-Kansas State Line north of Quapaw, Okla., over U.S. Highway 66, serving the termini and all intermediate points; (2) Between the Oklahoma-Kansas State line north of Quapaw, Okla., and Tulsa, Okla.; over Highway 66, serving the termini and all intermediate points; (3) Between the junction of U.S. Highway 66 and U.S. Highway 69, west of Vinita, Okla., and Muskogee, Okla., over U.S. Highway 69, serving the termini and all intermediate points and off-route points of Tullahassee, Porter, Redbird, and Coweta, Okla.; (4) Between Muskogee, Okla., and the Oklahoma-Texas State Line south of Colbert, Okla., over U.S. Highway 69 serving the points of Muskogee, McAlester, Atoka, Durant, and Colbert, Okla., (5) Between the junction of Oklahoma Highway 33 and U.S. Highway 69 south of Chouteau, Okla., and Tulsa, Okla., over Oklahoma Highway 33, serving the termini and all intermediate points; (6) Between Pryor, Okla., and Adair, Okla.; From Pryor over Oklahoma Highway 20 to Salina, thence over County Road to Strang, thence over Oklahoma Highway 28 to Spavinaw, thence over Oklahoma Highway 82 to Langley, thence over Oklahoma Highway 28 to junction U.S. Highway 69, thence over U.S. Highway 69 to Adair and return over the same route, serving all intermediate points and the off-route points of Strang, Disney Ketchum Cleora, Pensacola, Grand River Dam Site, and the Mossman Construction Company Camp.

(7) Between Tulsa, Okla., and Blackwell, Okla., serving all intermediate points: From Tulsa over Oklahoma Highway 11 to Pawhuska, thence over U.S. Highway 60 to Ponca City, thence over U.S. Highway 60 to its junction with U.S. Highway 177 south of Blackwell, thence over U.S. Highway 177 to Blackwell and return over the same route. Restriction: No service authorized between Tulsa and Pawhuska, and the intermediate points between Tulsa and Pawhuska, Okla.; (8) Between Oklahoma City, Okla., and the Oklahoma-Kansas border north of Grainola, Okla.: From Oklahoma City over Interstate Highway 35 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to its junction with U.S. Highway 177, thence over U.S. Highway 177 to Blackwell, Okla., thence over U.S. Highway 177 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to Ponca City, Okla., thence over U.S. Highway 77 to the Oklahoma-Kansas Border north of Newkirk, Okla., thence over U.S. Highway 77 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to its junction with Oklahoma Highway 18, thence over Oklahoma Highway 18 to the Oklahoma-Kansas Border north of Grainola, Okla., and return over the same route serving the termini and all intermediate points, and the off-route points of Autwine, Kildare, Chilocco, Uncas, Apperson, Burbank, Webb City, Lyman, and Foraker; (9) Between Tulsa, Okla., and Muskogee, Okla.: From Tulsa over U.S. Highway 64 to its junction with Oklahoma Highway 162 (U.S. Highway 62) thence over Oklahoma Highway 162 to Taft, Okla., thence over Oklahoma Highway 162 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Muskogee, Okla., and return over the same route, serving all intermediate points, except Bixby, Okla., and including the off-route points of Jamesville and Yahola, Okla.; (10) Between Oklahoma City, Okla. and Miami, Okla.: From Oklahoma City, over Interstate Highway 44 to Miami, Okla., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

(11) Between Oklahoma City, Okla., and Muskogee, Okla.: From Oklahoma City, Okla., over Interstate Highway 40 to Checotah, thence over U.S. Highway 69 to Muskogee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12) Between Tulsa, Okla., and McAlester, Okla.: From Tulsa over U.S. Highway 75 to Indian Nation Turnpike to McAlester, serving no intermediate points as an alternate route for operating convenience only; (13) Between Blackwell, Okla., and Tulsa, Okla.: From Blackwell over Oklahoma Highway 11 to its junction with Interstate Highway 35, thence over Interstate Highway to its junction with U.S. Highway 64 west of Perry, thence over U.S. Highway 64 to Tulsa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (14) Between Ponca City, Okla., and Tulsa, Okla.: From Ponca City over U.S. Highway 177 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Tulsa and return over the same route serving no intermediate points, as an alternate route for operating convenience only; and (15) Between junction U.S. Highway 60 and Oklahoma Highway 20 and junction Oklahoma Highway 11 and Oklahoma Highway 20: From junction U.S. Highway 60 and Oklahoma Highway 20, thence over Oklahoma Highway 20 to junction Oklahoma Highway 11 serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—The purpose of this republication is to include page 2 of 5 pages which was previously omitted. This application is to convert intrastate registered authority in MC 98742 Sub-No. 9, within the state of Oklahoma. This is a matter directly related to the Section 5 proceeding in MC–F–12382 published in the FEDERAL REGISTER of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 103435 (Sub-No. 224), filed August 23, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Regular routes:* (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the United States Air Force Base and points within 5 miles thereof, located approximately 10 to 20 miles north of Glasgow, Mont., as off-route points in connection with carrier's regular-route operations in Montana: (a) Between Minneapolis, Minn., and Fargo, N. Dak., serving no intermediate points: From Minneapolis over U.S. Highway 52 to Fargo, and return over the same route. (b) Between Bismarck, N. Dak., and Minot, N. Dak., serving no intermediate points and serving Bismarck and Minot, N. Dak., for the purpose of joinder only: From Bismarck over U.S. Highway 83 to Minot, and return over the same route. (c) Between Minot, N. Dak., and Devils Lake, N. Dak., serving no intermediate points, and serving the termini for the purposes of joinder only: From Minot over U.S. Highway 2 to Devils Lake, and return over the same route: (d) Between Devils Lake, N. Dak., and Minneapolis, Minn., serving the off-route points of St. Paul, South St. Paul, and Stillwater, Minn., and serving Devils Lake, N. Dak., for the purposes of joinder only: (1) From Devils Lake over U.S. Highway 2 to Grand Forks, N. Dak., thence over U.S. Highway 81 to Fargo, N. Dak., thence over U.S. Highway 10 to Anoka, Minn., thence over U.S. Highway 69 to Minneapolis, and return over the same route. (2) From Devils Lake to Fargo, N. Dak., as specified above, thence over U.S. Highway 52 via Evansville, Minn., to Minneapolis, and return over the same route. (3) From Devils Lake over U.S. Highway 2 via Grand Forks, N. Dak., to junction U.S. Highway 59, thence over U.S. Highway 59 to Elbow Lake, Minn., thence over Minnesota Highway 79 to Evansville, Minn., thence as specified above to Minneapolis and return over the same route.

(e) Between Minot, N. Dak., and Culbertson, Mont., serving the intermediate points in Montana without restriction, and serving Minot, N. Dak., for the purposes of joinder only: From Minot over U.S. Highway 2 to Culbertson and return over the same route. Restriction: Operations to and from Culbertson, Mont., are restricted against the handling of traffic moving to, from, or through points on U.S. Highway 2 west of Culbertson, Mont., and east of and including Glasgow, Mont., in connection with the regular route described immediately above. (2) *Classes A and B explosives*, between Moorhead, Minn., and Fargo, N. Dak., serving all intermediate points: From Moorhead over U.S. Highway 10 to Fargo, and return over the same route. (3) *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading), between Fargo, N. Dak., and Grand Forks, N. Dak., serving no intermediate points, and serving Grand Forks, N. Dak., for the purposes of joinder only: From Fargo over U.S. Highway 81 to Grand Forks, N. Dak., and return over the same route. (4) *Agricultural machinery, and twine,* From Stillwater, Minn., to Fargo, N. Dak., serving the intermediate point of St. Paul, Minn., and the off-route point of Minneapolis, Minn., both restricted to pickup only of agricultural machinery requiring special equipment: From Stillwater over Minnesota Highway 95 to junction Minnesota Highway 212, thence over Minnesota Highway 212 to St. Paul, Minn., thence over U.S. Highway 10 to Fargo, and return over the same route with no transportation for compensation except as otherwise authorized.

(5) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and Fargo, N. Dak., serving no intermediate points: From St. Paul over U.S. Highway 10 to Fargo, and return over the same route. (6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sheridan, Wyo., and Birney, Mont., serving all intermediate points, and all off-route points within 12 miles of the described route: From Sheridan over U.S. Highway 87 to Acme, Wyo., thence over unnumbered highway to the Wyoming-Montana State line, and thence over unnumbered highways via Decker, Mont., to Birney, and return over the same route. Alternate routes for operating convenience only: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, those requiring special equipment), between junction U.S. Highway 52 and Minnesota Highway 55, near Robbinsdale, Minn., and junction Minnesota Highways 55 and 79, near Elbow Lake, Minn., serving no intermediate points: From junction U.S. Highway 52 and Minnesota Highway 55 over Minnesota Highway 55 to junction Minnesota Highway 79, and return over the same route. (2) *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), between Fargo, N. Dak., and Bismarck, N. Dak., with no service at Bismarck, N. Dak., and serving no intermediate points: From Fargo over U.S. Highway 10 to Bismarck, and return over the same route Irregular routes:

(1) *Grain and seeds*, in bulk, between points in Valley, McCone, Richland, Roosevelt, Daniels, and Sheridan Counties, Mont., those in that part of North Dakota north of a line beginning at Fargo, N. Dak., and extending westerly along U.S. Highway 10 to the Missouri River, near Mandan, N. Dak., thence along the Missouri River to junction North Dakota Highway 23, and thence along North Dakota Highway 23 to the North Dakota-Montana State line, including Fargo, N. Dak., and points on the described segment of North Dakota Highway 23 (but not including points on U.S. Highway 10, other than Fargo, N. Dak.), on the one hand, and, on the other, Superior, Wis., and points in Minnesota. (2) *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn. (3) *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fargo, West Fargo, South West Fargo, and Union Stockyards, N. Dak.

(4) *General commodities* (except classes A and B explosives), between Miles City, Mont., on the one hand, and, on the other, points in Montana within 150 miles thereof (except Jordan and Broadus, Mont., and all points intermediate thereto located on Montana Highway 22 and U.S. Highway 212, between Jordan and Broadus, Mont., other than Miles City, Mont.).

NOTE.—Applicant intends to tack the requested authority (1) in Sub 2, at Fargo, N. Dak., to provide service between West Fargo, South West Fargo and Union Stockyards, N. Dak., on the one hand, and, on the other, points in South Dakota, transporting farm machinery-contractors equipment; (2) in Sub 30, at Fargo, West Fargo, South West Fargo, and Union Stockyards, N. Dak., to provide service between these said points, on the one hand, and, on the other, points in Rapid City, points in S. Dak. on and west of U.S. Highway 83, transporting such commodities as by reason of their size and weight require the use of special equipment or special handling; (3) in Sub 32, at points named in (2) above, to provide service between these said points, on the one hand, and, on the other, points in Rapid City, S. Dak., transporting household goods; (4) in Sub 34, at points named in (2) above, to provide service between these said points, on the one hand, and, on the other, points on and within 60

miles of U.S. Highway 212 between Belle Fourche, S. Dak., transporting emigrant movables and household goods (5) in Sub 66, at Fargo, N. Dak., to provide service to Superior, Wis., and points in Minnesota, transporting feed and grain; (6) in Sub 66, at Fargo, N. Dak., to provide service from West Fargo, South West Fargo, and Union Stockyards, N. Dak., to points in that part of North Dakota east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281, to junction North Dakota Highway 57, thence along North Dakota Highway 57 to Devils Lake, N. Dak., thence along U.S. Highway 2 to Lakota, N. Dak., thence along North Dakota Highway 1 to the United States-Canada Boundary line, including points on the indicated portions of the highways specified, transporting catalogs;

(7) In Sub 66, at Minneapolis and St. Paul, Minn., to provide service from New Rockford, N. Dak., to the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn., transporting dairy products; (8) in Sub 66, at Fargo, N. Dak., to provide service between Moorhead, Minn., Pembina, Bismarck, Portal, South West Fargo, and Union Stockyards, N. Dak., transporting groceries, fruit and vegetables and general commodities; (9) in Sub 66, at Fargo, Bismarck, and Minot, N. Dak., to provide service between Superior, Wis., and points in Minnesota, on the one hand, and, on the other, points in that part of North Dakota north and east of a line beginning at Grand Forks, N. Dak., and extending along U.S. Highway 2 to Lakota, N. Dak., and thence along North Dakota Highway 1 to the United States-Canada Boundary line, not including points on the indicated portions of the highways specified, other than Grand Forks, N. Dak., transporting grain and seed; (10) in Sub 66, at Fargo, N. Dak., to provide service between West Fargo, South West Fargo, and Union Stockyards, N. Dak., on the one hand, and, on the other, points in that part of North Dakota north and east of a line beginning at Grand Forks, N. Dak., and extending along U.S. Highway 2 to Lakota, N. Dak., and thence along North Dakota Highway 1 to the United States-Canada Boundary line, not including points on the indicated portions of the highways specified, other than Grand Forks, N. Dak., transporting grain and seed; (11) in Sub 66, at Fargo, N. Dak., to provide service between West Fargo, South West Fargo, and Union Stockyards, N. Dak., on the one hand, and, on the other, points in Superior, Wis., and points in Minnesota, transporting grain and seed; (12) in Sub 66, at Minneapolis-St. Paul, Minn., to provide service between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak., and extending north along U.S. Highway 83 to the United States-Canada line, thence east along said boundary to junction North Dakota Highway 1, thence south along North Dakota Highway 1 to Lakota, N. Dak., and thence west along U.S. Highway to point of beginning, including points on the indicated portions of the highways specified, transporting general commodities.

(13) In Sub 66, at Minot, Minneapolis, St. Paul, Stillwater to provide service between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak., and extending north along U.S. Highway 83 to the United States-Canada line, thence east along said boundary to junction North Dakota Highway 1, thence south along N. Dakota Highway 1 to Lakota, N. Dak., and thence west along U.S. Highway 2 to point of beginning, including points on the indicated portions of the highways specified, transporting grain and seed; (14) in Sub 69, at Bismarck, Devils Lake, Fargo, Grand Forks, and Minot, N. Dak., to provide service between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Superior, Wis., and points in Minnesota, transporting grain and seed; (15) in Sub 69, at Fargo, N. Dak., to provide service between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in West Fargo, South West Fargo, and Union Stockyards, transporting general commodities; (16) in Sub 78 at Minneapolis, Minn., to provide service from Rapid City, S. Dak., to the site of Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn., transporting sugar; (17) in Sub 115 at Minneapolis and St. Paul, Minn., to provide service from Williston, N. Dak., to the site of Twin City in Mounds View Township, Ramsey County, Minn., transporting salt; and (18) in Sub 120, at Fargo, N. Dak., to provide service from points in Washington, Oregon, Idaho, to points in West Fargo, South West Fargo, and Union Stockyards, transporting frozen foods and frozen potato products.

NOTE.—Applicant proposes to sell portions of its operating rights to Twin City Freight, Inc., and Midwest Motor Express, Inc. This is a matter directly related to the Section 5 proceeding in MC–F–12296 published in the FEDERAL REGISTER of September 5, 1974 and MC–F–12300 published in the FEDERAL REGISTER of September 11, 1974. If a hearing is deemed necessary, the applicant requests it be held at either Bismarck, or Fargo, N. Dak., or St. Paul-Minneapolis, Minn.

No. MC–F–12394. Authority sought for purchase by WEBB'S TRANSFER, INC., P.O. Box 1189, Suffolk, VA 23434, of a portion of the operating rights of PIEDMONT PETROLEUM PRODUCTS, INCORPORATED, P.O. Box 7574, Chesapeake, VA 23324, and for acquisition by J. C. WEBB, JR., also of Suffolk, VA 23434, JACK W. WEBB, 400 W. Washington St., Suffolk, VA, and MARY W. WEBB, 616 W. Washington St., Suffolk, VA, of control of such rights through the purchase. Applicants' attorney: E. Stephen Heisley, 666 11th St. NW., Washington, DC 20001. Operating rights sought to be transferred: *Petroleum products* (except in bulk), as a *common carrier* over irregular routes, from Marcus Hook, Pa., to Norfolk, Va., and points within 15 miles thereof; *chemicals* (except in bulk), from Graselli and Passaic, N.J., and Philadelphia, Pa., to Norfolk, Va. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12397. Authority sought for purchase by CURTIS, INC., 4810 Pontiac, Commerce City, CO 80216, of a portion of the operating rights of J. E. LAMMERT TRANSFER, INC., P.O. Box 488, West Highway 30, Grand Island, NE 68801, and for acquisition by STANLEY AVERCH, 3267 S. Steele, Denver, CO 80202, of control of such rights through the purchase. Applicant's attorney: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Operating rights sought to be transferred: *Meats, meat products, and meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), as a *common carrier* over irregular routes, from Ottumwa, Iowa, to Elk Grove Village and Addison,Ill., with restrictions; *general commodities,* excepting among others, class A and B explosives, livestock, household goods and commodities in bulk, between Ottumwa, Iowa, on the one hand, and, on the other Chicago, Maywood, Argo, Bellwood, Calumet City, Chicago Heights, Hegeswisch, Ruverdale, Summit, Villa Park, West Pullman, Clearing, Evanston, Cicero, Berwyn, Blue Island, Oak Park, and Forest Park, Ill., and Calumet, Gary, Grosselli, Hammond, Indiana Harbor, Whiting, and East Chicago, Ind. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12401. Authority sought for purchase by INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Charleston Heights, S.C. 29405, of a portion of the operating rights of CONWAY TRANSPORT, INC., P.O. Box 244, Manning, S.C. 29102, and for acquisition by RICHARD R. INFINGER, 1817 Huntington Dr., Charleston, S.C. 29401, of control of such rights through the purchase. Applicant's attorney and representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, VA. 22611, and Richard R. Infinger, President, Infinger Transportation Company, Inc., P.O. Box 7398, Charleston Heights, S.C. 29405. Operating rights sought to be transferred: *Petroleum products,* in bulk, in tank trucks, as a *common carrier* over irregular routes from Wilmington, North Carolina, and points within fifteen (15) miles of Wilmington, to Little River, Nixon Crossroads, Loris, Myrtle Beach, Conway, Georgetown, and Southern Kraft Pumping Station, South Carolina, and points within five (5) miles of each, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in South Carolina, Georgia, North Carolina, Alabama, Florida, Tennessee, Kentucky and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12402. Authority sought for purchase by THE PITTSBURGH & WEIRTON BUS COMPANY, 401 Pennsylvania Avenue, Weirton, W.V. 26062, of a portion of the operating rights of LAKE SHORE SYSTEM, INC., 600 West Town Street, Columbus, OH. 43215 of such rights through the purchase. Applicants' attorney: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, OH. 43215. Operating rights sought to be transferred: *Passengers* and their *baggage* and *express* and *newspapers* in the same vehicle with passengers,

as a *common carrier* over regular routes between junction U.S. Highways 22 and 30, approximately 14 miles west of Pittsburgh, Pa., and Columbus, Ohio, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–12403. Authority sought for purchase by WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, IL. 60609, of the operating rights and property of TRUMAN J. WHRER, Argyle, IA. 52619, and for acquisition by Continental Connector Corporation, 34–63 56th Street, Woodside, N.Y. 11377, of control of such rights and property through the purchase. Applicants' attorney: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL. 60603. Operating rights sought to be transferred: General Commodities, with exceptions as a *common carrier* over regular routes between Keokuk, Iowa, and Mt. Pleasant, Iowa. Under a certificate of registration, in Docket No. MC–61503 (Sub-No. 2 and 3), covering the transportation of freight, as a common carrier, in interstate commerce, within the State of Iowa. Vendee is authorized to operate as a common carrier in Illinois, Indiana, and Iowa. Application has been filed for temporary authority under section 210a(b). MC–52752 (Sub-No. 24) is a directly related matter.

No. MC–F–12404. Authority sought for purchase by TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704, of the operating rights of STROMSBURG MOTOR FREIGHT, INC., Box 488, Grand Island, NE, and for acquisition by Allen E. Kroblin, Loyal H. Frisch, and Kenneth Schadle, all of Box 5000 Waterloo, Iowa 50704, of control of such rights through the purchase. Applicants' representative: Allen E. Kroblin, Box 5000 Waterloo, Iowa 50704. Operating sought to be transferred: *General commodities* with exceptions as a *common carrier* over regular routes between Stromsburg and Omaha, via US–31 to junction with US–30A, between Stromburg and Lincoln via US–81 to its junction with Nebr.–2, thence via Nebr.–2 to Lincoln, with restriction; General commodities with exceptions as a common carrier over irregular routes between points within a 10-mile radius of Stromsburg, and between points within said radial area on the one hand, Omaha; operations limited from within said 10-mile radial area to and from various points within a 225-mile radius of Stromsburg. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Illinois, Nebraska, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12405. Authority sought for purchase by TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, AL 35902, of the operating rights and property of TREK EXPRESS, LTD., 6026 Metcalf Lane, Shawnee Mission, KS 66202, and for acquisition by EMERY C. OSBORN, also of Gadsden, AL 35902, of control of such rights and property through the purchase. Applicants' attorney: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, AL 35203. Operating rights sought to be transferred: *Meats and meat packinghouse products*, etc., as a *common carrier* over irregular routes, from Estherville, Iowa, to points in Minnesota, from the facilities of Armour and Co., at Mason City, Iowa, to points in Georgia, North Carolina, South Carolina, Virginia, and West Virginia, from the facilities of Armour and Co., at Omaha, Nebr., to points in North Carolina, South Carolina, Virginia, and West Virginia, from the facilities of Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, from the plant sites and warehouse facilities utilized by Geo. A. Hormel & Co., at Huron, S. Dak., Austin, Minn., Fort Dodge, Iowa, and Fremont, Nebr., to points in Georgia, North Carolina, South Carolina, and Tennessee, from the facilities of Needham Packing Co., Inc., located at or near Fargo, N. Dak., Omaha, Nebr., and Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the facilities of Needham Packing Co., Inc., located at or near Fargo, N. Dak., and Sioux City, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, from the plant site of John Morrell & Co., at Estherville, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, from Sioux Falls, S. Dak., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, with restrictions. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12406. Authority sought for purchase by SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, CT 06525, of a portion of the operating rights of WARCO SERVICE, INC., P.O. Box 293, South 2nd St., Dunellen, NJ 08812, and for acquisition by ARTHUR SORENSEN, SR., ARTHUR W. SORENSEN, JR., and ROBERT SORENSEN, also of Bethany, CT 06525, of control of such rights through the purchase. Applicants' attorney: Thomas W. Jurrett, 342 N. Main St., W. Hartford, CT 06117. Operating rights sought to be transferred: *Magazines, periodicals, newspapers, newspaper supplements, circulars, leaflets, catalogs, advertising matter, printed matter, printed forms*, and *calendars*, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, Trenton and Camden, N.J., and Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, New York, New Jersey, Pennsylvania, Connecticut, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

PROPOSED NOTICE OF FILING

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee), and the Port Townsend Railroad, Inc. (Port Townsend), hereby give notice that on the 10th day of December 1974, they filed with the Interstate Commerce Commission at Washington, D.C., applications under Section 5(2) of the Interstate Commerce Act for an order authorizing Milwaukee to acquire control of the Port Townsend through stock ownership, and the subsequent merger of the properties of Port Townsend into Milwaukee. The application for control was assigned Finance Docket No. 27810, and the application for merger was assigned Finance Docket No. 27811. In accordance with the Commission's regulations (49 CFR 1111.2(13)) as amended May 16, 1972, the applicants state the following:

(1) The name and address of the applicants and their attorneys are:

Chicago, Milwaukee, St. Paul and Pacific Railroad Company
815 Skinner Building
Seattle, Washington 98101

Attorney: J. Fred Simpson
815 Skinner Building
Seattle, Washington, 98101

Port Townsend Railroad, Inc.
826 Joshua Green Building
Seattle, Washington, 98101

Ryan, Bush, Swanson & Hendel
Raymond C. Swanson
John E. Iverson
3201 The Bank of California Center
Seattle, Washington 98164

(2) The nature of the proposed transactions is as follows:

Milwaukee proposes to acquire all of the issued and outstanding shares of capital stock of Port Townsend Railroad, Inc. by the purchase thereof from the holders of such stock. Following acquisition of control by Milwaukee, it is proposed to merge the properties and franchises of Port Townsend into Milwaukee.

(3) A brief geographical description:

Port Townsend owns and operates 12.3 miles of mainline track and 2.26 miles of yard and spur track between the City of Port Townsend and Discovery Junction, all in Jefferson County, Washington; connecting at Discovery Junction with the tracks of Milwaukee for service to the city of Port Angeles and connecting at Port Townsend with a railroad car barge operated by Milwaukee and providing service to and from the City of Seattle. Milwaukee operates trackage in Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Nebraska, Missouri, South Dakota, North Dakota, Montana, Iowa, Washington and Oregon, and is the only railroad connecting with the Port Townsend. Milwaukee proposes to perform the operations now performed by Port Townsend, providing service to Port Townsend and connecting

the Milwaukee's car barge at Port Townsend with the balance of Milwaukee's trackage on the Olympic Peninsula.

In the opinion of the applicants, the proposed transactions will have no significant effect on the quality of human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation National Environmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, statements shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 ICC 431, 461.

The proceeding will be handled without public hearing unless protests are received which contain information indicating a need for such hearing. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1335 Filed 1-14-75;8:45 am]

[Notice No. 673]

ASSIGNMENT OF HEARINGS

JANUARY 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB 10, Sub 3, Norfolk and Western Railway Company Abandonment Between Abingdon, Virginia, and West Jefferson, North Carolina, in Washington, and Grayson Counties, Virginia, and Ashe County, North Carolina, now being assigned continued hearing January 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134063 Sub 7, Midwest Transportation, Company, A Corp., now being assigned February 25, 1975, at Omaha, Nebr. in a hearing room to be later designated.

MC 135007 Sub 43, American Transport, Inc., now being assigned February 26, 1975, at Omaha, Nebr. in a hearing room to be later designated.

MC-F-12187, Hunt Transportation, Inc., now being assigned February 27, 1975, at Omaha, Nebr. in a hearing room to be later designated.

MC 53965 Sub 91, Graves Truck Line, Inc., now being assigned March 3, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC 121586 Sub 1, Kruse Transportation Co., Inc., now being assigned March 5, 1975, at Omaha, Nebr. in a hearing room to be later designated.

MC 130232, Sumco's Inc., now assigned February 3, 1975 at Philadelphia, Pa., will be held in Room 3240 William J. Green, Jr., Federal Bldg., 600 Arch St.

MC-C-8393, Commercial Transportation, Inc. V. Port Jersey Transportation, Et Al., now assigned February 5, 1975, at Philadelphia, Pa., will be held in Room 3240 William J. Green, Jr., Federal Bldg., 600 Arch St.

MC 138465 Sub 3, Phil Townsend, Jr., now assigned February 4, 1975 at Tallahassee, Fl., will be held at Florida Public Service Commission, 700 S. Adams St.

MC 106644 Sub 177, Superior Trucking Company, Inc., now assigned February 6, 1975, at Jacksonville, Florida will be in Room 714 Federal Building, 400 W. Bay Street.

MC-F-12246, Rydor Truck Lines, Inc., —Purchase — (portion) — Alterman Transport Lines, Inc., now assigned February 10, 1975, at Jacksonville, Florida will be held in Room 714, Federal Building, 400 W. Bay Street.

I&S No. 9003, Lighterage Charges At New York Harbor, Penn Central Transportation Co., now assigned February 10, 1975, at New York, N.Y. will be held in Room 208, Tax Court, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1339 Filed 1-14-75;8:45 am]

[Notice No. 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 10, 1975.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 17, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Deviation No. 38), JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed December 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 34 and 67 near Monmouth, Ill., over U.S. Highway 34 to junction U.S. Highway 61, thence over U.S. Highway 61 to Fort Madison, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 67 and 34 over U.S. Highway 67 to junction Illinois Highway 9, thence over Illinois Highway 9 to Ft. Madison, Iowa and return over the same route.

No. MC 89723 (Deviation No. 32), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed December 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over U.S. Highway 59 to junction Texas Farm Road 234 near Edna, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Houston, Tex., over Texas Highway 288 to Angleton, Tex., thence over Texas Highway 35 to junction Texas Farm Road 616 near Blessing, Tex., thence over Texas Farm Road 616 to Vanderbilt, Tex., thence over Texas Farm Road 234 to junction U.S. Highway 59, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1336 Filed 1-14-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 10, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55406, filed December 20, 1974. Applicant: S. ROSS

TRUCKING COMPANY, INC., 2680 Dunn Road, Hayward, Calif. 94545. Applicant's representative: E. H. Griffiths, 1182 Market Street #207, San Francisco, Calif. 94102. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities, except as hereinafter provided: Between all points and places in the San Francisco Territory which is described as follows: *SAN FRANCISCO TERRITORY* included all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of a paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road.

Northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Miles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. (10) Fresh Fruits and Vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–9294, filed December 9, 1974. Applicant: LATHAM ONEONTA MOBILE HOMES, INC., 65 Oneida Street, Oneonta, N.Y. 13820. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Mobile homes,* between all points in a territory comprised of the counties of Chenango, Delaware, Otsego and Schoharie. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–1337 Filed 1–14–75;8:45 am]

[Notice No. 217]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 15, 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 February 4, 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–75565. By order of January 3, 1975 the Motor Carrier Board approved the transfer to Glenn Conn and Jack Conn, a partnership, doing business as M. L. Conn & Sons, RR #1, Elizabethtown, Ill., of Certificate No. MC 117302 issued by the Commission July 30, 1959, to M. L. Conn, Glenn Conn, and Jack Conn, a partnership, doing business as M. L. Conn & Sons, Elizabethtown, Ill., authorizing the transportation of ore, crude or refined, between points in Hardin and Pope Counties, Ill., on the one hand, and, on the other, points in Crittenden, Livingston, Caldwell, and Marshall Counties, Ky.

No. MC–FC–75570. By order of January 6, 1975 the Motor Carrier Board approved the transfer to Packers Refrigerated Service Corp., Pittsburgh, Pa., of the operating rights in Certificate No. MC 123745 issued June 1, 1970 to Westmoreland Warehouse & Service, Inc., Pittsburgh, Pa., authorizing the transportation of various commodities from and to specified points and areas in Pennsylvania, Ohio and West Virginia. John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa., 15219 Attorney for applicants.

No. MC–FC–75590. By order of January 6, 1975 the Motor Carrier Board approved the transfer to Levittown Movers, Inc., South Farmingdale, N.Y., of the operating rights in Certificates No. MC 21314 and MC 21314 (Sub-No. 1) issued August 12, 1968 to John Winkler's Sons, Inc., Far Rockaway, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey and Pennsylvania and between points in Suffolk and Nassau Counties, N.Y., with exceptions, on the one hand, and, on the

other, points in New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania and New York. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368 Attorney for applicants.

No. MC-FC-75591. By order of January 6, 1975 the Motor Carrier Board approved the transfer to Bojef Bulk Transportation, Inc., Temple, Pa., of the operating rights in Certificate No. MC 1856 issued March 17, 1970 to R. F. Sell, Inc., Coplay, Pa., authorizing the transportation of various commodities from and to specified points and areas in Maryland, Pennsylvania, New Jersey and New York. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-1338 Filed 1-14-75;8:45 am]