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Pages 10951–11344

PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 420—PROGRAM MANAGEMENT AND COORDINATION

Highway Planning and Research and Development—Programing of Funds

On October 1, 1974, the Federal Highway Administration promulgated paragraph (b) of 23 CFR 420.103 which incorporated the contents of 23 CFR 1.26(b). It is now desired to redesignate paragraphs (b) and (c) of 23 CFR 420.103 and add a new paragraph (b) which will incorporate the contents of 23 CFR 1.26(a).

Title 23 CFR 1.26 will be revoked.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits, grants, or contracts pursuant to 5 U.S.C. 553(a)(2).

This amendment will take effect on the date of issuance.

Title 23 CFR 420.103 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively and inserting as new paragraph (b) the following:

§ 420.103 Policy.

* * * * *

(b) PR funds shall be administered as a single fund, but the identity of such funds as primary, secondary, or urban shall be preserved.

* * * * *

Title 23 CFR 1.26 is hereby revoked.

Issued on February 28, 1975.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.75-6076 Filed 3-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-21, Amdt. 39-2123]

PART 39—AIRWORTHINESS DIRECTIVE

Lockheed Model 1329

There have been cracks in the fuselage main frames of Lockheed Model 1329 airplanes which could result in wing failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the fuselage main frames of Lockheed Model 1329 airplanes.

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

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

LOCKHEED. Applies to all Model 1329 airplanes Serial Numbers 5001 through 5007, 5009 through 5029, 5031 through 5034, 5036 through 5162, certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

(a) To detect cracks in the fuselage main frames, inspect the frames in accordance with Lockheed Service Bulletin 329-269 and Supplemental Service Bulletin 329-269A, or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(b) In the event a crack or cracks are found, contact the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320.

This amendment becomes effective March 14, 1975.

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

Issued in East Point, Georgia on February 28, 1975.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.75-6077 Filed 3-7-75;8:45 am]

[Airspace Docket No. 74-SO-69]

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

Designation of Transition Area

On July 12, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 25668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Murray, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

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

MURRAY, KY.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Murray-Calloway County Airport (latitude 36°40'04" N., longitude 88°22'06" W.); within 3 miles each side of the 033° bearing from Calloway RBN (latitude 36°39'49" N., longitude 88°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

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

Issued in East Point, Ga., on February 28, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-6078 Filed 3-7-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

PART 2401—AVAILABILITY OF OFFICIAL INFORMATION

Freedom of Information

Correction

In FR Doc. 75-5156, appearing at page 8165, in the issue of Wednesday, February 26, 1975, the word, "Council" in the second line of § 2401.2(a) on page 8165 should be changed to read "Counsel."

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—COMPLIANCE WITH NEPA

Subpart A—Preparation of Environmental Impact Statements—Guidelines

On June 3, 1974, the Soil Conservation Service published the subject guidelines (39 FR 19646).

Appendix I, PLANNING PROCESS, PL-566 Watershed Project, a flow chart of the planning process showing inclusion of environmental considerations and development of environmental impact statements has been revised.

Since the revision contains no substantive changes it was determined unnecessary, as provided by 5 U.S.C. 533, to invite public participation with respect to this publication.

Appendix I, revised, is published herewith.

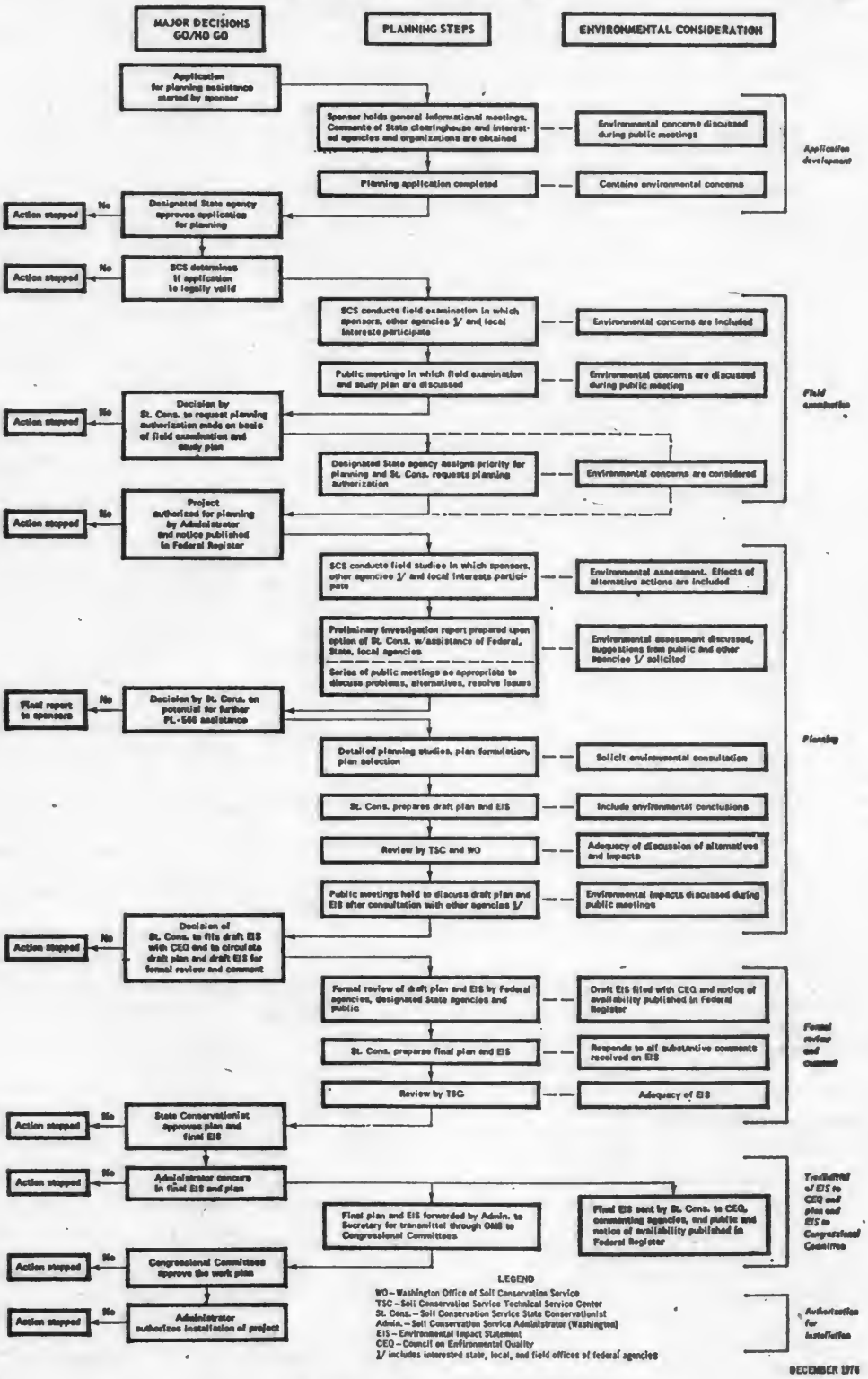
KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

U. S. DEPARTMENT OF AGRICULTURE — APPENDIX I, Revised — SOIL CONSERVATION SERVICE

—PLANNING PROCESS—

PL.–566 WATERSHED PROJECTS

(Projects Requiring Congressional Committee Approval)



[FR Doc.75–5984 Filed 3–7–75;8:45 am]

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

[966.312 Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Handling Regulation

This amendment requires that when tomatoes are packed in previously used containers each such container shall be marked "used box" on the lid.

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Florida Tomato Committee, and other available information it is hereby found that the amendment to the handling regulation hereinafter set forth will tend to effectuate the declared policy of the act.

The amendment requires that used containers be so marked on their lids in letters not less than three-fourths inch high. A few handlers in the production area have been using used containers for packing tomatoes for both intra and interstate shipments. Although the original labels and grade marks may be partially marked through, they are seldom obliterated, increasing the possibility of misrepresenting the contents to the buyer. The use of such containers adversely affects the quality image of Florida tomatoes and has a disruptive effect on the market. In recommending this amendment, the committee believes that by marking each container with the words "used box" buyers would thus be alerted that a label or grade mark may not be indicative of the contents.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) to ensure maximum benefits to producers, this regulation should apply in as many shipments as possible during the effective period, (2) compliance with this part will require only minimal preparation on the part of handlers, and (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Paragraph (a) (3) of § 966.313—Handling regulation (39 FR 37477) is amended by adding paragraph (iii) which reads as follows:

§ 966.312 Handling regulation.

* * * * *

(a) (3) * * *

(iii) If the container in which the tomatoes are packed has been previously used, the lid of such container shall be marked with the words "used box" in letters not less than three-fourths inch high.

* * * * *

Dated March 5, 1975 to become effective March 10, 1975.

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

[FR Doc.75-6164 Filed 3-7-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION. DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 410.1]

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Subpart A—Receiving and Processing Applications

Section 1801.5 of Subpart A of Part 1801 of Title 7, Code of Federal Regulations (36 FR 15737, 38 FR 4772) is revised to extend veterans' preference to veterans of the Vietnam era. The revision also standardizes within Farm Ownership (FO), Soil and Water (SW), Recreation, Operation and Rural Housing (RH) loan programs, the authorized periods of service for such veterans' preference.

It is unnecessary to publish notice of proposed rule making in the FEDERAL REGISTER because the changes being made by the revision are required by the statutory provisions relating to veterans' preference.

As revised, § 1801.5 reads as follows:

§ 1801.5 Persons entitled to veterans' preference.

(a) *Farmer loans.* Veterans' preference will be extended to any person applying for an FO, SW, Recreation or Operating loan who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, who served on active duty in such forces: (1) During the period April 6, 1917, through March 31, 1921; (2) during the period of December 7, 1941, through December 31, 1946; (3) during the period June 27, 1950, through January 31, 1955; or (4) for a period of more than 180 days, any part of which occurred after January 31, 1955. Discharges under conditions other than dishonorable include "clemency discharges."

(b) *Rural housing loans.* Veterans' preference will be extended to any person applying for an RH loan who would qualify for such preference under paragraph (a) of this section. Such preference will also be extended to the spouses and children of deceased servicemen who died in service during one of the periods described in paragraph (a) of this section.

((7 U.S.C. 1989; 42 U.S.C. 1480); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This revision shall become effective March 10, 1975.

Dated: February 25, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-6166 Filed 3-7-75;8:45 am]

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

Sections 1806.2(b)(2) and 1806.4(a)(5) of Subpart A of Part 1806, Title 7, Code of Federal Regulations (35 FR 17238) are amended. The amendment of § 1806.2(b)(2) adds paragraph (iv), providing for the reference to flood insurance coverage in designated areas contained in Subpart B of this Part; § 1806.4(a)(5) is amended to permit disposition of expired and canceled policies in most cases. Since the changes are editorial and minor in nature, and no substantive changes in the sections are effected, notice and public procedure thereon are unnecessary.

As amended, §§ 1806.2(b)(2)(iv) and 1806.4(a)(5) read as follows:

§ 1806.2 Companies and policies.

* * * * *

(b) * * *

(2) * * *

(iv) Borrowers eligible for insurance under the National Flood Insurance Act of 1968, as amended by the Flood Disaster Act of 1973, will be serviced in accordance with Subpart B of this Part.

* * * * *

§ 1806.4 Examining and general servicing of insurance.

(a) * * *

(5) *Disposition of expired and canceled policies.* An expired or canceled policy, or other evidence of insurance, will be returned to the borrower unless there is a loss settlement pending. However, an expired or canceled policy will not be returned to the borrower after a foreclosure sale or conveyance unless the borrower's account has been satisfied.

* * * * *

Effective date. This amendment becomes effective March 10, 1975.

((7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: February 20, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-6167 Filed 3-7-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

SUBCHAPTER K—DELEGATION

PART 661—ADMINISTRATIVE PROCEDURES AND SANCTIONS

The notice of proposed rulemaking containing the administrative proce-

dures and sanctions applicable to proceedings before the Department of Consumer Affairs ("DOCA") in accordance with Part 660 of this Subchapter were issued by the DOCA on October 31, 1974 (39 FR 39268, November 6, 1974). Public hearings were held by the DOCA on November 20, 1974 and interested persons were invited to submit written comments. All written and oral comments were considered by the DOCA in preparation of the regulations published herein.

These regulations provide the procedures used to obtain an assignment, adjustment, exception, exemption or interpretation of the regulations. There are also provisions for appeal, stays, modifications and rescissions of DOCA orders and the method of requesting an administrative hearing or conference is set forth. Also included are regulations for enforcement procedures, notices of probable violation, remedial orders and the investigations, violations, sanctions and judicial actions.

The regulations in Subpart A set forth the general provisions applicable to all proceedings before the DOCA. A definition of "legal holiday" has been added. The remaining subparts set forth the provisions applicable to the particular procedures such as assignments and adjustments.

There were very few comments received with respect to this proposed rulemaking and no substantial objections were raised. Therefore, the DOCA hereby adopted the regulations substantially as proposed.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039; Constitution of the Commonwealth of Puerto Rico; Department of Consumer Affairs Organic Act, Law No. 5 of April 23, 1973, as amended.)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended to add a new Subchapter K, Part 661 as set forth below effective March 5, 1975.

Issued in San Juan, Puerto Rico, March 5, 1975.

FEDERICO HERNANDEZ-DENTON,
Secretary, Department of Consumer Affairs, Commonwealth of Puerto Rico.

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AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039; Constitution of the Commonwealth of Puerto Rico; Department of Consumer Affairs Organic Act, Law No. 5 of April 23, 1973, as amended.

Subpart A—General Provisions

§ 661.1 Purpose and scope.

(a) This part establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the DOCA in accordance with Part 660 of this subchapter.

(b) This subpart defines certain terms and establishes procedures that are applicable to each proceeding described in this part.

§ 661.2 Definitions.

The definitions set forth in Part 660 of this subchapter shall apply to this part, unless otherwise provided. In addition, as used in this part, the term:

"Action" means an order, interpretation, notice of probable violation, or ruling issued, or a rulemaking undertaken by the DOCA.

"Adjustment" means a modification of the base period volume or other measure of allocation entitlement in accordance with Part 660 of this subchapter.

"Aggrieved", for purposes of administrative proceedings, describes and means a person with an interest sought to be protected under the FEAA or EPAA who is adversely affected by an order or interpretation issued by the DOCA.

"Assignment" means an action designating that an authorized purchaser be supplied a specified or an unspecified volume of a specified petroleum product by a specified supplier.

"Conference" means an informal meeting, incident to any proceeding, between DOCA officials and any person aggrieved by that proceeding.

"Duly authorized representative" means a person who has been designated to appear before the DOCA in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may consist of the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, verbal communication, or any other participation in the proceeding.

"EPAA" means the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159).

"Exception" means the waiver or modification of the requirements of a regulation, ruling, or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with any of the provisions of Part 660 of this subchapter, or any of the provisions of a subpart thereof.

"FEAA" means the Federal Energy Administration Act of 1974 (Pub. L. 93–275).

"Interpretation" means a written statement issued by DOCA in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the DOCA to the particular facts of a prospective or completed act or transaction.

"Legal holiday" means the days specified in 1 L.P.R.A. 71.

"Notice of probable violation" means a written statement issued to a person by the DOCA that states one or more alleged violations of the provisions of Part 660 of this subchapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the DOCA. It may be issued in response to an application, petition or request for DOCA action or in response to an appeal from an order, or it may be a remedial order or other directive issued by the DOCA on its own initiative. A notice of probable violation is not an order. For purposes of this definition a "written directive" shall include telegrams, telecopies and similar transcriptions.

"Persons" means any individual, firm, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, governmental unit or instrumentality thereof, or a charitable, educational or other institution, and includes any officer, director, owner or duly authorized representative thereof.

"Proceeding" means the process and activity, and any part thereof, instituted by the DOCA, either on its own initiative or in response to an application, complaint, petition or request submitted by a person, that may lead to an action by the DOCA.

"Remedial order" means a directive issued by the DOCA requiring a person to cease a violation or to eliminate or to compensate for the effects of a violation, or both.

"Ruling" means an official interpretative statement of general applicability issued by the DOCA and published in the FEDERAL REGISTER that applies the DOCA regulations to a specific set of circumstances.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 661.3 Appearance before the DOCA.

(a) *Appearance.* A person may make an appearance, including a personal appearance at the discretion of the DOCA, and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Any application, appeal, petition, request or complaint filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless a DOCA form requires otherwise.

(b) *Suspension and disqualification.* The DOCA may deny, temporarily or permanently, the privilege of participating in proceedings, including oral presentations, to any individual who is found by the DOCA:

(1) To have made false or misleading statements, either verbally or in writing;

(2) To have filed false or materially altered documents, affidavits or other writings;

(3) To lack the specific authority to represent the person seeking a DOCA action; or

(4) To have engaged in or to be engaged in contumacious conduct that substantially disrupts a proceeding.

§ 661.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the DOCA under this part or Part 660 of this subchapter is considered to be filed when it has been received by the DOCA. Documents mailed to the DOCA must be sent to P.O. Box 13934 Santurce, P.R. 00908. All documents and exhibits submitted become part of a DOCA file and will not be returned.

(b) Notwithstanding the provisions of paragraph (a) of this section, an appeal, a response to a denial of an appeal or application for modification or recission in accordance with §§ 661.77(a)(3) and 661.96(a)(3), respectively, a reply to a notice of probable violation, the appeal of a remedial order or remedial order for immediate compliance, a response to denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to filed upon mailing.

(c) Hand-delivered documents to be filed with the DOCA shall be submitted to to the Oil Allocation Office, 4th Floor, Las Minillis, Santurce, P.R.

(d) Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours for the DOCA are 8 a.m. to 4:30 p.m.

§ 661.5 Computation of time.

(a) *Days.* (1) Except as provided in paragraph (b) of this section, in computing any period of time prescribed or allowed by these regulations or by an order of the DOCA, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a legal holiday.

(2) Saturdays, Sundays, or intervening legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(b) *Hours.* If the period of time prescribed in an order issued by the DOCA is stated in hours rather than days, the period of time shall begin to run upon actual notice of such order, whether by verbal or written communication, to the person directly affected, and shall run without interruption, unless otherwise provided in the order, or unless the order is stayed, modified, suspended or rescinded. When a written order is transmited by verbal communication, the written order shall be served as soon thereafter as is feasible.

(c) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part, within a prescribed period of time after issuance to such person of an order, notice, interpretation or other document and the order, notice, interpretation or other document is served by mail, 3 days shall be added to the prescribed period.

§ 661.6 Extension of time.

When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the office with which the document is required to be filed upon good cause shown.

§ 661.7 Service.

(a) All orders, notices, interpretations or other documents required to be served under this part shall be served personally or by registered or certified mail or by regular United States mail, except as otherwise provided.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

(c) Service by registered or certified mail is complete upon mailing. Official United States Postal Service receipts from such registered or certified mailing shall constitute prima facie evidence of service.

§ 661.8 General filing requirements.

(a) *Purpose and scope.* The provisions of this section shall apply to all documents required or permitted to be filed with the DOCA.

(b) *Signing.* All applications, petitions, requests, appeals, comments or any other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, appeal, petition,

request, complaint or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless a DOCA form otherwise requires.

(c) *Labeling.* An application, petition, or other request for action by the DOCA should be clearly labeled according to the nature of the action involved (e.g., "Application for Assignment") both on the document and on the outside of the envelope in which the document is transmitted.

(d) *Obligation to supply information.* A person who files an application, petition, complaint, appeal or other request for action is under a continuing obligation during the proceeding to provide the DOCA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action that is subsequently filed by that person with the DOCA.

(e) *The same or related matters.* A person who files an application, petition, complaint, appeal or other request for action by the DOCA shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by the DOCA, other Commonwealth or Federal agency, department or instrumentality; or a municipal agency or court; or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with any proceeding described in this part. In addition, the person shall state whether contact has been made by the person or one acting on his behalf with any person who is employed by the DOCA with regard to the same issue, act or transaction or a related issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(f) *Request for confidential treatment.* (1) If any person filing a document with the DOCA claims that some or all the information contained in the document is information referred to in 18 U.S.C. 1905 (1970), or is otherwise confidential and if such person requests the DOCA not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for nondisclosure of the information for which confidential treatment is claimed. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the DOCA may assume that there is no objection to public disclosure of the document in its entirety.

(2) The DOCA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by the DOCA to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than 5 days prior to its public disclosure.

(g) *Separate applications, petitions or requests.* Each application, petition or request for DOCA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act or transaction, or are submitted in connection with the same proceeding.

§ 661.9 Effective date of orders.

Any order issued by the DOCA under Part 660 of this subchapter is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless and until it is stayed, modified, suspended, or rescinded. An order is deemed to be issued on the date, as specified in the order, on which it is signed by an authorized representative of the DOCA, unless the order provides otherwise.

§ 661.10 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provision of Part 660 of this subchapter, the provisions of this part shall control with respect to procedures.

§ 661.11 Where to file.

Except as otherwise specifically provided in other subparts of this part, all documents to be filed with the DOCA pursuant to this part shall be filed with the DOCA at P.O. Box 13934 Santurce, P.R. 00908.

Subpart B—Adjustment

§ 661.21 Purpose and scope.

This subpart establishes the procedures for filing an application for an adjustment as provided in Part 660 of this subchapter.

§ 661.22 What to file.

(a) A person filing under this subpart shall file an "Application for Adjustment," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) The application shall be accompanied by the appropriate DOCA form.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.23 Where to file.

All applications for adjustment shall be filed with the DOCA at the address provided in § 661.11.

§ 661.24 Notice.

(a) The DOCA shall serve notice on any person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action and may serve notice on any other person that written comments regarding the application for adjustment will be accepted if filed within 10 days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that he has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.25 Contents.

(a) The application shall be the appropriate DOCA form, which shall be completed in accordance with instructions that accompany the form. If there is not a current DOCA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be effected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. When the application pertains to only a step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. The application shall also include the following information:

(1) Description of applicant's business or end use of the product;

(2) The anticipated use of the product in applicant's operation, including the present and anticipated needs of its customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested adjustment would have on the applicant's operations;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative product, and the applicant's conclusion as to the feasibility of making that conversion;

(5) The identification of any previous order relevant to the present application that has been issued to the applicant or to any person who controls or is controlled by the applicant;

(6) A certification of the accuracy of the application by the chief executive officer of the applicant or his duly authorized representative; and

(7) A statement that the increased allocations shall be used only for the purpose stated in the application, shall not be diverted to other uses, and that if needs decline the applicant shall file an amended application for a downward adjustment to its base period use.

§ 661.26 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application. *Provided,* That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(b) *Criteria.* An application for adjustment will only be granted or validated in the circumstances permitted or required by Part 660 of this subchapter. In evaluating such an application, the DOCA will apply the criteria stated in section 4(b) of the EPAA, and will consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.27 Decision and order.

(a) Upon consideration of the application or request and other relevant information received or obtained during the proceeding, the DOCA shall issue an appropriate order.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the applicant and any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.28 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.29 Appeal.

Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart C—Assignment

§ 661.31 Purpose and scope.

This subpart establishes the procedures for the filing of an application for an assignment as provided in Part 660 of this subchapter.

§ 661.32 What to file.

(a) A person filing under this subpart shall file an "Application for Assignment" or an "Application for Temporary Assignment" as provided in § 661.40, which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) The application shall be accompanied by the appropriate DOCA form.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.33 Where to file.

All applications for assignment shall be filed with the DOCA at the address provided in § 661.11.

§ 661.34 Notice.

(a) The DOCA shall serve notice on any person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action and may serve notice on any other person that written comments regarding the application for assignment will be accepted if filed within ten (10) days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.35 Contents.

(a) The application shall be the appropriate DOCA form, which shall be completed in accordance with the instructions that accompany the form. If there is not a current DOCA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected person (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. In addition to such information, the application shall include the following information:

(1) Description of applicant's business or end use of the product;

(2) The anticipated use of the petroleum product in applicant's operation, including present and anticipated needs of its customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested assignment would have on the applicant's operation;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative product, and the applicant's conclusion as to the feasibility of making such conversion;

(5) A description of applicant's efforts to find other suppliers;

(6) The identification of any previous assignment order relevant to the present application that has been issued to the applicant or to any person that controls or is controlled by the applicant;

(7) A statement as to whether the applicant had a supplier during the requisite base period, or as to whether the applicant's base period supplier or new supplier is unable to supply his requirements;

(8) The identification of any persons who will be aggrieved by the DOCA action sought, including potential suppliers; and

(9) Wholesale purchasers shall provide documentary evidence justifying its proposed base period volume as normal and reasonable for its intended use.

§ 661.36 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its

own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(b) *Criteria.* An application for assignment may be granted in the situations specified in Part 660 of this subchapter. (1) In evaluating such an application, the DOCA will, to the maximum extent possible, apply the criteria stated in section 4(b) of the EPAA.

(2) The DOCA shall consider the criteria provided in Part 660 of this subchapter and DOCA guidelines, rulings and decisions on appeal.

(3) The DOCA shall also consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

(4) In selecting a supplier for an assignment, the DOCA shall consider the goal of equalizing allocation fractions among suppliers and the capability of the supplier to provide the product to an applicant on short notice.

§ 661.37 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an appropriate order. The order shall state the duration of the assignment, which may be for the duration of the allocation program or for any lesser period specified therein.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) Prior to issuance of an assignment order, the DOCA shall contact the proposed supplier for the purpose of determining the accuracy of the facts upon which it intends to base the proposed assignment order and the impact such order may have upon the proposed supplier's operations, and to give the supplier a reasonable opportunity to comment on the proposed order. To the extent a proposed supplier's comments present facts or other information that materially differs from those in the application, the applicant shall be advised and given an opportunity to respond verbally. The notice and comment provided herein may be in writing if time permits.

(d) The DOCA shall serve a copy of the order upon the person who thereby will be directed to supply the product or to establish a base period volume, the applicant and upon any other person reasonable identifiable by the DOCA as one who is aggrieved by said order.

§ 661.38 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.39 Appeal.

(a) Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(b) If an appeal is filed in connection with the issuance of a temporary assignment order in accordance with § 661.40, and subsequent to such appeal an assignment order from which said person also appeals is issued to the recipient of the temporary assignment order, the appeal from both the temporary assignment order and the subsequent assignment order shall be consolidated and considered in the same appellate proceeding.

§ 661.40 Temporary assignment.

(a) In certain circumstances and upon receipt of an application from a wholesale purchaser consumer, an end-user or a wholesale purchaser-reseller, other than a wholesale purchaser who requires an assignment to supply wholesale purchaser-consumers or end-users experiencing hardship or emergency, the DOCA may issue a temporary assignment order to such an applicant. The ordering of a temporary assignment shall occur only in dire circumstances and when it is not feasible to issue an assignment order that conforms to the DOCA guidelines. Temporary assignments are intended to be issued when circumstance do not permit the issuance of an assignment order in the normal time period. The "Application for Temporary Assignment" is to conform to the requirements of § 661.35, except that such requirements may be waived in whole or in part by the DOCA for good cause shown. The application shall fully describe why the assignment must be made on a short term or emergency basis. A temporary assignment order shall have a duration of not longer than sixty (60) days. It is intended that a temporary assignment order shall be a one-time order that pertains to a specific situation, and it may not be extended by issuance of another temporary assignment order. If the applicant anticipates the requirement for an assignment of longer than sixty (60) days duration, he shall file contemporaneously with the application for a temporary assignment, or as soon thereafter as feasible, an "Application for Assignment."

(b) A temporary assignment order shall conform to the requirements of § 661.36 and shall be issued only upon a finding that circumstances do not permit issuance of an assignment in accordance with DOCA guidelines, which finding shall be stated in that order.

(c) The supplier selected shall be given notice of the temporary assignment order at least twenty-four (24) hours in advance of its issuance.

(d) A temporary assignment order shall be appealable in accordance with § 661.39.

Subpart D—Exceptions and Exemptions

§ 661.41 Purpose and scope.

(a) This subpart establishes the procedures for applying for (1) an exception from a Part 660 regulation of this subchapter, ruling or generally applicable requirement and (2) an exemption from Part 660 of this subchapter or any subpart thereof.

(b) The filing of an application for an exception or an exemption shall not constitute grounds for non-compliance with the requirements of Part 660 of this subchapter, a subpart thereof, a regulation, ruling or generally applicable requirement from which an exception or exemption is sought, unless a stay has been issued in accordance with Subpart H of this part.

§ 661.42 What to file.

A person filing under this subpart shall file an "Application for Exception (or Exemption)", which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.43 Where to file.

All applications for exception or exemption shall be filed with the DOCA at the address provided in § 661.11.

§ 661.44 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the DOCA action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the DOCA within ten (10) days. The application filed with the DOCA shall include certification to the DOCA that the applicant shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an applicant determines that compliance with

paragraph (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The DOCA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person readily identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within ten (10) days of service of such notice.

(d) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8 to the applicant. The person shall certify to the DOCA that he has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.45 Contents.

The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. The applicant shall state whether he requests or intends to request that there be a conference or hearing regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

(a) The application shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular action sought therein.

(b) The application shall specify the exact nature and extent of the relief requested.

§ 661.46 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application: *Provided,* That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA on its own initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request aditional information is not submitted by the applicant, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 661.44, the DOCA may dismiss the application without prejudice.

(b) *Criteria.* (1) The DOCA shall only consider an application for an exception or exemption when it determines that a more appropriate proceeding is not provided by this part.

(2) An application for an exception or an exemption may be granted to alleviate or prevent serious hardship or gross inequity.

(3) An application for an exception or an exemption shall be decided in a manner that is, to the extent possible, consistent with the disposition of previous applications for exceptions or exemption.

(4) The DOCA shall consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.47 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the DOCA as one who is aggrieved by such order.

§ 661.48 Timeliness.

(a) When the DOCA has received all substantive information deemed necessary to process any application filed under this subpart, the DOCA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to the provisions of § 661.44 and if the DOCA fails to take action on the application within ninety (90) days of serving such notice, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the DOCA fails to take action on the application within one hundred fifty (150) days from the filing of the application, the applicant may treat it as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.49 Appeal.

Any persons aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal must be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart E—Interpretation

§ 661.51 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request by the DOCA. Interpretations shall be in writing. Responses, which may include verbal or written responses to general inquiries or to other than formal written requests for interpretation are not interpretations and merely provide general information.

(b) A request for interpretation that includes, or could be construed to include an application for an exception or an exemption may be treated solely as a request for interpretation and processed as such.

§ 661.52 What to file.

(a) A person filing under this subpart shall file a "Request for Interpretation," which should be clearly labeled as such both on the request and on the outside of the envelope in which the request is transmitted, and shall be in writing and signed by the person filing the request. The person filing the request shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the person filing the request wishes to claim confidential treatment for any information contained in the request or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.53 Where to file.

A request for interpretation shall be filed with the DOCA at the address provided in § 661.11.

§ 661.54 Contents.

(a) The request shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the request. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the request. When the request pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be submitted.

(b) The request for interpretation shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular interpretation sought therein.

§ 661.55 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in a request and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may accept submissions from third persons relevant to any request for interpretation: *Provided,* That the person making the request is afforded an opportunity to respond to all third person submissions. In evaluating a request for interpretation, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the request.

(2) The DOCA shall issue its interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the DOCA during the proceeding. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(3) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the person requesting the interpretation, the DOCA may refuse to issue an interpretation.

(b) *Criteria.* (1) The DOCA shall base an interpretation on the FEAA and EPAA and the regulations and published rulings of the DOCA as applied to the specific factual situation.

(2) The DOCA shall take into consideration previously issued interpretations dealing with the same or a related issue.

§ 661.56 Decision and effect.

(a) Upon consideration of the request for interpretation and other relevant information received or obtained during the proceeding, the DOCA shall issue a written interpretation.

(b) The interpretation shall contain a statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed and other persons upon whom the DOCA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Subpart N of this part for any act taken in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) An interpretation may be rescinded or modified at any time. Rescission or modification may be effected by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification shall include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

§ 661.57 Appeal.

Any person aggrieved by an interpretation issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal must be filed within thirty (30) days of service of the interpretation from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart F—Other Proceedings

§ 661.61 Purpose and scope.

This subpart establishes the procedures for the filing of such other applications, petitions, or requests as may be required or permitted from time to time under the provisions of Part 660 of this subchapter, but does not supplant any procedures presently provided for in this part.

§ 661.62 What to file.

(a) A person filing under this subpart shall file an "Application (petition or request, if applicable) for (identify action requested)," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the person wishes to claim confidential treatment for any information contained in the application, petition, request, or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.63 Where to file.

All applications, petitions or requests not described in other subparts of this part shall be filed in accordance with any DOCA forms and instructions that relate thereto. If no such forms and instructions have been issued by the DOCA all such applications, petitions or requests shall be filed with the DOCA at the address provided in § 661.11.

§ 661.64 Contents.

Any application, petition or request filed under this subpart shall contain all the information that the DOCA by regulation, ruling, form or other instruction may require.

§ 661.65 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application, petition or request and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application, petition or request: *Provided,* That the person who filed is afforded an opportunity to respond to all third person submissions. In evaluating an application, petition or request, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application, petition or request.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application, petition or request without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application, petition or request with prejudice.

(b) *Criteria.* In considering an application, petition or request, the DOCA will apply the criteria stated in any DOCA regulation, ruling, form or instruction that relates to such application, petition or request, and shall consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.66 Decision and order.

(a) Upon consideration of the application, petition or request and other relevant information received or obtained during the proceeding, if DOCA action is required, the DOCA shall issue an appropriate order.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the person who filed and any other person who participated in the proceeding and may serve a copy of the order upon any person who is aggrieved by said order.

§ 661.67 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.68 Appeal.

Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart G—Appeal

§ 661.71 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administrative appeal of any DOCA actions taken under Subparts B, C, D, E, or F of this part or of a remedial order issued pursuant to Subpart M of this part and the consideration of such appeal by the DOCA.

(b) A person who has appeared before the DOCA in connection with a matter arising under Subparts B, C, D, E or F of this part or of a remedial order issued pursuant to Subpart M of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

§ 661.72 Who may file.

Any person aggrieved by an order or interpretation issued by the DOCA under Subparts B, C, D, E or F of this part or of a remedial order issued pursuant to Subpart M of this part may file an appeal under this subpart.

§ 661.73 What to file.

(a) A person filing under this subpart shall file an "Appeal of Order (or Interpretation)", which should be clearly labeled as such both on the appeal and on the outside of the envelope in which the appeal is transmitted, and shall be in writing and signed by the person filing the appeal. The appellant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the appellant wishes to claim confidential treatment for any information contained in the appeal or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.74 Where to file.

The appeal shall be filed with the DOCA at the address provided in § 661.11.

§ 661.75 Notice.

(a) The appellant shall send by United States mail a copy of the appeal and any subsequent amendments or other documents relating to the appeal, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the appellant as a person who will be aggrieved by the DOCA action sought, including those who participated in the prior proceeding. The copy of the appeal shall be accompanied by a statement that the person may submit comments regarding the appeal to the DOCA office within ten (10) days. The appeal filed with the DOCA shall include certification to the DOCA that the appellant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the appeal was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an appellant determines that compliance with paragraph (a) of this section would be impracticable, the appellant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the appeal a description of the persons or class or classes of persons to whom notice was not sent.

The DOCA may require the appellant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the appeal will be accepted if filed within ten (10) days of service of that appeal.

(d) Any person submitting written comments to the DOCA with respect to an appeal filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the appellant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.76 Contents.

(a) The appeal shall contain a concise statement of grounds upon which it is brought and a description of the relief sought. It shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the appeal. If the appeal includes a request based on significantly changed circumstances, there shall be a complete description of the events, acts, or transactions that comprise the significantly changed circumstances, and the appellant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding. For purposes of this subpart, the term "significantly changed circumstances" shall mean:

(1) The discovery of material facts that were not known or could not have been known at the time of the prior proceeding;

(2) The discovery of a law, regulation, interpretation, ruling, order or decision on an appeal or an exception that was in effect at the time of the proceeding upon which the order or interpretation is based and which, if such had been made known to DOCA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(3) A substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation affecting the appellant was issued, which change has occurred during the interval between issuance of the order or interpretation and the date of the appeal and was caused by forces or circumstances beyond the control of the appellant.

(b) A copy of the order or interpretation that is the subject of the appeal shall be submitted with the appeal.

(c) The appellant shall state whether to the best of his knowledge the same or a related issue, act or transaction that is the subject of the appeal has been or presently is being considered or investigated by the DOCA, other Commonwealth or Federal agency, department or instrumentality; or a municipal agency or court; or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with a DOCA proceeding described in this part, other than the proceeding from which the appeal is taken. In addition, the appellant shall state whether contact has been made by the appellant or one acting on his behalf with any person who is employed by the DOCA subsequent to service of the order or interpretation that is being appealed with regard to the issue, act or transaction that is the subject of the appeal; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact. An appellant shall comply with this paragraph in lieu of § 661.8(e).

(d) The appellant shall state whether he requests or intends to request that there be a conference or hearing regarding the appeal. Any request not made at the time the appeal is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the DOCA's determina-

tion regarding it shall be made in accordance with Subpart K of this part.

§ 661.77 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any appeal: *Provided,* That the appellant is afforded an opportunity to respond to all third person submissions. In evaluating an appeal, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference or hearing if, in its discretion, it considers that such conference of hearing will advance its evaluation of the appeal.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the DOCA may dismiss the appeal with leave to amend within a specified time. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the appeal with prejudice. If the appellant fails to provide the notice required by § 661.75, the DOCA may dismiss the appeal without prejudice.

(3) *Failure to satisfy requirements.* (i) If the appellant fails to satisfy the requirements of paragraph (b)(1) of this section, the DOCA may issue an order denying the appeal. The order shall state the grounds for the denial and a copy of the order shall be served upon the appellant and any other person who participated in the proceeding.

(ii) The order denying the appeal shall become a final order of the DOCA within ten (10) days of its service upon the appellant, unless within such ten (10) day period an amendment to the appeal that corrects the deficiencies identified in the order is filed with the DOCA.

(iii) Within ten (10) days of the filing of such DOCA amendments, as provided in paragraph (b)(1) of this section, the DOCA shall notify the appellant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, that notice shall be an order dismissing the appeal as amended. Such order shall be a final order of the DOCA of which appellant may seek judicial review.

(b) *Criteria.* (1) An appeal may be summarily denied if:

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the DOCA action was erroneous in fact or in law, or that it was arbitrary or capricious.

(2) The DOCA may deny any appeal if the appellant does establish that:

(i) The appeal was filed by a person aggrieved by DOCA action;

(ii) The DOCA's action was erroneous in fact or in law; or

(iii) The DOCA's action was arbitrary or capricious. The denial of an appeal shall be a final order of DOCA from which the appellant may seek judicial review.

§ 661.78 Decision and order.

(a) Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the DOCA shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject of the appeal.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order of the DOCA from which the appellant may seek judicial review.

(c) The DOCA shall serve a copy of the order upon the appellant, any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.79 Appeal of a remedial order.

The appeal of a remedial order shall be in accordance with the procedures stated in this subpart, except:

(a) The appeal must be filed within ten (10) days of the service of the remedial order; and

(b) If the appeal is of a remedial order that was issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the DOCA, with respect to which there was an exhaustion of administrative remedies, no issues will be considered on the current appeal that were raised in that prior proceeding.

(c) If an issue raised on an appeal of a remedial order is also being considered in connection with any other DOCA proceeding, the DOCA may consolidate such issues and considered them in the appellate proceeding for the remedial order.

§ 661.80 Timeliness.

(a) When the DOCA has received all substantive information deemed necessary to process any appeal filed under this subpart, the DOCA shall serve notice of that fact upon the appellant and all other persons who received notice of the proceeding pursuant to the provisions of § 661.75; and if the DOCA fails to take action on the appeal within ninety (90) days of serving such notice, the appellant may treat the appeal as having been denied in all respects and may seek judicial review thereof.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the DOCA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat it as having been denied in all respects and may seek judicial review thereof.

Subpart H—Stay

§ 661.81 Purpose and scope.

This subpart establishes the procedures for the application for and granting of a stay by the DOCA. An application for a stay will only be considered:

(a) Incident to or pending an appeal from an order of the DOCA;

(b) Incident to an application for an exception from the application of any DOCA regulations, rulings, or generally applicable requirements when the stay sought is of the same regulation, ruling or generally applicable requirement from which the exception is sought; or

(c) Incident to an application for an exemption from Part 660 of this subchapter or any subpart thereof when the stay sought is of the same part or subpart from which the exemption is sought; or

(d) Pending judicial review.

All DOCA orders, regulations, rulings, and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

§ 661.82 What to file.

(a) A person filing under this subpart shall file an "Application for Stay," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.83 Where to file.

An application for stay of a DOCA order incident to an appeal from such order shall be filed with the DOCA at the address provided in § 661.11.

§ 661.84 Notice.

(a) When administratively feasible, the DOCA shall notify each person rea- who would be aggrieved by the DOCA sonably identifiable by the DOCA as one action sought, that the applicant has filed for a stay and that the DOCA will accept written comment on the application.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f) to the applicant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.85 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in § 661.86(b).

(b) The application shall include a description of the proceeding incident to which the stay is being sought. This description shall contain a discussion of all DOCA actions relevant to the proceeding.

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

§ 661.86 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application: *Provided,* That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(3) The DOCA shall process applications for stay as expeditiously as possible. When administratively feasible, the DOCA shall grant or deny the application for stay within ten (10) business days after receipt of the application.

(4) Notwithstanding the provision for notice to third parties in § 661.84(a), the DOCA may make a decision on an application for stay prior to the receipt of written comments.

(b) *Criteria.* The grounds for granting a stay are:

(1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate serious hardship or gross inequity to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to preserve the *status quo ante* pending a decision on the merits of the appeal, exception or exemption;

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order; and

(5) A showing that there is a likelihood of success on the merits.

§ 661.87 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by DOCA as one who is aggrieved by such decision.

(d) The grant or denial of a stay is not an order of the DOCA subject to administrative review.

(e) In its discretion and upon a determination that such is in accordance with the objectives of the regulations and the FEAA or EPAA, the DOCA may order a stay on its own initiative.

Subpart I—Modification or Rescission

§ 661.91 Purpose and scope.

This subpart establishes the procedures for the filing of an application for modification or rescission of a DOCA order or interpretation. An application for modification or rescission is a summary proceeding that will be initiated only if the criteria described in § 661.96 (b) are satisfied.

§ 661.92 What to file.

(a) A person filing under this subpart shall file an "Application for Modification (or Rescission)," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8 (f) shall apply.

§ 661.93 Where to file.

The application shall be filed with the DOCA at the address provided in § 661.11.

§ 661.94 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the applicant as a person woh will be aggrieved by the DOCA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the DOCA within ten (10) days. The application filed with the DOCA shall include certification to the DOCA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the application a description of the persons or class of classes of persons to whom notice was not sent. The DOCA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notices should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person readily identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within ten (10) days of service of that notice.

(d) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that it has compiled with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.95 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act, or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. A copy of the order or interpretation of which modification or rescission is sought shall be included with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant

information pertaining to the entire transaction shall be submitted.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

(c) The applicant shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 661.96(b)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations, and decisions on appeal and exception relied upon to support the action sought therein.

§ 661.96 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application for modification or rescission provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application for modification or rescission, the DOCA may convene a conference, on its own initiative, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 661.94, the DOCA may dismiss the application without prejudice.

(3) *Failure to satisfy requirements.* (i) If the applicant fails to satisfy the requirements of paragraph (b)(1) of this section, the DOCA shall issue an order denying the application. The order shall state the grounds for the denial.

(ii) The order denying the application shall become final within ten (10) days of its service upon the applicant, unless within such ten (10) days period an amendment to correct the deficiencies identified in the order is filed with the DOCA.

(iii) Within ten (10) days of the filing of such amendment, the DOCA shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final order of the DOCA of which the applicant may seek judicial review.

(b) *Criteria.* (1) An application for modification or rescission of an order or interpretation shall be processed only if:

(i) The application demonstrates that it is based on significantly changed circumstances; and

(ii) The thirty (30) day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean:

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order, or decision on appeal or exception that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the DOCA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation of the DOCA affecting the applicant was issued, which change has occurred during the interval between issuance of such order or interpretation and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

§ 661.97 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order from which the applicant may seek judicial review.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.98 Timeliness.

(a) If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may seek judicial review thereof.

Subpart J—Rulings

§ 661.101 Purpose and scope.

This subpart estiblishes the criteria for the issuance of interpretative rulings by the DOCA. All rulings shall be published in the FEDERAL REGISTER. Any person is entitled to rely upon such ruling, to the extent provided in this subpart.

§ 661.102 Criteria for issuance.

(a) A ruling may be issued, in the discretion of the DOCA, whenever there have been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations.

(b) The DOCA may issue a ruling whenever it is determined that it will be of assistance to the public in applying the regulations to a specific situation.

§ 661.103 Modification or rescission.

(a) A ruling may be modified or rescinded by:

(1) Publication of the modification or rescission in the FEDERAL REGISTER; or

(2) An amendment to Part 660 or 661.

(b) Unless and until a ruling is modified or rescinded as provided in paragraph (a) of this section, no person shall be subject to the sanctions or penalties stated in Subpart N of this part for actions taken in reliance upon the ruling, notwithstanding that the ruling shall thereafter be declared by judicial or other competent authority to be invalid. Upon such declaration, no person shall be entitled to rely upon the ruling.

§ 661.104 Comments.

A written comment on or objection to a published ruling may be filed at any time with the DOCA at the address specified in § 661.11.

§ 661.105 Appeal.

There is no administrative appeal of a ruling.

Subpart K—Conferences and Hearings

§ 661.111 Purpose and scope.

This subpart establishes the procedures for requesting and conducting a DOCA conference or hearing. Such proceedings shall be convened in the discretion of the DOCA.

§ 661.112 Conferences.

(a) The DOCA in its discretion may direct that a conference be convened, on its own initiative or upon request by a person, when it appears that such conference will materially advance the proceeding. The determination as to who may attend a conference convened under this subpart shall be in the discretion of the DOCA, but a conference will usually not be open to the public.

(b) A conference may be requested in connection with any proceeding of the DOCA by any person who might be aggrieved by that proceeding. The request may be made in writing or verbally, but must include a specific showing as to why such conference will materially advance the proceeding. The request shall be addressed to the DOCA.

(c) A conference may only be convened after actual notice of the time, place, and nature of the conference is provided to the person who requested the conference.

(d) When a conference is convened in accordance with this section, each person

may present views as to the issue or issues involved. Documentary evidence may be presented at the conference, but will be treated as if submitted in the regular course of the proceedings. A transcript of the conference will not usually be prepared. However, the DOCA in its discretion may have a verbatim transcript prepared.

(e) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the DOCA in its discretion determines that such would be advisable.

§ 661.113 Hearings.

(a) The DOCA in its discretion may direct that a hearing be convened, on its own initiative or upon request by a person, when it appears that such hearing will materially advance the proceeding. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of the DOCA, but a hearing will usually not be open to the public.

(b) A hearing may only be requested in connection with an application for an exception, exemption, or an appeal. Such request may be by the applicant, appellant, or any other person who might be aggrieved by the DOCA action sought. The request shall be in writing and shall include a specific showing as to why such hearing will materially advance the proceeding. The request shall be addressed to the DOCA.

(c) The DOCA will designate an agency official to conduct the hearing, and will specify the time and place for the hearing.

(d) A hearing may only be convened after actual notice of the time, place, and nature of the hearing is provided both to the applicant or appellant and to any other person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action involved. The notice shall include, as appropriate:

(1) A statement that such person may participate in the hearing; or

(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the DOCA in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the DOCA in its discretion determines that such would be advisable.

Subpart L—Complaints

§ 661.121 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations of Part 660 of this subchapter, or any ruling or order issued thereunder.

§ 661.122 What to file.

(a) A person filing under this subpart shall file a "Complaint," which should be clearly labeled as such both on the complaint and on the outside of the envelope in which the complaint is transmitted, and shall be in writing and signed by the person filing the complaint. The complainant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart. Verbal complaints that otherwise satisfy the requirements of this subpart will be accepted, but written verification may be requested by the DOCA.

(b) The requirements of this section and § 661.124 may be satisfied by filing the appropriate DOCA form.

§ 661.123 Where to file.

A complaint shall be filed with the DOCA at the address provided in § 661.11.

§ 661.124 Contents.

The complaint shall be the appropriate DOCA form which shall be completed in accordance with the instructions which accompany the form. If there is not a current DOCA form appropriate or available, the complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint and to the DOCA action sought. Such facts shall include the names and addresses of all persons involved (if reasonably ascertainable) and a description of the events that led to the complaint. It shall include a statement describing the regulation, ruling, order, or interpretation that allegedly had been violated.

§ 661.125 DOCA evaluation.

(a) *Processing.* The DOCA may initiate an investigation of any statement in a complaint and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions relevant to a complaint from third persons to the proceeding. In evaluating a complaint, the DOCA may consider any other source of information. The DOCA on its own initiative may order a conference, if in its discretion, it considers such conference will advance its evaluation of the complaint.

(b) *Confidentiality of information.* Information received in the investigation of a complaint, including the identity of the complainant and any other person who provides information during the proceeding, shall remain confidential unless, upon proper notice to the complainant and an opportunity to respond, the DOCA determines that disclosure would be in the public interest.

§ 661.126 Decision.

After consideration of a written complaint and other relevant information received or obtained during the proceeding, the DOCA may:

(a) Issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart M of this part;

(b) Determine that no violation has occurred or that a notice of probable violation or a remedial order for immediate compliance would not be appropriate; or

(c) Take such other action as it deems appropriate.

Subpart M—Notice of Probable Violation and Remedial Order

§ 661.131 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the DOCA regulations and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance.

(b) When any report required by the DOCA or any audit or investigation discloses, or the DOCA otherwise discovers, that there is reason to believe a violation of any provision of Part 660 of this subchapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the DOCA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The DOCA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

§ 661.132 Notice of probable violation.

(a) The DOCA may begin a proceeding under this subpart by issuing a notice of probable violation if the DOCA has reason to believe that a violation has occurred, is continuing, or is about to occur.

(b) Within ten (10) days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the DOCA at the address provided in § 661.11. The DOCA may extend the ten (10) day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information

regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart K of this part.

(f) If a person has not filed a reply with the DOCA within the ten (10) day period provided, and the DOCA has not extended the ten (10) day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the DOCA finds, after the ten (10) day period provided in § 661.132(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify, in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

§ 661.133 Remedial order.

(a) If the DOCA finds, after the ten (10) day period provided in § 661.132(b), that a violation has occurred, is continuing, or is about to occur, the DOCA may issue a remedial order. The order shall include a written opinion setting forth the relevant facts and the legal basis of the remedial order.

(b) A remedial order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. A remedial order shall remain in effect notwithstanding the filing of an application to stay it under Subpart H of this part or to modify or rescind it under Subpart I of this part.

(c) The DOCA or the Department of Justice of the Commonwealth of Puerto Rico may take appropriate action concerning such remedial order in accordance with Subpart N of this part.

§ 661.134 Remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 661.132 and 661.133, the DOCA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 661.132 and 661.133.

(b) A remedial order for immediate compliance shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The DOCA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 661.132.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in paragraph (a) of this section are satisfied, the DOCA may issue a remedial order for immediate compliance, even if the ten (10) day period for reply specified in § 661.132(b) has not expired.

(e) At any time after a remedial order for immediate compliance has become effective, the DOCA or the Department of Justice of the Commonwealth of Puerto Rico may take appropriate action concerning such order in accordance with Subpart N of this part.

§ 661.135 Remedies.

A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such other action as the DOCA determines is necessary to eliminate or to compensate for the effects of a violation.

§ 661.136 Appeal.

(a) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart G of this part.

(b) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the DOCA and in accordance with Subpart G of this part. The appeal must be filed within ten (10) days of service of the order from which the appeal is taken.

Subpart N—Investigations, Violation, Sanctions and Judicial Action

§ 661.141 Investigations.

(a) *General.* The DOCA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the DOCA, any decree of court relating thereto, or any other agency action. The DOCA encourages voluntary cooperation with its investigations. The DOCA may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart K of this part.

(b) *Investigators.* Investigations will be conducted by representatives of the DOCA who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the DOCA.

(c) *Notification.* Any person who is under investigation by the DOCA in accordance with this section and who is requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file will be closed without prejudice to further investigation by the DOCA at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the DOCA to be in the public interest, remain confidential.

§ 661.142 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of Part 660 of this subchapter or any order issued pursuant thereto is a violation of the DOCA regulations stated in Part 660 of this subchapter.

§ 661.143 Sanctions.

(a) *General.* Any person who violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein:

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of Part 660 of this subchapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation of the provisions of Part 660 of this subchapter and this Part 661 relating to criminal fines and civil penalties.

(b) *Criminal penalties.* Any person who wilfully violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to a fine or not more than Five Thousand Dollars ($5,000) for each violation. Criminal violations are prosecuted either by the Department of Justice of the Commonwealth of Puerto Rico or by the DOCA.

(c) *Civil penalties.* (1) Any person who violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars ($2,500) for each violation. Actions for civil penalties are prosecuted either by the Department of Justice of the Commonwealth of Puerto Rico or by the DOCA.

(2) When the DOCA considers it to be appropriate or advisable, the DOCA may compromise and settle and collect civil penalties.

§ 661.144 Injunctions.

Whenever it appears to the Administrator of the DOCA, or his delegate, that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under Part 660 of this subchapter, the DOCA or the Attorney General of the Commonwealth of Puerto Rico may bring a court action to enjoin such acts or practices and, upon a proper showing a temporary restraining order or a preliminary restraining order or a preliminary or permanent injunction shall be ganted without bond. The relief sought may include a mandatory injunction commanding and person to comply with any such order or regulation.

Subpart O—Antitrust Applicability

§ 661.151 Scope.

The purpose of this subpart is to set forth the relationship between the requirements of Part 660 of this subchapter and the antitrust laws of the United States.

§ 661.152 General rule.

Notwithstanding any provision to the contrary elsewhere in Part 660 of this subchapter, except as specifically provided in this subpart, the provisions of this subpart neither provide immunity from civil or criminal liability under the antitrust laws to any person subject to the provisions of Part 660 of this subchapter and this Part 661, nor create a defense to any action under the antitrust laws.

§ 661.153 Definitions.

For the purposes of this subpart, "antitrust laws" includes:

(1) The Sherman Antitrust Act (15 U.S.C. 1 et seq., July 2, 1890, as amended);

(2) The Clayton Act (15 U.S.C. 12 et seq., October 13, 1914, as amended);

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.);

§ 661.154 Meetings.

By order of the DOCA, whenever it becomes necessary in order to comply with the provisions of these regulations, that owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing of any product subject to the requirements of these regulations must meet, confer, or communicate in such fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such activities may be permitted; provided, the criteria of § 661.155 are met.

§ 661.155 Criteria for meetings.

Persons permitted by order to so meet, confer, or otherwise communicate shall:

(a) Obtain from the DOCA an order which specifies and limits the subject matter to be discussed, and the objectives of such meeting, conference or other communication;

(b) Meet only in the presence of a representative of the Antitrust Division of the Department of Justice of the United States;

(c) Take a verbatim transcript of such meeting, conference, or other communication; and

(d) Submit such verbatim transcript and any agreement resulting from such meeting, conference, or other communication to the Attorney General of the United States and to the Federal Trade Commission.

§ 661.154 Defense antitrust.

Compliance with the provisions of § 661.155 shall make available to the affected parties a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication, or agreement arising therefrom: *Provided*, That such meeting, conference, or other communication was held and any resulting agreement was made solely for the purpose of complying with the provisions of Part 660 of this subchapter and this Part 661.

§ 661.157 Defenses: Antitrust and breach of contract.

Compliance with the provisions of the regulations of Part 660 of this subchapter shall make available a defense to any action brought under the antitrust laws or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any product subject to these regulations: *Provided*, That such defense shall be available only if such delay or failure was caused solely by compliance with the provisions of Part 660 of this subchapter.

[FR Doc.75-6140 Filed 3-7-75;8:54 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATION

[Reg. PR-145, Amdt. 24]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Local Service Air Carriers' Unit Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 5, 1975.

By notice of proposed rule making PDR-37,[1] the Board invited comment on a proposal to amend Subpart K of Part 302 of the Board's rules of practice (14 CFR Part 302), so as to revise the Board's existing undertaking, described in § 302.-1109, to publish semi-annually a compilation containing specified types of data and entitled "Local Service Air Carriers' Unit Costs."

The compilation is to be used in preparing cost estimates which Subpart K requires to be submitted, in accordance with a methodology prescribed therein, in any proceeding involving proposed changes in the authorized operations of local service carriers. The contents of each compilation, as described in § 302.1109, are summary sheets showing the currently prescribed unit costs for each local service carrier, work sheets showing the derivation of the unit costs, and a general exposition of the costing system prescribed in Subpart K. For some time each semi-annual compilation has been published in two volumes: Volume I contains the summary sheets and the general exposition of the methodology used to determine unit costs; and Volume II contains the work sheets showing the derivation of the unit costs, along with certain historic data for both trunkline and local service carriers.

As indicated in the Explanatory Statement to PDR-37, the Board's purpose in proposing to revise the contents of this compilation is to reduce the administrative costs incurred in connection with a semi-annual publication of voluminous data, but without significantly impairing the ability of users to perform calculations required to be based on such data. Under the proposal, the material which has been set forth in Volume I of the compilation would continue to be published semi-annually, but the material which has been included in Volume II would hence forth be published only once a year, on or about January 1. The Board indicated, however, that, although it proposed to discontinue inclusion of this "Volume II" material in the compilation published on or about July 1, we would continue to make the material itself publicly available by maintaining copies of the computer runs in the Board's Public Reference Room.

Pursuant to the notice, a comment was received from Texas International Airlines (TXI), seeking continued semi-annual publication of some of the material presently set forth in Volume II. While expressing general agreement with the proposal, TXI argues that several sections of Volume II information are repeatedly used by the carrier; that they are a source of essential, current information; and that they could be inexpensively published as an attachment to the compilation published semi-annually.

Upon consideration, for the reasons set forth hereinafter and in PDR-37, we have determined to adopt the rule as proposed.

The expressed purpose for which the Board publishes the compilation of "Local Service Air Carriers' Unit Costs" is to provide interested persons information necessary for preparing the cost estimates required by Subpart K for use in proceedings concerned with proposed changes in the authorized operations of local service carriers. The material which we have proposed to discontinue publishing on a semi-annual basis is not needed for this regulatory purpose, and we are not persuaded by the rather limited considerations advanced by TXI alone that the Board should continue to incur the substantial costs attendant upon the unnecessarily frequent publication of material not actually needed by carriers for

[1] September 20, 1974, 39 FR 34570, Docket 27040.

the intended purpose of the compilation. It is enough that such material will continue to be published once a year and will otherwise be made available on a semi-annual basis by the Board from computer runs, to interested persons; we need not continue to include it in our semi-annual publication.

Finally, as proposed, we will up-date the list of local service air carriers set forth in § 302.1101, to whose operations Subpart K applies.[3]

In consideration of the foregoing, the Board hereby amends Part 302 of the Board's rules of practice (14 CFR Part 302) effective April 9, 1975, as follows:

1. Amend § 302.1101 to read as follows:

§ 302.1101 Applicability.

This subpart sets forth specific rules applicable to the preparation of cost estimates submitted by any party or nonparty in hearing or nonhearing proceedings which involve proposed changes in the authorized operations of any of the local service air carriers named hereinbelow. The rules set forth herein are also to be used to prepare the estimated cost of operating an existing route or route segment as to which no change in authority is currently proposed, where this information is required in a proceeding. For this purpose, the authorized operation to be costed shall be treated as a proposed deletion. The rules are not applicable to proceedings involving rates and fares. For use with these provisions the Board will issue a compilation entitled "Local Service Air Carriers' Unit Costs" (referred to in these provisions as the "compilation"), pursuant to the provisions of § 302.1109.

Allegheny Airlines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp. d/b/a Hughes Airwest
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.

2. Amend § 302.1109 by revising paragraphs (a) and (b) and adding a new paragraph (c), the section as amended to read as follows:

§ 302.1109 Compilation.

(a) *Use of compilation in proceedings.* The Board will publish semi-annually, on or about the first of January and July of each year,[3] a compilation entitled "Local Service Air Carriers' Unit Costs." Each new issue shall be appropriately dated and identified, and will supersede the previous edition. Copies of the latest edition may be obtained upon request from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428. Interested persons may, upon written request, be placed on a mailing list to receive new issues as copies become available for mailing. Copies of the current and all past issues will be available for inspection during office hours at the Board's Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. Evidence, pleadings, and argument introduced in a proceeding on the basis of a then current issue shall not be invalidated by the publication of a later issue; however, the administrative law judge or the Board may take official notice of the later issue and make appropriate adjustments in the estimates. Where a subsequent issue of the compilation shows a change in a local service air carrier's unit costs which substantially affects an issue in a proceeding, the administrative law judge or the Board may, upon appropriate terms, permit or require amendments to the record to reflect the subsequent issue.

(b) *Contents of compilation.* Each compilation will contain a summary sheet showing the currently-prescribed unit costs for each local service carrier which are to be used in estimating the total annual cost of a proposed charge in authorized operations, in accordance with the instructions contained in §§ 302.1104 to 302.1107 of this subpart. The compilation will contain a general exposition of the costing method used in determining the unit costs. The Board may also publish as an attachment to any compilation such other data as it may deem appropriate.

(c) *Work papers.* The Board will publish annually, as an attachment to the compilation to be published on or about January 1st, pursuant to paragraph (a) of this section, the work sheets showing the derivation of the unit costs set forth in such compilation. In addition, work papers showing the derivation of unit costs set forth in each current and past compilation will be available for inspection and copying during office hours at the Board's Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The work papers, whether published or made available for inspection and copying, will contain a general exposition of the costing method used in determining unit costs.

(Secs. 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; (49 U.S.C. 1324, 1386.))

By the Civil Aeronautics Board.

Adopted: March 5, 1975.

Effective: April 9, 1975.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-6177 Filed 3-7-75;8:45 am]

[3] The Board recently certificated Air New England as a new regional air carrier with a New England route system. Order 74-7-70. As data relating to the carrier's operations become available, its operating results will be included in the compilation.

[3] The data published in January shall be for the twelve months ended the preceding September 30th and the dates published in July shall be for the twelve months ended the preceding March 31st.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 491]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Woodford	Eureka, city of	Feb. 28, 1975. Emergency	Mar. 1, 1974		
Indiana	Decatur	Greensburg, city of	do	Apr. 12, 1975		
Do	Porter	Chesterton, town of	do	Feb. 1, 1974		
Kansas	Rice	Chase, city of	do	Mar. 8, 1974		
Maine	Oxford	Paris, town of	do	July 19, 1974		
New Hampshire	Hillsborough	Hollis, town of	do	Mar. 1, 1974		
New York	Saratoga	Clifton Park, town of	do	May 31, 1974		
Ohio	Hamilton	Elmwood Place, village of	do	Feb. 1, 1974		
Do	Logan	West Liberty, village of	do	Apr. 12, 1975		
Oregon	Linn	Lyons, city of	do	Mar. 8, 1974		
South Carolina	Orangeburg	Orangeburg, city of	do	June 28, 1974		
Texas	Tarrant	Mansfield, city of	do	Feb. 22, 1974		
Vermont	Caledonia	Ryegate, town of	do	Aug. 2, 1974		
West Virginia	Monongalia	Osage, town of	do	June 7, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-6013 Filed 3-7-75;8:45 am]

[Docket No. FI 492]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553 (b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Weld	Eaton, town of	Mar. 3, 1975. Emergency	May 10, 1974		
Do	Sedgwick	Julesburg, town of	do	May 24, 1974		
Georgia	Troup	West Point, city of	do	June 7, 1974		
Illinois	McHenry	McCullom Lake, village	do			
Do	Lee	Dixon, city of	do	May 3, 1974		
Iowa	Sac	Lake View, city of	do			
Kansas	Dickinson	Solomon, city of	do	Jan. 9, 1974		
Massachusetts	Hampden	East Longmeadow, town of	do	June 14, 1974		
Minnesota	Crow Wing	Fort Ripley, city of	do	Jan 24, 1975		
New Jersey	Salem	Upper Penns Neck, township of	do			
North Dakota	Traill	Hillsboro, city of	do	Nov. 16, 1973		
New Mexico	Quay	Logan, village of	do			
Ohio	Preble	New Paris, village of	do	Feb. 8, 1974		
Oregon	Lake	Unincorporated Areas	do			
Do	Clackamas	Rivergrove, city of	do	Dec. 6, 1974		
Do	Wallowa	Lostine, city of	do	Nov. 8, 1974		
Do	Wallowa	Unincorporated Areas	do			
Do	Multnomah	Wood Village, city of	do	May 10, 1974		
Utah	Cache	Amalga, town of	do			
Virginia	Wise	Wise, town of	do	May 10, 1974		
Washington	Spokane	Millwood, town of	do	Aug. 16, 1974		
Do	Kittitas	Cle Elum, city of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-6014 Filed 3-7-75;8:45 am]

[Docket No. FI 493]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW, Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Illinois	Cook	Burnham, village of	March 4, 1975	Feb. 22, 1974		
Do	Clay	Flora, city of	Mar. 4, 1975. Emergency	Feb. 1, 1974		
Do	Rock Island	Moline, city of	do	May 3, 1974		
Louisiana	Calcasieu Parish	Westlake, town of	do			
Massachusetts	Norfolk	Stoughton, town of	do			
Mississippi	DeSoto	Unincorporated areas	do			
New York	Oneida	Sangerfield, town of	do	June 28, 1974		
North Carolina	Pitt	Ayden, town of	do	May 24, 1974		
North Dakota	Stark	Unincorporated areas	Jan. 15, 1971. Emergency Nov. 5, 1971. Regulate. Jan. 15, 1975. Suspension. Feb. 27, 1975. Reinstated.	Nov. 9, 1971		
Ohio	Warren	Morrow, village of	Mar. 4, 1975	May 24, 1974		
Pennsylvania	Montgomery	Worcester, township of	Mar. 4, 1975. Emergency	Nov. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 25, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-6015 Filed 3-7-75;8:45 am]

[Docket No. FI 494]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special floodor mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is

not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Georgia	Clarke	Unincorporated areas.	H 130243 01 through H 130243 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Clarke County Clerk, 325 East Washington, County of Clarke, Athens, Ga. 30601.	Mar. 21, 1975.
Illinois	Cook	Northfield, village of.	H 170133A 1 through H 170133A 02	Governor's Task Force on Flood Control, 300 North State St., Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Manager, 361 Happ Road, Village of Northfield, Northfield, Ill. 60093.	Mar. 29, 1974. Mar. 21, 1975.
Do	Logan	Unincorporated areas.	H 170427 01 through H 170427 02	do	Logan County Zoning Office, County of Logan, 529 South McLean St., Lincoln, Ill. 62656.	Mar. 21, 1975.
Do	Henry	do	H 170739 01 through H 170739 02	do	Orville E. Bartz, Courthouse, County of Henry, Cambridge, Ill. 61238.	Do.
Do	DeWitt	Farmer City, city of.	H 170818 01	do	Mayor, City of Farmer City, City Hall, Farmer City, Ill. 61842.	Do.
Do	Iroquois	Woodland, village of.	H 170819 01	do	Village President, Village of Woodland, Woodland, Ill. 60974.	Do.
Do	Jasper	St. Marie, village of.	H 170820 01	do	Village President, Village of St. Marie, St. Marie, Ill. 62459.	Do.
Do	do	Yale, village of	H 170821 01	do	Village President, Village of Yale, Yale, Ill. 62481.	Do.
Do	La Salle	North Utica, village of.	H 170822 01	do	Village President, Village of North Utica, North Utica, Ill. (No ZIP)	Do.
Do	Livingston	Cornell, village of	H 170823 01	do	Village President, Village of Cornell, Village Hall, Cornell, Ill. 61319.	Do.
Do	Madison	Worden, village of	H 170825 01	do	Village Council, Village of Worden, Worden, Ill. 62097.	Do.
Do	Marion	Junction City, village of.	H 170826 01	do	Village Council, Village Hall, Village of Junction City, Junction City, Ill. (no ZIP).	Do.
Do	Mason	Topeka, town of	H 170828 01	do	Chairman Town Board, Town Hall, Town of Topeka, Topeka, Ill. 61567.	Do.
Do	Menard	Oakford, village of.	H 170832 01	do	Village President, Village of Oakford, Oakford, Ill. 62673.	Do.
Do	Pike	Kinderhook, village of.	H 170837 01	do	Village President, Village of Kinderhook, Kinderhook, Ill. 62345.	Do.
Do	Sangamon	Rochester, village of.	H 170840 01	do	Village President, Village of Rochester, Rochester, Ill. 62563.	Do.
Do	Champaign	Sadorus, village of	H 170855 01	do	Village President, Village of Sadorus, Sadorus, Ill. 61872.	Do.
Do	Christian	Kincaid, village of	H 170858 01	do	Village President, Village of Kincaid, Kincaid, Ill. 62540.	Do.
Do	Clinton	Keyesport, village of.	H 170860 01	do	Village President, Village Hall, Village of Keyesport, Keyesport, Ill. 62253.	Do.
Do	DeKalb	Waterman, village of.	H 170864 01	do	President of the Village Board, Village of Waterman, Waterman, Ill. 60556.	Do.
Do	Franklin	Royalton, village of.	H 170867 01	do	Village President, Village of Royalton, Royalton, Ill. 62983.	Do.
Do	do	Sesser, village of	H 170868 01	do	Village President, Village of Sesser, Sesser, Ill. 62884.	Do.
Do	do	Urbain, village of	H 170869 01	do	Village President, Village of Urbain, Urbain, Ill. (No ZIP).	Do.
Do	do	Valier, village of	H 170870 01	do	Village Presidents, Village of Valier, Valier, Ill. 62891.	Do.
Do	Grundy	East Brookiyn,	H 170873 01	do	Village President, Village of East Brooklyn, Ill. (No ZIP)	Do.
Do	do	South Wilmington, village of.	H 170874 01	do	Village President, Village of South Wilmington, Village Hall, South Wilmington, Ill. 60474.	Do.
Do	Mercer	Seaton, village of	H 170881 01	do	Village President, Village Hall, Village of Seaton, Seaton, Ill. 61476.	Do.
Indiana	Cass	Onward, town of	H 180357 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Onward Town Board, Town of Onward, Onward, Ind. 46967.	Do.
Do	Daviess	Plainville, town of.	H 180359 01	do	Chairman, Town Board, Town of Plainville, Plainville, Ind. 47568.	Do.
Do	Delaware	Yorktown, town of.	H 180361 01	do	Town Board Chairman, Town of Yorktown, Yorktown, Ind. 47396.	Do.
Do	Floyd	Greenville, town of.	H 180365 01	do	Chairman, Town Board, City Hall, Town of Greenville, Greenville, Ind. 47124.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Gibson	Francisco, town of.	H 180366 01	do	Chairman of Town Board, Town of Francisco, Francisco, Ind. 47649.	Do.
Do	Henry	Greensboro, town of.	H 180376 01	do	Town Manager, Town of Greensboro, Town Hall, Greensboro, Ind. 47344.	Do.
Do	do	Kennard, town of.	H 180377 01	do	Town Manager, Town Hall, Town of Kennard, Kennard, Ind. 47351.	Do.
Do	Kosciusko	Milford, town of.	H 180382 01	do	Milford Plan Commission, Town of Milford, Milford, Ind. 46542.	Do.
Do	Porter	Pines, town of.	H 180388 01	do	Town Board, Town Hall, Town of Pines, Pines, Ind. (no ZIP).	Do.
Do	Shelby	Morristown, town of.	H 180393 01	do	Town Board, Town Hall, Town of Morristown, Morristown, Ind. 46161.	Do.
Do	Washington	Little York, town of.	H 180398 01	do	Town Board, Town of Little York, Little York, Ind. 47139.	Do.
Maine	Cumberland	New Gloucester, town of.	H 230201 01 through H 230201 13	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Town of New Gloucester, New Gloucester, Maine 04260.	Do.
Do	Aroostook	Littleton, town of.	H 230438 01 through H 230438 04	do	Planning Board, Town of Littleton, Littleton, Maine (No ZIP).	Do.
Maryland	Washington	Unincorporated Areas.	H 240070 01 through H 240070 34	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Washington County Planning & Zoning Commission, County of Washington, Courthouse Annex, 24 Summit Ave., Hagerstown, Md. 21740.	Do.
Massachusetts	Franklin	Heath, town of.	H 250350 01 through H 250350 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, town of Heath, Town Hall, Heath, Mass. 01346.	Do.
Minnesota	Mower	Unincorporated Areas.	H 270307 01 through H 270307 04	Division of Water, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	County Commissioners, County of Mower, County Courthouse, Austin, Minn. 55101.	Do.
Do	Jackson	Unincorporated Areas.	H 270632 01 through H 270632 04	do	The County Highway Department, County of Jackson, c/o Highway Engineer, Jackson, Minn. 56143.	Do.
Ohio	Guernsey	Unincorporated areas.	H 390198 01 through H 390198 06	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	County Commissioners, County of Guernsey, Cambridge, Ohio 43741.	Do.
Pennsylvania	Bedford	Kimmell, township of.	H 421341 01 through H 421341 07	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 19063. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Chairman, Board of Supervisors, R.D. No. 1, Township of Kimmell, Claysburg, Pa. 16625.	Do.
Do	Cambria	Dale, borough of.	H 421428 01	do	Mayor, Borough of Dale, 915 Nathaniel St., Johnstown, Pa. 15902.	Do.
Do	Elk	Millstone, township of.	H 421613 01 through H 421613 12	do	Chairman, Board of Supervisors, R.D. No. 1, Township of Millstone, Hallton, Pa. 15842.	Do.
Do	Pike	Westfall, township of.	H 421970 01 through H 421970 13	do	Chairman, Board of Supervisors, Township of Westfall, 107 Ave. C, Matamoras, Pa. 18336.	Do.
Do	Washington	Morris, township of.	H 422559 01 through H 422559 04	do	Chairman, Board of Supervisors, R.D. No. 1, Township of Morris, Prosperity, Pa. 15329.	Do.
Vermont	Addison	Shoreham, town of.	H 500171 01 through H 500171 04	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town of Shoreham, Board of Selectmen, Shoreham, Vt. 05770.	Feb. 7, 1975.
Do	Addison	Cornwall, town of.	H 500317 01 through H 500317 03	do	Town Manager, Town Hall, Town of Cornwall, Cornwall, Vt. (no ZIP).	Mar. 21, 1975.
Virginia	Bath	Unincorporated areas.	H 510196 01 through H 510196 36	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	County Commissioners, County of Bath, Warm Springs, Va. 24484.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: February 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-6016 Filed 3-7-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Implementation Provisions

At the January 1975 quarterly meeting of the Board of Parole, several amendments were made to the Board's emergency regulations and its proposed regulations. These amendments were originally published at 40 FR 5357, et seq. (February 5, 1975). They are republished at this time, together with the Board's other emergency regulations, as an integrated whole. The Board adopted its first set of emergency regulations on December 31, 1974, to provide temporary work regulations while the Board received comments on a rule making proposal. The February 5, 1975, amendments, explained at 40 FR 5357 were also found to require immediate implementation on an emergency basis to eliminate delays in processing cases and to clarify certain regulations.

More specifically, the emergency implementation of § 2.17(a), as amended, was necessary to provide for initial decisions in original jurisdiction cases without waiting for the quarterly meeting of the Regional Directors. That change required a change in § 2.27 so that the initial decision makers would not act as first level appellate decision makers. Section 2.28 also needed an amendment to retain the practice of having the initial decision makers decide when original jurisdiction cases should be reopened. Section 2.4 required immediate amendment to conform to a change in the statutory criteria for parole decisions in juvenile delinquency cases. It was necessary to immediately amend § 2.11(c) to eliminate the sentence inaccurately stating that NARA prisoners received an initial parole hearing at the first docket of hearings following their classification. Section 2.17 (b) (2) required immediate amendment to avoid conflict with recent developments in the law in several districts regarding the consideration of organized crime cases. Likewise, the procedures for rescission of parole in §§ 2.30, 2.31, and 2.37 were found to require immediate implementation to avoid potential conflict with developing legal requirements in this area. In § 2.20 the description of "soft drugs" offenses in the paroling guidelines required immediate change to conform to the prevailing informal practice of equating sale of such drugs with possession with intent to distribute. It should be specially noted that the revised description of the "soft drugs" offenses published at this time includes the above described drug in the moderate, high, and very high severity category; whereas the February 5 publication included the change for only the high and very high category. Omission of that change in the moderate category was due to an oversight in the transmission of documents to the FEDERAL REGISTER. That error is being corrected at this time to clarify the appropriate severity category for "soft drugs" offenses and to better inform the public of the Board's proposed rules.

Therefore, the Board finds, pursuant to 5 U.S.C. 553(b) (3) (B) that notice and public procedure thereon are impracticable for the emergency implementation of these regulations. However, these rules are subject to the notice of proposed rule making published elsewhere in this issue. After consideration of the statements submitted in response to that notice, the Board will decide whether to adopt these rules on a permanent basis.

Under the authority of 28 CFR, Chapter 1, Part 0, Sub-part V, and 18 U.S.C. 4201–4210 and 5005–5037, 28 CFR, Chapter 1, Part 2 is amended on an emergency basis, effective March 10, 1975, as follows:

Sec.

AUTHORITY: 18 U.S.C. 42101–4210, 5001–5037; 28 CFR Part O, Subpart v.

§ 2.1 Definitions.

(a) For the purpose of this part, the term "Board" means the United States Board of Parole; and the terms "Youth Correction Division" and "Division" each mean the Youth Correction Division of the Board.

(b) As used in this part, the term "National Appellate Board" means the Chairman, Vice Chairman, and at least one member of the Board, all of whom also serve as National Appellate Board members in the headquarters office, i.e., Washington, D.C.

(c) All other terms used in this part shall be deemed to have the same meaning as identical or comparable terms have when those term are used in Chapter 311 of Part IV of Title 18 of the United States Code or Chapter I, Part O, Subpart V of Title 28 of the Code of Federal Regulations.

§ 2.2 Eligibility for parole, regular adult sentences.

Except as set out in the following sections, a federal prisoner wherever confined and serving a definite term or terms of over one hundred and eighty days may, in accordance with the regulations prescribed in this part, be released on parole after serving one-third of such term or terms or after fifteen years of a life sentence or a sentence of over forty-five years (18 U.S.C. 4202).

§ 2.3 Same; adult indeterminate sentences.

A Federal prisoner, other than a juvenile delinquent or a committed youth offender, who has been sentenced to a maximum term of imprisonment in excess of one year may, if the court has designated a minimum term to be served, which term may be less than, but not more than, one-third of the maximum sentence imposed, be released on parole after serving the minimum term. In cases in which a court imposes a maximum sentence of imprisonment upon a prisoner and specifies that the prisoner may become eligible for parole at such times as the Board may determine, the prisoner may be released on parole at any time in the discretion of the Board (18 U.S.C. 4208(a)).

§ 2.4 Same; juvenile delinquents.

The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the

Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice (18 U.S.C. 5041).

§ 2.5 Same; committed youth offenders.

The Youth Correction Division may at any time, after reasonable notice to the Director of the Bureau of Prisons, release conditionally under supervision a committed youth offender. A youth offender committed under section 5010(b) of title 18 of the United States Code to a maximum six year term shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction. A youth offender committed under section 5010 (c) of title 18 of the United States Code to a maximum term which is more than six years shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court (18 U.S.C. 5017).

§ 2.6 Same; sentences under the Narcotic Addict Rehabilitation Act.

The Narcotic Addict Rehabilitation Act provides for sentence to a maximum term for treatment as a narcotic addict. Parole may be ordered by the Board after at least six months in treatment, not including any period of time for "study" prior to final judgment of the court. Before parole is ordered by the Board, the Surgeon General or his designated representative must certify that the prisoner has made sufficient progress to warrant his release and the Attorney General or his designated representative must also report to the Board whether the prisoner should be released. Recertification by the Surgeon General prior to reparole consideration is not required (18 U.S.C. 4254).

§ 2.7 Same; sentences under the gun control statute.

A Federal prisoner sentenced under 18 U.S.C. 924 for violation of Federal gun control laws is considered eligible for parole at such time as the Board may determine. Prisoners sentenced under this provision are considered for parole in the same manner as if they had been sentenced under 18 U.S.C. 4208(a)(2).

§ 2.8 Same; sentences of six months or less followed by probation.

A Federal prisoner sentenced under 18 U.S.C. 3651 to serve a period of six months or less in a jail type or treatment institution, with a period of probation to follow, is not eligible for parole.

§ 2.9 Study prior to sentencing.

(a) When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing under the provisions of 18 U.S.C. 4208(b), the report to the sentencing court is prepared and submitted directly by the United States Bureau of Prisons.

(b) The court may order a youth to be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Youth Correction Division shall report its findings to the court (18 U.S.C. 5010(e)).

§ 2.10 Date service of sentence commences.

(a) Service of a sentence of imprisonment commences to run on the date on which the person is received at the penitentiary, reformatory, or jail for service of the sentence: *Provided, however,* That any such person shall be allowed credit toward the service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed.

(b) Service of the sentence of any person who is committed to a jail or other place of detention to await transportation to the place at which his sentence is to be served shall commence to run from the date on which he is received at such jail or other place of detention.

(c) Service of the sentence of a committed youth offender or a person committed under the Narcotic Addict Rehabilitation Act commences to run and continues to run uninterruptedly from the date of conviction, except when such offender is on bail pending appeal or is in escape status.

§ 2.11 Application for parole.

(a) A prisoner, other than a juvenile delinquent, a committed youth offender, or an offender committed under the Narcotic Addict Rehabilitation Act, desiring to apply for parole shall execute such application forms as may be prescribed by the Board. Such forms shall be available at each Federal institution and shall be provided to prisoners eligible for parole. Such prisoners may waive parole consideration on a form provided for that purpose. If such a prisoner waives parole consideration, he may later supply for parole and may be heard during the next visit of the Board to the institution where he is confined, provided he has applied prior to 45 days from the first scheduled date of this visit. A prisoner who receives an initial hearing may not waive any subsequent review hearing scheduled by the Board except as provided in § 2.16(c). New parole applications are not necessary for such review hearings.

(b) A prisoner who is required to apply before receiving a parole hearing but who fails to submit either an application or a waiver form shall be referred to the Board's representatives by the chief executive officer of the institution. The prisoner shall then receive an explanation of his right to apply for parole at a later date.

(c) Prisoners committed under the Federal Juvenile Delinquency Act, The Youth Correction Act, and the Narcotic Addict Rehabilitation Act shall be considered for parole without application and may not waive parole consideration.

§ 2.12 Hearing procedure.

(a) Prisoners shall be given written notice of the time and place of the hearing described in §§ 2.13 and 2.14. Prisoners may be represented at hearings by a person of their choice. The function of the prisoner's representative shall be to offer a statement at the conclusion of the interview of the prisoner by the examiner panel, and to provide such additional information as the examiner panel shall request. Interested parties who oppose parole may select a representative to appear and offer a statement. The presiding hearing examiner shall limit or exclude any irrelevant or repetitious statement.

(b) No interviews with the Board, or any representative thereof, shall be granted to a prisoner unless his name is docketed for a hearing in accordance with Board procedures. Hearings shall not be open to the public, and the records of all such hearings shall be treated as confidential and shall not be open to inspection by the prisoner concerned, his representative or any other unauthorized person.

§ 2.13 Initial hearing.

(a) An initial hearing shall be conducted by a panel of two hearing examiners designated by the Board. The examiner panel shall inform the prisoner of the decision and, if parole is denied, of the reasons therefor. The decision of the examiner panel, subject to provisions of § 2.23 (b) and (c) shall be final unless action is initiated by the Regional Director pursuant to § 2.24.

(b) In accordance with § 2.18 the reasons for parole denial may include, but are not limited to, the following reasons, with further specification where appropriate:

(1) Release at this time would depreciate the seriousness of the offense committed and would thus be incompatible with the welfare of society.

(2) There does not appear to be a reasonable probability at this time that the prisoner would live and remain at liberty without violating the law.

(3) The prisoner has (a serious) (repeated) disciplinary infraction(s) in the institution.

(4) Additional institutional treatment is required to enhance the prisoner's capacity to lead a law-abiding life.

(c) In lieu of or in combination with the reasons in paragraph (b) (1) and (2) of this section the prisoner after initial hearings shall be furnished a guideline evaluation statement which includes the prisoner's salient factor score and offense severity rating as described in § 2.20, as well as the reasons for a decision to continue the prisoner for a period outside the range indicated by the guidelines.

(d) Written notification of the decision or referral under § 2.17 or § 2.24 shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. If parole is denied, the prisoner shall also receive in writing as a part of the decision, the reasons therefor.

§ 2.14 Review hearings.

All hearings subsequent to the initial hearing shall be considered as review hearings. Review hearings by examiners designated by the Board shall be scheduled for each Federal institution, and prisoners shall appear for such hearings in person, except for the following cases:

(a) During the month preceding a regularly scheduled review hearing, a case may be reviewed on the record by an examiner panel (including a current institutional progress report). If the decision is to grant parole, no hearing shall be conducted.

(b) A prisoner sentenced under the Youth Corrections Act or Federal Juvenile Delinquency Act or a prisoner sentenced to a maximum term of more than 18 months under 18 U.S.C. 4208(a)(2) or 924 who receives a continuance to a date past one-third of his maximum sentence at an initial hearing shall upon completion of one-third of his sentence receive a review by an examiner panel on the record (including a current institutional progress report).

(c) Notification of review decisions shall be given as set forth in § 2.13(d). No prisoner shall be continued for more than three years from the time of last hearing without further review.

§ 2.15 Petition for consideration of parole prior to date set at hearing.

When a prisoner has met the minimum time of imprisonment required by law, the Bureau of Prisons may petition the responsible Regional Director for reopening the case under § 2.28 and consideration of parole prior to the date set by the Board at the initial or review hearing. The petition must show cause why it should be granted, i.e., an emergency, hardship, or the existence of other extraordinary circumstances that would warrant consideration of early parole.

§ 2.16 Parole of prisoner in state or territorial institution.

(a) Any person who has been convicted of any offense against the United States which is punishable by imprisonment but who is confined therefor in a state reformatory or other state or territorial institution, shall be eligible for parole by the Board on the same terms and conditions by the same authority, and subject to recommittal for the violation of such parole, as though he were confined in a Federal penitentiary, reformatory, or other correctional institution.

(b) Federal prisoners serving concurrent state and Federal sentences in state, local, or territorial institutions shall be furnished upon request parole application forms. Upon receipt of the application and any supplementary classification material submitted by the institution, the parole decision shall be made by an examiner panel of the appropriate region on the record only.

(c) Prisoners who are serving federal sentences exclusively but who are being boarded in state, local or territorial institutions may be considered for parole on the record only, provided they sign a waiver of their right to a personal hearing. If such a prisoner does not waive a personal hearing, he may be transferred by the Bureau of Prisons to a Federal institution where he will be considered for parole at the next visit by an examiner panel of the Board.

§ 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases as original jurisdiction cases. The Regional Director shall then forward the case with his vote, and any additional comments he may deem germane, to the National Directors for decision. Decisions shall be based upon the concurrence of three votes with the appropriate Regional Director and each National Director having one vote. Additional votes, if required, shall be cast by the other Regional Directors on a rotating basis as established by the Chairman of the Board.

(b) The following criteria will be used in designating cases as original jurisdiction cases:

(1) Prisoners who have committed serious crimes against the security of the Nation, e.g., espionage, or aggravated subversive activity.

(2) Prisoners whose offense behavior (A) involved an unusual degree of sophistication or planning or (B) was part of a large scale criminal conspiracy or a continuing criminal enterprise.

(3) Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or his victim.

(4) *Long-term sentences.* Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

§ 2.18 Granting of parole.

The granting of parole rests in the discretion of the Board of Parole. The Board may parole a prisoner who is otherwise eligible if (a) in the opinion of the Board such release is not incompatible with the welfare of society; (b) he has observed substantially the rules of the institution in which he is confined; and (c) there is a reasonable probability that he will live and remain at liberty without violating the laws (18 U.S.C. 4203(a)).

§ 2.19 Consideration by the Board.

In the exercise of its discretion, the Board generally considers some or all of the following factors and such others as it may deem appropriate:

(a) Sentence data:

(1) Type of sentence;

(2) Length of sentence;

(3) Recommendations of judge, U.S. Attorney, and other responsible officials.

(b) Present offense:

(1) Facts and circumstances of the offense;

(2) Mitigating and aggravating factors;

(3) Activities following arrest and prior to confinement, including adjustment on bond or probation, if any.

(c) Prior criminal record:

(1) Nature and pattern of offenses;

(2) Adjustment to previous probation, parole, and confinement;

(3) Detainers.

(d) Changes in motivation and behavior:

(1) Changes in attitude toward self and others;

(2) Reasons underlying changes;

(3) Personal goals and description of personal strength or resources available to maintain motivation for law abiding behavior.

(e) Personal and social history:

(1) Family and marital history;

(2) Intelligence and education;

(3) Employment and military experience;

(4) Physical and emotional health.

(f) Institutional experience:

(1) Program goals and accomplishments:

(i) Academic;

(ii) Vocational education, training or work assignments;

(iii) Therapy.

(2) General adjustment:

(i) Inter-personal relationships with staff and inmates;

(ii) Behavior, including misconduct.

(g) Community resources, including release plans:

(1) Residence; live alone, with family or others;

(2) Employment, training, or academic education;

(3) Special needs and resources to meet them.

(h) Results of scientific data and tools;

(1) Psychological tests and evaluations;

(2) Statistical parole experience tables (salient factor score).

(i) Paroling policy guidelines as set forth in § 2.20;

(j) Comments by hearing examiners, evaluative comments supporting a decision, including impressions gained from the hearing.

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Board of Parole has adopted guidelines for parole release consideration.

(b) These guideline indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for the cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered. For example, cases with exceptionally good institutional program achievement may be considered for earlier release.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) These guidelines do not apply to parole revocation or reparole considerations. The Board shall review the guidelines periodically and may revise or modify them at any time as deemed appropriate.

ADULT

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500) Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession with intent to distribute/sale (less than to $5,00) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 30 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	16 to 20 mo.	20 to 26 mo.	26 to 32 mo.	32 to 38 mo.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [no prior conviction for sale of "hard drugs"]. "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	26 to 36 mo.	36 to 45 mo.	45 to 55 mo.	55 to 65 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [prior conviction(s) for sale of "hard drugs"]. Espionage Explosives (detonation) Kidnapping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutional conduct and program performance.

[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.

[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.

[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

YOUTH

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500) Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession with intent to distribute/sale (less than to $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	9 to 13 mo.	13 to 17 mo.	17 to 21 mo.	21 to 26 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 28 mo.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	20 to 27 mo.	27 to 32 mo.	32 to 36 mo.	36 to 42 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnaping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutional conduct and program performance.

[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.

[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.

[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

NARA

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: Severity of offense behavior (examples)	Offender characteristics: Parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 12 mos.		12 to 18 mos.	
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: Marihuana, simple possession (less than $500) Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	6 to 12 mos.		12 to 18 mos.	
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession with intent to distribute/sale (less than $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).	12 to 18 mos.		18 to 24 mos.	
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	12 to 18 mos.		18 to 24 mos.	
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	20 to 26 mos.		26 to 32 mos.	
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnapping Willful homicide	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 d (1 mo.) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

SALIENT FACTOR SCORE

Case name_____ Register No._____

Item A	No prior convictions (adult or juvenile) =2 One or two prior convictions=1 Three or more prior convictions=0	☐
Item B	No prior incarcerations (adult or juvenile) =2 One or two prior incarcerations=1 Three or more prior incarcerations=0	☐
Item C	Age at first commitment (adult or juvenile) 18 years or older=1 Otherwise=0	☐
Item D	Commitment offense did not involve auto theft=1 Otherwise=0	☐
Item E	Never had parole revoked or been committed for a new offense while on parole=1 Otherwise=0	☐
Item F	No history of heroin, cocaine, or barbiturate dependence=1 Otherwise=0	☐
Item G	Has completed 12th grade or received GED=1 Otherwise=0	☐
Item H	Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community=1 Otherwise=0	☐
Item I	Release plan to live with spouse and/or children=1 Otherwise=0	☐
Total score		☐

§ 2.21 Reports considered.

Decisions as to whether a parole shall be granted or denied shall be determined on the basis of the application, if any, submitted by the prisoner, together with the classification study and all reports assembled by all the services which shall have been active in the development of the case. These reports may include the reports by the prosecution officers, reports by or for the sentencing court, records from the Federal Bureau of Investigation, reports from the officials in each institution in which the applicant shall have been confined, all records of social agency contacts, and all correspondence and such other records as are necessary or appropriate for complete presentation of the case. Before making a decision as to whether a parole should be granted or denied in any particular case, the Board will consider all available relevant and pertinent information concerning the case. The Board encourages the submission of such information by interested persons.

§ 2.22 Communication with the Board.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Board of Parole must submit a written request to the appropriate regional office setting for the nature of the information to be discussed. Such personal interview may be conducted by staff personnel in the regional offices. Personal interviews, however, shall not be held by an examiner or member of the Board, except under the Board's appeals procedures.

§ 2.23 Delegation to hearing examiners.

(a) There is hereby delegated to hearing examiners the authority to make decisions relative to the granting or denial of parole, or reparole and revocation or reinstatement of parole or mandatory release and to fix conditions of parole.

(b) Hearing examiners shall function as two-man panels and the concurrence of both examiners shall be required for their decision. In the event of a split decision by the panel, the appropriate regional Administrative Hearing Examiner shall cast the deciding vote.

(c) When a hearing examiner panel proposes to make a decision which falls outside of explicit guidelines for parole decision-making promulgated by the Board, the case shall be reviewed by the appropriate regional Administrative Hearing Examiner. When an Administrative Hearing Examiner does not concur in a decision of an examiner panel to set a parole effective date or continuance outside the Board's guidelines he may with the concurrence of the Regional Director modify the date to the nearest limit of the guidelines.

(d) In the event the Administrative Hearing Examiner is serving as a member of a hearing examiner panel or is otherwise unavailable, cases requiring his action under paragraphs (b) and (c) of this section will be referred to another hearing examiner.

§ 2.24 Review of panel decision by the Regional Director and the National Directors.

A Regional Director may review the decision of any examiner panel and refer this decision, prior to written notification to the prisoner, with his recommendation and vote to the National Directors for reconsideration and any action deemed appropriate. Written notice of this reconsideration action shall be mailed or transmitted to the prisoner within fifteen working days of the date of the hearing. The Regional Director and each National Director shall have one vote and decisions shall be based upon the concurrence of two votes.

§ 2.25 Appeal of hearing panel decision.

(a) A prisoner may file with the responsible Regional Director a written appeal of a decision of a hearing examiner panel or a decision under § 2.24 to grant, deny or revoke parole or to revoke mandatory release. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision. The appeal shall be considered by the Regional Director who may affirm the decision, order a new institutional hearing, order a regional appellate hearing, reverse the decision, or modify a continuance or the effective date of parole. Reversal of a decision or the modification of such a decision by more than one hundred eighty days, whether based upon the record or following a regional appellate hearing, shall require the concurrence of two out of three Regional Directors. Appellate decisions requiring a second or additional vote shall be referred to other Regional Directors on a rotating basis as established by the Chairman.

(b) Regional appellate hearings shall be held at the regional office before the Regional Director. Attorneys, relatives and other interested parties who wish to appear must submit a written request to the Regional Director stating their relationship to the prisoner and the general nature of the information they wish to present. The Regional Director shall determine if the requested appearances will be permitted. The prisoner shall not appear personally.

(c) If no appeal is filed within thirty days of entry of the original decision, this decision shall stand as the final decision of the Board.

(d) Appeals under this section may be based only upon the following grounds:

(1) The reasons given for a denial or continuance do not support the decision; or

(2) There was significant information in existence but not known at the time of the hearing.

§ 2.26 Appeal to National Appellate Board.

(a) A prisoner may file a written appeal of the Regional Director's decision under § 2.25 to the National Appellate Board on a form provided for that purpose within thirty days after the entry of the Regional Director's written decision. The National Appellate Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing at the institutional or regional level.

(b) The bases for such appeal shall be the same as for a regional appeal as set forth in § 2.25(d). However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appellate Board.

(c) Decisions of the National Appellate Board shall be final.

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appellate Board Executive, United States Board of Parole, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) Attorneys, relatives, or other interested parties who wish to speak for or against parole at such consideration must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested appearances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the decision under § 2.17, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25(d).

§ 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then take any action authorized under the provisions and procedures of § 2.25. Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Director under the procedures of § 2.17.

§ 2.29 Withheld and forfeited good time.

(a) Section 4202 of title 18 of the United States Code permits Federal prisoners to be paroled if they have observed the rules of the institution in which they are confined and if they are otherwise eligible for parole. Any forfeiture of statutory good time shall be deemed to indicate that the prisoner has violated the rules of the institution to a serious degree, and a parole will not be granted in any such case in which such a forfeiture remains effective against the prisoner concerned. Any withholding of statutory good time shall be deemed to indicate that the prisoner has engaged in some less serious breach of the rules of the institution. Nevertheless, parole will not usually be granted unless and until such good time has been restored.

(b) Neither a forfeiture of good time nor a withholding of good time shall bar a prisoner from applying for and receiving a parole hearing.

(c) The above restrictions shall not apply, however, to the forfeiture or withholding of *extra good time* which is granted because of meritorious behavior. Parole may be ordered without regard to a prisoner's status insofar as *extra good time* is concerned, although the reasons for any forfeiture or withholding will be included among the other factors used in making the parole decision.

§ 2.30 Release on parole.

(a) A grant of parole shall not be deemed to be effective until a certificate of parole has been delivered to the prisoner.

(b) Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred and twenty days. An effective date of parole shall not be set for a Saturday, Sunday, or a legal holiday.

(c) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for parole supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. A parole grant may be retarded for up to one hundred and twenty days without a hearing for development and approval of release plans.

§ 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Regional Director may schedule a hearing to determine whether parole should be revoked or rescinded. Such a hearing shall be conducted in accordance with the procedure set out in § 2.37 (b)(2).

§ 2.32 Committed fines.

In any case in which a prisoner shall have had a fine imposed upon him by the committing court for which he is to stand committed until it is paid or until he is otherwise discharged according to law, such prisoner shall not be released on parole or mandatory release until payment of the fine, or until the fine commitment order is discharged according to law as follows:

(a) An indigent prisoner may make application to a U.S. Magistrate in the District wherein he is incarcerated or to the chief executive officer of the institution setting forth, under institutional regulations, his inability to pay such fine; if the magistrate or chief executive officer shall find that the prisoner, having no assets exceeding $20 in value except such as are by law exempt from being taken on execution for debt, is unable to pay the fine, and if the prisoner takes a prescribed oath of indigency, he shall be discharged from the commitment obligation of the committed fine sentence.

(b) If the prisoner is found to possess assets in excess of the exemption in paragraph (a) of this section nevertheless if the Board shall find that retention of all of such assets if reasonably necessary for his support or that of his family, upon taking of the prescribed oath concerning his assets the prisoner shall be discharged from the commitment obligation of the committed fine sentence. If the Board shall find that retention by the prisoner of any part of his assets is reasonably necessary for his support or that of his family, the prisoner upon taking of the prescribed oath concerning his assets, shall be discharged from the commitment obligation of the committed fine sentence upon payment on account on his fine of that portion of his assets in excess of the amount found to be reasonably necessary for his support or that of his family.

(c) Discharge from the commitment obligation of any committed fine sentence does not discharge the prisoner's obligation to pay the fine as a debt due the United States.

§ 2.33 Parole to detainers; statement of policy.

The policy of the Board with regard to parole to detainers is in general accord with the principles recommended by the Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers:

(a) The status of detainers held against prisoners in Federal institutions will be investigated, so far as is reasonably possible, prior to parole hearings.

(b) In appropriate cases summary information regarding such prisoner will be provided to state or local authorities. The Board urges institution officials to provide such information.

(c) Where the detainer is not lifted, the Board may grant parole to such detainer if a prisoner is considered in other respects to be a good parole risk. Ordinarily, however, the Board will grant parole to such detainer only if the status of that detainer has been investigated.

(d) The Board will cooperate in working out arrangements for concurrent supervision with other jurisdictions where it is feasible and where release on parole appears to be justified.

(e) The presence of a detainer is not of itself a valid reason for the denial of parole. It is recognized that where the prisoner appears to be a good parole risk, there may be distinct advantage in granting parole despite a detainer.

§ 2.34 Parole to local or immigration detainers.

(a) When a state or local detainer is outstanding against a prisoner whom the Board wishes to parole, the Board may order either of the following:

(1) "Parole to the actual physical custody of the detaining authorities only." In this event, release is not to be

effected except to the detainer. When such a detainer is withdrawn, the prisoner is not to be released unless and until the Board makes a new order of parole.

(2) "Parole to the actual physical custody of the detaining authorities or an approved plan." In this event, release is to be effected even though the detainer might be withdrawn, providing there is an acceptable plan for community supervision.

(b) When the Board wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Board may order one of the following:

(1) "Parole for deportation only." In this event, release is not to be effected unless immigration officials make full arrangements for deportation immediately upon release.

(2) "Parole to the actual physical custody of the immigration authorities only." In this event, release is not to be effected unless immigration officials take the prisoner into custody—regardless of whether or not deportation follows.

(3) "Parole to the actual physical custody of the immigration authorities or an approved plan." In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

(c) As used in this section "parole to a detainer" means release to the "physical custody" of the authorities who have lodged the detainer. Temporary detention in a jail in the county where the institution of confinement is located does not constitute release on parole. If the authorities who lodged the detainer do not take the prisoner into custody for any reason, he shall be returned to the institution to await further order from the Board.

§ 2.35 Mental competency proceedings.

(a) Whenever a prisoner or parolee is scheduled for a hearing in accordance with the provisions of this part and reasonable doubt exists as to his mental competency, i.e., his ability to understand the nature of and participate in scheduled proceedings, a preliminary hearing to determine his mental competency shall be conducted by a panel of hearing examiners or other official(s) (including a U.S. Probation Officer) designated by the Board of Parole.

(b) At the competency hearing, the hearing examiners or designated official(s) shall receive oral or written psychiatric testimony and other evidence that may be available. A preliminary determination of the prisoner's mental competency shall be made upon the testimony, evidence, and personal observations of the prisoner. If the examiner panel or designated official(s) determines that the prisoner is mentally competent, the previously scheduled hearing shall be held. If they determine that the prisoner is not mentally competent, the previously scheduled hearing shall be temporarily postponed.

(c) Whenever the hearing examiners or designated official(s) determine that a person is incompetent and postpone the previously scheduled hearing, they shall forward the record of the preliminary hearing with their findings to the Regional Director for review. If the Regional Director concurs with their findings, he shall order the temporarily postponed hearing to be postponed indefinitely until such time as it is determined that the prisoner or parolee has recovered sufficiently to understand the nature of and participate in the proceedings and, in the case of a parolee, may order such parolee committed to a Bureau of Prison's facility for further examination. In any such case, the Regional Director shall require a progress report at least every six months on the mental health of the prisoner. When the Regional Director determines that the prisoner has recovered sufficiently, he shall reschedule the hearing for the earliest possible date.

(d) If the Regional Director disagrees with the findings of the hearing examiners or designated official(s) as to the mental competency of the prisoner, he shall take such action as he deems appropriate.

§ 2.36 Release plans.

(a) A grant of parole is conditioned upon the approval of release plans by the Regional Director. In general, the following factors should be present before a prisoner is released after parole has been granted:

(1) The probation officer to whom the releasee is assigned may, in his discretion, require that there be available to the releasee an adviser who is a responsible, reputable, and law-abiding citizen living in or near the community in which the releasee will reside. The adviser should act as a source of advice for the releasee relative to community adjustment. The adviser may provide special services such as vocational placement, personal counsel, or referral to community agencies. The adviser is expected to report to the probation officer any law violation or serious misconduct on the part of the releasee. The adviser may be required by the probation officer to countersign the parolee's monthly supervision report to indicate actual contact with the parolee.

(2) There should be satisfactory evidence that the prospective parolee will be legitimately employed following his release; and

(3) There should be satisfactory assurance that necessary aftercare will be available to a parolee who is ill or who has some other problem which requires special care.

(b) Generally, parolees will be released only to the place of their legal residence unless the Board is satisfied that another place of residence will serve the public interest more effectively or will improve the probabilities of the applicant's readjustment.

§ 2.37 Rescission of parole.

(a) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner. If a prisoner has been granted parole and has subsequently been charged with institutional misconduct sufficient to become a matter of record, the Regional Director shall be advised promptly of such misconduct. The prisoner shall not be released until the institution has been notified that no change has been made in the Board's order to parole.

(1) Upon receipt of information that a prisoner has violated the rules of the institution, the Regional Director may retard the parole grant for up to sixty days without a hearing or may retard the parole grant and schedule the case for a rescission hearing. If the prisoner was confined in a federal prison at the time of the order retarding parole, the rescission hearing shall be scheduled for the next docket of parole hearings at the institution. If the prisoner was residing in a federal community treatment center or a state or local halfway house, the rescission hearing shall be scheduled for the first docket of parole hearings after return to a federal institution. When the prisoner is given written notice of the Board action regarding parole, he shall be given notice of the charges of misconduct to be considered at the rescission hearing. The purpose of the rescission hearing shall be to determine whether rescission of the parole grant is warranted. At the rescission hearing the prisoner may be represented by a person of his choice and may present documentary evidence.

(2) An institution discipline committee hearing conducted by the institution resulting in a finding that the prisoner has violated the rules of his confinement, may be relied upon by the Board as conclusive evidence of institutional misconduct.

(3) If the parole grant is rescinded, the prisoner shall be furnished a written statement of the findings of misconduct and the evidence relied upon.

(b)(1) Upon receipt of new information adverse to the prisoner regarding matters other than institutional misconduct, the Board acting upon the procedures of § 2.17 may retard a previously granted parole and schedule the case for an institutional review hearing on the next docket of parole hearings or at the first docket of parole hearings following return to a federal institution.

(2) The prisoner shall be given notice of the nature of the new adverse information upon which the rescission consideration is to be based. The hearing shall be conducted in accordance with the procedures set out in §§ 2.12 and 2.13. The purpose of the hearing shall be to determine if the parole grant should be rescinded or if a new parole date should be established.

§ 2.38 Sponsorship of parolees; statement of policy.

It is the policy of the Youth Corrections Division to cooperate with groups desiring to serve as sponsors of parolees. In all cases, sponsors shall serve under the direction of and in cooperation with

the probation officers to whom the parolees are assigned.

§ 2.39 Mandatory release in the absence of parole.

A prisoner shall be mandatorily released by operation of law at the end of the sentence imposed by the court less such good time deductions and extra good time deductions as he may have earned through his behavior and efforts at the institution of confinement. He shall be released as if on parole, under supervision until the expiration of the maximum term or terms for which he was sentenced less one hundred eighty days. Insofar as possible, release plans shall be completed before the release of any such prisoner.

§ 2.40 Same; youth offenders.

A prisoner committed under the Youth Corrections Act must be initially released conditionally under supervision not later than two years before the expiration of the term imposed by the court.

§ 2.41 Reports to police departments of names of parolees; statement of policy.

Names of parolees under supervision will not routinely be furnished to a police department of a community, except as required by law. All such notifications are to be regarded as confidential.

§ 2.42 Community supervision by United States Probation Officers.

(a) Pursuant to section 3655 of title 18 of the United States Code, United States Probation Officers are required to provide such parole services as the Attorney General may request. The Attorney General has delegated his authority in this regard to the Board (28 CFR 0.126(b)). In conformity with the foregoing, probation officers function as parole officers and provide supervision to parolees and mandatory releasees under the Board's jurisdiction.

(b) A parolee or mandatory releasee may be transferred to a new district of supervision with the permission of the probation officers of both the transferring and receiving district, provided such transfer is not contrary to instructions from the Board.

§ 2.43 Duration of period of community supervision.

(a) Any prisoner, with the exception of those sentenced prior to June 29, 1932, who is released under the provisions of laws relating to parole, shall continue until the expiration of the maximum term or terms specified in his sentence without deductions of allowance for good time. Prisoners sentenced prior to June 29, 1932, shall receive reductions in their maximum term or terms of imprisonment for such good time allowances as may be authorized by law.

(b) The Regional Director may discharge from supervision prior to the normal expiration date as provided in § 2.46(b), but the sentence is not thus commuted and such a parolee may be reinstated to supervision or retaken on the basis of a violator warrant.

(c) For certain narcotic offenses a prisoner will have a "special parole term" imposed by the court at the time of sentencing. The period of supervision under the basic sentence is served separately and must be completed prior to the beginning of any "special parole term." The "special parole term" will not be aggregated with the basic sentence for any purpose, including computation of time to serve following parole revocation, if any.

§ 2.44 Conditions of release.

The conditions of release are printed on the release certificate and are binding regardless of whether the releasee signs the certificate. The Board, or a member thereof, may add special conditions or modify the conditions of release at any time.

§ 2.45 Travel by parolees and mandatory releasees.

(a) The probation officer may approve travel outside the district without approval of the Regional Director in the following situations:

(1) Vacation trips not to exceed thirty days,

(2) Trips, not to exceed thirty days, to investigate reasonably certain employment possibilities,

(3) Recurring travel across a district boundary, not to exceed fifty miles outside the district, for purposes of employment, shopping, or recreation.

(b) Specific advance approval by the Regional Director is required for other travel, including travel outside the continental limits of the United States, employment more than fifty miles outside the district, and vacations exceeding thirty days. A special condition imposed by the Regional Director prohibiting certain travel shall supersede any general rules relating to travel as set forth above.

§ 2.46 Supervision reports, modification and discharge from supervision.

(a) All parolees and mandatory releases shall make such reports to the United States Probation Officers to whom they have been assigned as may be required by the Board or Probation Officers. Probation Officers shall submit summary reviews of the progress of parolees and mandatory releasees according to Board policy. On the basis of summary reviews of the progress of parolees, the Regional Director may modify the reporting requirement of parolees or releasees.

(b) After the parolee or mandatory releasee has been under supervision for at least one year, the Regional Director may, in his discretion, permit the parolee to submit a written report to his probation officer on a less frequent basis than once a month. After a period of such reduced reporting the Regional Director may further order that the parolee be discharged from all supervision by the Probation Officer. In the latter instances, a parolee may be reinstated to supervision or a warrant may be issued for him as a violator at any time prior to the expiration of the sentence or sentences imposed by the court. Other modification in the reporting requirements may be made by the Regional Director at any time during the parolee's term.

§ 2.47 Modification and discharge from supervision; youth offenders.

A committed youth offender may remain under supervision until the expiration of his sentence or he may be released from supervision or unconditionally discharged at any time after one year of continuous supervision on parole.

§ 2.48 Setting aside conviction.

When an unconditional discharge has been granted to a youth offender prior to the expiration of his maximum term of sentence, his conviction shall be automatically set aside and the Regional Director shall issue to the youth offender a certificate to that effect.

§ 2.49 Revocation of parole or mandatory release.

(a) If a parolee or mandatory releasee violates any of the conditions of his release, and satisfactory evidence thereof is presented to the Board, or a member thereof, a warrant may be issued and the offender returned to an institution. Warrants shall be issued or withdrawn only by the Board, or a member thereof.

(b) A warrant for the apprehension of any parolee shall be issued only within the maximum term or terms for which the prisoner was sentenced.

(c) A warrant for the apprehension of any mandatory releasee shall be issued only within the maximum term or terms for which the prisoner was sentenced, less one hundred eighty days.

§ 2.50 Same, youth offenders.

In addition to issuance of a warrant on the basis of violation of any of the condition of release, the responsible Regional Director may, when he is of the opinion that such youth offender would benefit by further treatment direct his return to custody or issue a warrant for his apprehension and return to custody. Upon his return to custody, such youth offender shall be given a revocation hearing under the same provisions as adult offenders as specified in § 2.54 to § 2.56. Following the revocation hearing parole may be reinstated, revoked or the terms and conditions thereof may be modified.

§ 2.51 Unexpired term of imprisonment.

The time a prisoner was on parole or mandatory release is not credited to the service of his sentence if revocation occurs. When a warrant is issued the sentence ceases to run, but begins to run again when the releasee is taken into Federal custody by the execution of the Board's violation warrant. However, the sentences of prisoners committed under the Narcotic Addict Rehabilitation Act or the Youth Corrections Act run uninterruptedly from the date of conviction without regard to any revocation, except as provided in § 2.10(c). In no case may the commitment of a person under the Federal Juvenile Delinquency Act extend past his twenty-first birthday.

§ 2.52 Execution of warrant; notice of alleged violations.

(a) Any officer of any Federal correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant shall be delivered shall execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. The warrant shall be considered delivered to a Federal officer when the warrant is signed and placed in the mail at the Board headquarters or regional office before the expiration of the maximum term of sentence.

(b) On arrest of the prisoner the officer executing the warrant shall deliver to him a copy of the Warrant Application listing the alleged violations of parole or mandatory release upon which the warrant was issued.

(c) If execution of the warrant is delayed pending disposition of local charges, for further investigation, or for some other purpose, the parolee or mandatory releasee is to be continued under supervision by the probation officer until the normal expiration of the sentence, or until the warrant is executed, whichever comes first. Monthly supervision reports are to be submitted, and the releasee must continue to abide by all the conditions of release.

§ 2.53 Warrant placed as a detainer and dispositional interview.

(a) In those instances where the prisoner is serving a new sentence in an institution, the warrant may be placed there as a detainer. Such prisoner shall be advised that he may communicate with the Board relative to disposition of the warrant, and may request that it be withdrawn or executed so his violator term will run concurrently with the new sentence. Should further information be deemed necessary, the Regional Director may designate a hearing examiner panel to conduct a dispositional interview at the institution where the prisoner is confined. At such dispositional interview the prisoner may be represented by counsel of his own choice and may call witnesses in his own behalf, provided he bears their expenses. He shall be given timely notice of the dispositional interview and its procedure.

(b) Following the dispositional review the Regional Director may:

(1) Let the detainer stand

(2) Withdraw the detainer and close the case if the expiration date has passed;

(3) Withdraw the detainer and reinstate to supervision; thus permitting the federal sentence time to run uninterruptedly from the time of his original release on parole or mandatory release.

(4) Execute warrant, thus permitting the sentence to run from that point in time. If the warrant is executed, a previously conducted dispositional interview may be construed as a revocation hearing.

(c) In all cases, including those where a dispositional interview is not conducted, the Board shall conduct annual reviews relative to the disposition of the warrant. These decisions will be made by the Regional Director. The Board shall request periodic reports from institution officials for its consideration.

§ 2.54 Revocation by the Board, preliminary interview.

(a) A prisoner who is retaken on a warrant issued by a Board Member shall be given a preliminary interview by an official designated by the Regional Director to determine if there is probable cause to hold the prisoner for a revocation hearing and, if so, whether such revocation hearing should be conducted in the locality of the charged violation(s) or in a Federal institution. The official designated to conduct the preliminary interview may be a United States Probation Officer in the district where the prisoner is confined, provided he is not the officer who recommended that the warrant be issued.

(b) At the beginning of the preliminary interview, the hearing officer shall explain the Board's revocation procedure to the prisoner and shall advise the prisoner that he may have the preliminary interview postponed so that he may obtain representation by an attorney or may arrange for the attendance of witnesses. The prisoner shall also be advised that if he cannot afford to retain an attorney he may apply to a United States District Court for appointment of counsel to represent him at the preliminary interview and the revocation hearing. The prisoner may also request the presence of persons who have given information upon which revocation may be based. Such adverse witnesses shall be requested to attend the preliminary interview unless the prisoner admits a violation or has been convicted of a new offense committed while on supervision or unless the hearing officer finds good cause for their non-attendance. At the preliminary interview the hearing officer shall review the violation charges with the prisoner, receive the statements of witnesses and documentary evidence on behalf of the prisoner, and allow cross-examination of those adverse witnesses in attendance.

(c) At the conclusion of the preliminary interview, the hearing officer shall prepare and submit to the Regional Director a summary of the interview, which shall include recommended findings of whether there is probable cause to hold the prisoner for a revocation hearing. Upon receipt of the summary of the preliminary interview, the Regional Director shall either order the prisoner reinstated to supervision, order that a revocation hearing be conducted in the locality of the charged violation(s), or direct that the prisoner be transferred to a Federal institution for a revocation hearing.

(d) The prisoner shall be retained in local custody pending completion of the preliminary interview, submission of the summary of the hearing officer, and notification by the Regional Director relative to further action.

(e) A postponed preliminary interview may be conducted as a local revocation hearing, by an examiner panel or other hearing officer designated by the Regional Director provided that the prisoner has been advised that the postponed preliminary interview will constitute his final revocation hearing.

§ 2.55 Local revocation hearing.

(a) If the prisoner requests a local revocation hearing prior to his return to a Federal institution, he shall be given a revocation hearing reasonably near the place of an alleged violation if the following conditions are met:

(1) The local hearing would facilitate the production of witnesses or the retention of counsel;

(2) The prisoner has not been convicted of a crime committed while under supervision; and

(3) The prisoner denies that he has violated any condition of his release. Otherwise, he shall be given a revocation hearing after he is returned to a Federal institution. However, the Regional Director may, on his own motion, designate a case for a local revocation hearing.

(b) If there are two or more alleged violations, the hearing shall be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant, as determined by the Regional Director.

(c) Following the hearing the prisoner shall be retained in custody until final action is taken relative to revocation or reinstatement, or until other instructions are issued by the Regional Director.

§ 2.56 Revocation hearing procedure.

(a) A revocation hearing shall be conducted by a hearing examiner panel or, in a local revocation hearing only, by another official designated by the Regional Director. In the latter case, the decision relative to revocation shall be made by an examiner panel on the basis of the hearing summary pursuant to the provisions of § 2.23. A revocation decision may be appealed under the provisions of § 2.25, § 2.26, or § 2.27 as applicable.

(b) The purpose of the revocation hearing shall be to determine whether the prisoner has violated the conditions of his release and, if so, whether his parole or mandatory release should be revoked or reinstated.

(c) The alleged violator may present voluntary witnesses and documentary evidence in his behalf. However, the presiding hearing officer or examiner panel may limit or exclude any irrelevant or repetitious statement or documentary evidence.

(d) If the alleged violator has not been convicted of a new criminal offense while under supervision and does not admit violation of any of the conditions of his release, the Board shall, on the request of the alleged violator or on its own motion, request the attendance of persons who have given statements upon which revocations may be based. Those adverse witnesses who are present shall be made available for questioning and cross-examination in the presence of the alleged

violator unless the presiding hearing officer or examiner panel finds good cause for their non-attendance.

(e) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by reading or summarizing the appropriate document for the alleged violator.

§2.57 Confidentiality of parole records.

To the end that the objectives and procedures of professionalized parole may be advanced and, more specifically so that the channels of information vital to sound parole actions may be kept open and that offenders released on parole may be protected against publicity deleterious to their adjustment, the following principles relating to the confidentiality of parole records shall be followed by the Board:

(a) Dates of sentence and commitment, parole eligibility dates, mandatory release dates, dates of termination of sentence and whether an inmate is being considered for parole, has been granted or denied parole, and if granted parole, the effective date set by the Board will be disclosed in individual cases upon proper inquiry by a party in interest.

(b) Who, if any one, has supported or opposed an application for parole may be revealed at the Board's discretion only in the most exceptional circumstances, with the express approval of such person(s) and after a decision relative to parole has been made.

(c) Other matters contained in parole records, including how a member votes relative to parole, will be held strictly confidential and will not be disclosed to unauthorized personnel.

Dated: March 4, 1975.

MAURICE H. SIGLER,
Chairman,
United States Board of Parole.

[FR Doc.75-5728 Filed 3-7-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888c—ACTIVE DUTY SERVICE COMMITMENTS

Miscellaneous Amendments

These amendments extend the initial 4-year date of separation to coincide with the ADSCD; include the requirement for special remarks for Air Force Institute of Technology ADSC's; explain changes in the ADSC; and make other minor changes to update and clarify the part.

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

§ 888c.8 [Amended]

1. Section 888c.8(a) is amended by changing the references to "AFM 36-11" to read "AFR 36-20" and by removing the date "July 30, 1970,".

2. Section 888c.8(b) is amended by adding at the end of the paragraph the sentence "An AFROTC or SMSO graduate who completes undergraduate pilot training (UPT), undergraduate navigator training (UNT), or undergraduate helicopter training (UHT) will have his initial 4-year DOS extended to coincide with his ADSCD for this training as agreed to in his contract.".

§ 888c.10 [Amended]

3. Sections 888c.10(c)(1) and 888c.10(c)(2) are amended by removing the word "calendar" each time it appears in the text.

§ 888c.12 and § 888c.14 [Amended]

4. Section 888c.12(a) is amended by adding just before "EXCEPTION" the sentence "For AFIT ADSC's only, the remarks section will contain the specific rule used to compute the ADSCD and the beginning and ending dates of AFIT attendance.".

5. Section 888c.12(a)(3) is amended by adding the phrase "Education Services Program" after the phrase "Request for Tuition Assistance".

6. Sections 888c.12(d) and 888c.14(a) are amended by changing "DPMROC1" to read "DPMROC4" each place it appears in the text.

§ 888c.20 [Amended]

7. Section 888c.20, NOTE 7 is amended by adding "f. C-47".

8. Section 888c.20 is amended by adding NOTE 8 as follows:

8. When the CBPO enters the ADSCD for this training, it will also extend the DOS for AFROTC and SMSO graduates to agree with the ADSCD. The new DOS will be five years from the date of award of the aeronautical rating and the supporting document is AF Form 56 or AF Form 1056.

§ 888c.22 [Amended]

9. Section 888c.22, RULE 1 F is amended by revising to read as follows:

AF Form 2905 or any official document indicating the actual beginning and ending dates of training.

10. Section 888c.22, RULES 3 D and 12 D are amended by adding "(see note)," before "or".

11. Section 888c.22 is amended by adding a NOTE at end of the table to read as follows:

NOTE.—This computation is for officer accessions attending the indicated training immediately after entering active duty. All other officers attending the training receive an ADSC of three times the length of training.

§ 888c.28 [Amended]

12. Section 888c.28, RULES 2 C and 4 C are amended by removing "(note 2)".

13. Section 888c.28, RULE 6 A is amended by changing "(note 3)" to read "(note 2)".

14. Section 888c.28 is amended by removing NOTES 2 and 3 and by adding a new NOTE 2 to read as follows:

2. Officers serving a fixed tour of duty according to AFR 45-22 do not incur ADSC's, nor restrictions on retirements, based upon active duty promotion. Medical Corps (MC) officers (physicians) and Dental Corps (DC) officers (dentists) do not incur ADSC's for active duty promotions to grades 04, 05, or 06. However, approval of requests for voluntary nondisability retirement for MC and DC officers serving in grades 05, 06 and all other members serving in grades 04, 05, or 06 will require a minimum of two years active service in grade unless they are entitled upon retirement to a higher permanent Reserve grade.

AUTHORITY. (10 U.S.C. 8012).

By order of the Secretary of the Air Force.

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

[FR Doc.75-6137 Filed 3-7-75;8:45 am]

SUBCHAPTER M—ANIMALS

PART 930—USAF MILITARY WORKING DOG PROGRAM

Procurement and Training Requirements

This revision of Part 930 establishes new procedures on how the Military Working Dog Program functions, including new procurement and training requirements; includes procedures for documentation of proficiency training; designates parameters for the use of the patrol/detector dog; and provides additional information and minor changes to update and to clarify the part.

Part 930, Subchapter M of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
930.1 Purpose.
930.3 Concept of the program.
930.5 Use of military working dogs.
930.7 Restrictions in the use of military working dogs.
930.9 Posting of areas.
930.11 How the program works.

AUTHORITY: (10 U.S.C. 8012).

§ 930.1 Purpose.

(a) This part governs the use of military working dogs in support of USAF Security Police operations at Air Force installations. It explains how requirements for military working dogs are determined, how dogs are requisitioned, and defines requirements for the selection and training of military working dog handlers.

(b) Military working dogs are used by USAF Security Police to provide protection for USAF resources, to assist in the defense of USAF installations, and to aid in the enforcement of laws and regulations.

(c) Part 806 of this chapter states basic policies and instructions of release to the public of Air Force records, manuals, and regulations.

§ 930.3 Concept of the program.

Military working dogs (patrol, patrol/detector) are special items of equipment used to increase the effectiveness of USAF Security Policemen. The patrol dog is the basic type of dog used by the Security Police. The patrol dog is used under the control of a handler who requires specialized formal training. The

patrol dog, through superior sensory capabilities, increases the effectiveness of a Security Policeman in providing protection for USAF resources and provides an effective psychological deterrent to potential offenders. Patrol dogs can be used effectively during daylight and darkness, in conjunction with Security Police vehicles or foot patrols. They may be used to scout, track, search, and observe from listening or observation posts. They are additionally trained to pursue, attack, hold, and release an offender upon the command of the handler.

§ 930.5 Use of military working dogs.

Patrol and patrol/detector dogs may be effectively used in all aspects of Security Police operations.

(a) *AFR 206–2, Local Ground Defense of U.S. Air Force Bases.* Patrol dogs are used to increase the detection and surveillance capability of the ground defense forces by patrolling, scouting, or tracking; to enhance the capability of sentries on observation or listening posts; and to act as a physical and psychological deterrent.

(b) *AFM 207–1, Doctrine and Requirements for Security of Air Force Weapons System.* Patrol dogs are used to increase the detection and surveillance capabilities, to provide a psychological deterrence and to increase the ability to control intruders.

(c) *AFR 30–2, Social Actions Program.* Patrol/detector dogs may be used to enforce customs laws and to support the USAF Drug Abuse Control Program.

(d) *AFR 125–37, Protection of USAF Resources (Part 851 of this chapter).* Patrol, patrol/detector dogs are used to protect resources and property by providing increased area surveillance, assisting in building security checks, protecting funds in transit, aiding the security policeman in normal patrol activity, and preventing theft and vandalism. In the investigative role, they may be used for stakeouts, tracking, article and building searches, narcotics and bomb detection.

(e) *AFR 355–11, Enforcement of Order at Air Force Installations, Control of Civil Disturbances, Support of Disaster Relief Operations, and Special Considerations for Oversea Areas (Part 809a of the chapter).* Patrol dogs may be used to protect vital resources and provide security for critical facilities. Patrol dogs may be used in on-base disturbances in accordance with AFM 125–12, Response to Disorders—Planning Tactics, Employment, and AFM 125–5, Volume II, Utilization and Proficiency Evaluation. Additionally, patrol dog teams may be employed in the civilian community in a humanitarian or domestic emergency role, when authorized by the installation commander in coordination with his judge advocate.

(f) *AFR 35–26, Permissive Temporary Duty.* Patrol dog teams may participate in competitions conducted by civil or military police agencies or recognized police dog associations with the concurrence of their commander.

§ 930.7 Restrictions in the use of military working dogs.

(a) A military working dog team consists of one handler and his permanently assigned dog. HQ, USAF/IGSS (Installation Security Division, Director of Security Police, Office of the Inspector General) must approve any deviation from the single handler concept.

(b) Dogs must be worked on a leash unless released to search or attack. The handler must be able to maintain control of the dog when it is off leash.

(c) The use of a military working dog to effect apprehension is considered the minimum force necessary when the alternative is escape or the use of gunfire. Due to the probability of injury to the suspect, the handler will challenge in accordance with AFR 125–26, Arming Air Force Personnel and Use of Force by Personnel Engaged in Law Enforcement and Security Duties.

(d) Air Force units will use only those dogs procured in accordance with AFR 400–8, DOD Dog Program, or furnished through negotiation with foreign governments specifically authorized by AF/IGSM (Resources Management Division, Director of Security Police, Office of the Inspector General).

(e) Military working dogs will not be left unattended in kennels. At kennels supporting five or more dogs, a qualified dog handler will be assigned attendant duties to insure proper care and safety of military working dogs at all times. For those facilities supporting four or fewer dogs the requirements in paragraphs (e)(1) through (e)(3), will be met.

(1) Individual kennel runs will be locked. Keys will be maintained by the handler, NCOIC and law enforcement desk sergeant.

(2) A dog handler will be on call at all times. On duty dog handlers may be used for this purpose.

(3) The kennel facility and the individual dogs will be checked by security police patrols on a random schedule at least once each hour.

(f) Installation dog pounds will not be collected with or operated as part of the military dog facility. Military working dog handlers working in their primary AFSC will not be used to support the functions of the dog pound.

(g) Privately owned pets or unit mascots will not be permitted within the confines of the military working dog facility. An exception may be made when the military dog facility is used as a testing station in support of the DOD Dog Program Mobile Procurement Teams.

(h) Patrol/detector dogs trained in the detection of drugs will:

(1) Assist in the search for and the discovery of illicit drugs provided the decision to use working dogs for this purpose has been coordinated with the Staff Judge Advocate.

(2) Conduct searches during border clearance embarkations and debarkations. In CONUS, dogs may be used to further search military aircraft, freight, baggage, and personnel once the aircraft, including military contract aircraft, have been cleared by the U.S. Customs Bureau. At Special Foreign Clearance bases, where U.S. Customs inspections are performed by Security Police, dogs may also be used.

§ 930.9 Posting of areas.

(a) *Display.* Base warning signs posted at each gate and around the perimeter of the base will reflect the use of patrol dogs (Part 851 of this chapter). The signs will be mounted so as to be easily read by persons approaching on foot or in vehicles.

(b) *Wording.* In foreign countries, or within the CONUS when the ethnic origin of the local populace indicates it would be advisable, the wording will be English and in the local language.

§ 930.11 How the program works.

(a) *Procuring, training, and retraining dogs.* (1) DOD Dog Center procures all dogs required by the Air Force. Military standard requisitioning and issue procedures (MILSTRIP) requisitions for military working dogs are to be submitted by letter or message form only. They must arrive at the DOD Dog Center prior to the entry of the handler into the ATC or PACAF training program. Requisitions should be addressed to DOD Dog Center, Lackland Air Force Base, Texas 78236, Attention: Program Manager.

(2) Military working dogs will be initially trained by the formal training schools at ATC or PACAF in accordance with established ATC training programs and logistics support procedures.

(3) Local unit military working dog authorizations will be validated as a result of law enforcement, security, or base defense requirements. The local unit will ensure that dogs are not requisitioned unless necessary manpower actions are completed and kennel facilities are present or under construction.

(4) The using unit should program dogs for replacement as they reach nine years of age. Dogs reaching this age, however, may be continued on duty if the Chief, Security Police and the attending veterinarian determine that the dog is performing effectively and is in good health.

(5) If the death of a dog creates an urgent requirement for replacement that cannot be satisfied through a training program, a replacement may be requisitioned from DOD Dog Center, for CONUS and USAFE units or through the PACAF training school for PACAF units. Major commands must request this service direct. HQ, USAF approval is not required.

(6) The emergency establishment of new military working dog sections may occur during the fiscal year because of unforeseen mission changes. The major command must arrange for the procurement of dogs and the training quotas required. The major command will obtain HQ, USAF approval and the DOD Dog Center must be advised of approval to insure dogs are available for shipment upon graduation from training.

(7) Military working dogs which become excess to the needs of the using command will be reported as stated in AFR 400–8, Atch 1, paragraph 8, DOD Dog Program. A current veterinary examination must be submitted on DD Form 1829, Record of Military Dog Physical Examination.

(b) *Selecting, training and using dog handlers.* (1) Military working dog handlers are selected from authorized security police manpower resources of the using installation, or upon command request from pipeline graduates of the Basic Security Police Law Enforcement or Security Courses. The handler should be a volunteer and recommended by his superior. Handlers should be resourceful, patient, intelligent, and highly dependable.

(2) A formally trained military working dog handler should perform duty in that capacity for at least 24 months. Personnel with less than 24 months retainability should not be selected for training. Dog handlers are identified from other Security Policemen by the suffix "A" after their AFSC. Formal courses for military working dog personnel are contained in AFM 50–5, USAF Formal Schools Catalog. On the job training in the military working dog program is limited to training qualified patrol dog handlers to become patrol/narcotics detector dog handlers only.

(3) Kennel masters and instructor/trainers will be patrol dog qualified and graduates of the Patrol Dog Supervisors Course 3AZR81176A, or will be scheduled to attend the course upon assignment to such duties. The primary function of the kennel master is to insure that all assigned military dogs are proficient in the performance of their duties and that the health, safety, and well being of the dogs assigned are provided. The kennel master's duty hours will frequently correspond to those hours that the majority of his personnel are working.

(4) To maintain proficiency, each dog team will be rotated normally through all available posts. The kennel master or K–9 squad leader, as appropriate, will be the rating official for all assigned dog handlers. However, it is the responsibility of the Security or Law Enforcement Flight Supervisor to insure effective utilization of the dog teams assigned to his flight for duty.

(c) *Veterinary medical support.* Detailed guidance concerning veterinary medical support is contained in AFR 163–11, Veterinary Service. The Air Force Surgeon General, through the Veterinary Service, provides professional support for the military working dog program. This includes medical treatment and care of military working dogs at the training locations and bases of assignment; professional review of plans for new construction and modification of kennels, support buildings, and sites; sanitary inspection of kennel areas; and the training and instruction of military working dog handlers and supervisors in the care, feeding, and first aid of military working dogs. Special studies in matters affecting the health and welfare of military working dogs are conducted by the Veterinary Service as required. The Director of the Base Medical Services will include veterinary requirements for medical material used in the treatment of military working dogs in the medical services budget. Civilian veterinary care for military working dogs is authorized in emergencies where a military veterinarian is not available or when the medical requirements for care are beyond the capabilities of the local military treatment facility.

(d) *Equipment and rations.* (1) TA–538, Security Police Activities, Organizational Small Arms Equipment, Military Dogs, Associated Equipment and Civil Disturbance Equipment, lists equipment allowed for the military working dog program. An initial issue of dog gear is made by the DOD Dog Center upon issue of dogs to the training activities. This dog gear will be shipped with the graduated dog to the unit of assignment. Upon receipt at the using installation, military working dogs are entered on the Unit Authorization List (UAL) of the appropriate unit. The using installation obtains equipment required for the operation of the dog facility through supply channels as expenses chargeable to funds available to the installation. Shipping crates and duck board will be returned to DOD Dog Center at the earliest practical date.

(2) The standard basic ration, for all USAF military working dogs is "Feed, High Caloric, for Military Working Dogs, Steel Pail, 25 pounds net, FSN 8710 144 6834." The feed is classified by General Services Administration (GSA) as a "Stock store item," Category 95, and is procured through supply channels using the MILSTRIP procedure. Delivery is made direct to the user by the processor.

(3) Special diets may be procured and fed to individual animals when directed by the veterinarian.

(e) *Kennel and support facilities.* (1) Definitive design AD–39–01–R4 as shown in AFM 88–2, Air Force Design Manual, Definitive Designs of Air Force Structures, is the standard Air Force design. This design and AFM 86–2, Standard Facility Requirements, will be used as guides when constructing military working dog facilities. New construction or modification of existing canine kennels and support buildings are not initiated without professional veterinary review as stated in AFR 163–11.

(2) Military dog facilities must be placed (so far as practicable), in areas where there will be the least distraction to the dogs and where dogs will not become a nuisance to personnel, but as close as possible to existing base water, electrical, and sewage outlets. Typical locations to be avoided are the vicinity of motor pools, petroleum, oil, lubricants (POL) areas, runways, engine test stands, run-up areas where the noise level exceed 75 decibels, near firing ranges, and officer, family, or troop housing areas. The kennel area must be posted with off-limits signs, reference paragraph 6–3c of AFM 125–5, Volume I.

(f) *Records and reports.* (1) When each military working dog is procured, DOD Dog Center prepares the permanent dog record file and initiates the DD Form 1834, Military Dog Service Record, which thereafter accompanies the dog. The DD Form 1834, to include any specialized training/proficiency records, will be kept current by the owning organization in accordance with AFM 125–5, Volume I, USAF Military Working Dog Program.

(2) To ensure proper documentation to support a probable cause decision, the information contained in paragraphs (f)(2)(i) through (f)(2)(v) will be maintained on each patrol/detector team.

(i) A resume of the training and experience of the working dog team.

(ii) A detailed record of training and experience reflecting the number of checks/searches by date and location, and alerts with and without finds.

(iii) A record sheet with spaces for signatures and dates reflecting when reviewed by the base commander or other officials designated to authorize searches. The base commander or designated official will review each folder at least quarterly.

(iv) A document reflecting that the base commander witnessed a detection demonstration on a particular date. This document must reflect the results of the team's efforts during the demonstration. The demonstration should include a test of the dog's ability to alert on locations where a narcotic, drug, or explosive was recently removed from hiding. The demonstration record will then establish the team's credibility as a source of information in the eyes of the commander. The test of the dog's ability to alert on recently abandoned hiding places or clothes containing the smell of these substances will also add to the credibility as it partially explains prior non-productive alerts the dog has experienced.

(v) A summary statement attesting to the reliability of the team. The summary must agree with other facts in the file, but should give a percentage of accuracy, if available, to assist the commander to rapidly determine the reliability of the team.

(3) The veterinary support unit at the DOD Dog Center initiates a permanent health record. The maintenance of this record is the responsibility of the base support veterinarian and will be maintained in accordance with AFR 163–11. Together, the DD Form 1834 and the health record constitute the permanent field record which follows the dog until death and is then forwarded to the Central Repository for Dog Records, located at the DOD Dog Center.

(g) *Disposition of Military Working Dogs.* (1) AFM 67–1, Volume VI, USAF Supply Manual, and AFR 400–8 (see paragraph (a)(6) of this section), provide relief from property accountability for military working dogs that die or are euthanized. Military working dogs are not to be euthanized due to being excess to current local or command requirements. Military working dogs may be euthanized:

(i) To terminate suffering from disease, injury, or permanent physical disability.

(ii) To prevent the spread of contagious disease.

(iii) When they are no longer able to perform duty because of age, incurable disease, or permanent physical disability.

(iv) When they are temperamentally unsuited to perform the function for which procured.

(2) Appropriate commanders must give written approval for euthanasia. Veterinary officers must issue a support statement if the reason for euthanasia is medical.

(3) In emergency cases to prevent suffering, veterinary officers may perform euthanasia at their discretion.

By order of the Secretary of the Air Force.

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

[FR Doc.75-6138 Filed 3-7-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-235]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Teche, Franklin Canal, Lower Atchafalaya River, La.

This amendment changes the regulations for six drawbridges owned by the St. Mary Parish Police Jury to permit certain periods when the draws of these bridges need not open for the passage of vessels. The amendment also provides for periods during which the bridges shall open after advance notice is given. This amendment was circulated as a public notice dated October 15, 1974 by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-235) on October 9, 1974 (39 FR 36349). Seven responses were received. One had no objection to the proposed change. Two objected to the proposed change for the Franklin Canal drawbridge, mile 4.8, and four objected to the proposed change for the Lower Atchafalaya River, mile 26.8. After a meeting between the objectors and the applicant, the St. Mary Parish Police Jury agreed to modify their request so that all six bridges would be operated under the same regulation. This modification was satisfactory to the objectors.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising the listing of drawbridges affected in paragraph (a) (3) of § 117.540 to read as follows:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

(a) • • •

(3) • • •

Bayou Teche, mile 3.9, S-182 highway drawbridge at Calumet.

Bayou Teche, mile 11.8, S-87 highway drawbridge at Centerville.

Bayou Teche, mile 17.2, S-3069 highway drawbridge at Franklin.

Bayou Teche, mile 19.8, S-322 highway drawbridge at Sterling.

Bayou Teche, mile 22.3, S-323 highway drawbridge at Oaklawn.

Bayou Teche, mile 27.0, S-87 highway drawbridge at Baldwin.

Bayou Teche, mile 32.5, S-324 highway drawbridge at Charenton.

Bayou Teche, mile 37.0, S-670 highway drawbridge at Adeline.

Bayou Teche, mile 38.9, S-318 highway drawbridge at Sorell.

Bayou Tech, mile 41.8, S-671 highway drawbridge at Jeanerette.

Bayou Teche, mile 48.7, S-320 highway drawbridge at Oliver.

Franklin Canal, mile 4.8, Chatsworth drawbridge at Franklin.

Lower Atchafalaya River, mile 26.8, S-182 highway drawbridge at Patterson.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499 (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on April 14, 1975.

Dated: March 4, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-6110 Filed 3-7-75;8:45 am]

[CGD-74-101]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Manatee River, Florida

This amendment changes the regulations for the U.S. Route 41 drawbridge across the Manatee River near Bradenton, Florida to require at least 3 hours notice before the draw need open between 6 p.m. and 6 a.m. This amendment was circulated as a public notice dated April 16, 1974, by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-101) on April 22, 1974 (39 FR 14217). Four responses were received, one approved of the proposal and one had no objection thereto. Two opposed the proposal, one on the grounds of safety (no moorings are available on the west side of the bridge) and the other on the grounds that this proposal would restrict navigation unnecessarily. While both objections have validity, the present use of this waterway does not justify maintaining 24-hour service for this bridge. The Coast Guard, therefore, is implementing the regulation change as proposed. If navigation increases in this area, these regulations may be modified to provide more frequent openings of the draw.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.463 to read as follows:

§ 117.463 Manatee River, Fla.; U.S. Route 41 drawbridge near Bradenton.

(a) The draw shall open on signal from 6 a.m. to 7 a.m. and 9 a.m. to 4 p.m.

(b) The draw need not open for the passage of vessels from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., however the draw shall open at 6 p.m. if any vessels are waiting to pass.

(c) From 6 p.m. to 6 a.m. the draw shall open on signal if at least three-hours notice is given.

(d) The draw shall open on signal from 6 a.m. to 6 p.m. for the passage of public vessels of the United States, tugs with tows and vessels in distress. From 6 p.m. to 6 a.m. the draw shall open as soon as possible for the passage of such vessels. The opening signal from such vessels is four blasts of a whistle or horn or by shouting.

(e) During a hurricane alert issued by the National Weather Service affecting the area the draw shall open on signal.

(f) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they may be easily read at all times from an approaching vessel. This notice shall state exactly how the authorized representative may be reached for openings of the draw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on April 14, 1975.

Dated: March 4, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-6111 Filed 3-7-75;8:45 am]

[CGD 75-066]

PART 127—SECURITY ZONES

Termination

The security zone at Buttermilk Channel, New York established February 12, 1975, by the Captain of the Port of New York, as published on February 19, 1975 (40 FR 7095) was terminated on February 14, 1975.

§ 127.318 [Revoked]

In consideration of the foregoing Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking § 127.318.

((50 U.S.C. 191; 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment was effective on February 14, 1975.

Dated: February 28, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-6112 Filed 3-7-75;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Gulf of Mexico and St. Andrews Sound, Florida

Correction

In FR Doc. 75-5571 appearing at page 8949 in the issue for Tuesday, March 4, 1975, the section number in the twenty-fifth line now reading, "207.15e" should read, " 207.175e ".

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 280—YELLOWFIN TUNA

Closure of Season

On March 6, 1975, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the representatives of all member nations having vessels operating in the regulatory area defined in 50 CFR 280.1 (g) that the yellowfin tuna fishing season be closed at 0001 hours, local time, on March 13, 1975, to assure that the established catch limit of 175,000 short tons for 1975 will not be exceeded.

As authorized by 50 CFR 280.5, notice is hereby given that the 1975 season for taking yellowfin tuna without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, in the regulatory area, March 13, 1975.

Issued at Washington, D.C., and dated March 6, 1975.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.75-6228 Filed 3-6-75;11:21 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[ERL 333-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Approval of Compliance Schedules

On September 11, 1974 (39 FR 32759) the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Alabama pursuant to the requirements of 40 CFR 51.6 and 51.15 pertaining respectively to plan revisions and compliance schedules. These schedules had been adopted by the Alabama Air Pollution Control Board after notice and public hearing before being submitted for the Agency's approval on February 15, 1973. Each establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedules include incremental steps toward compliance, with specific dates set for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes enforceable by the Federal government immediately upon its approval by the Administrator.

Copies of the proposed schedules were made available for public inspection at the Agency's Region IV office in Atlanta, Georgia, at the office of the Alabama Division of Air Pollution Control in Montgomery, and at the offices of the local control agencies involved. Written comments were solicited from the public, but no response was received. The State offered a number of corrections, and these have all been incorporated in the listings given below. The State also advised that it had extended the date for final compliance specified for a number of sources in the Administrator's proposal of September 11, 1974. Nevertheless, these schedules are here listed as proposed by the Administrator. Any extension consistent with the attainment dates set forth in the Alabama plan will be proposed in a subsequent publication.

Copies of the schedules as well as the Alabama plan itself are available for public inspection at the Agency's Region IV Air Programs Office, 1421 Peachtree Street NE., Atlanta, Georgia 30309; at the office of the Agency's Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C. 20460; at the office of the Alabama Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36104; and at the offices of the local control agencies involved:

City of Huntsville
Department of Air Pollution Control
P.O. Box 308, Terminal Building
Airport Road
Huntsville, Alabama 35804

Jefferson County Department of Health
1912 Eighth Avenue South
Room 504
Birmingham, Alabama 35202

Mobile County Board of Health
248 Cox Street
Room 307
Mobile, Alabama 36604

Tri-County District Health Service
510 Cherry Street, NE.
Decatur, Alabama 35601

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to compliance schedules and plan revisions, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making his action immediately effective since these schedules are already in effect under Alabama law, and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a))).

Dated: February 27, 1975.

RUSSELL E. TRAIN,
Administrator.

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

Subpart B—Alabama

Section 52.55 is amended by inserting "§ 51.6 and" immediately before "§51.15" in the first sentence of paragraph (a) and by inserting additional lines in the tables of paragraph (a) as follows:

§ 52.55 Compliance schedules.

(a) * * *

Amend Part 52 of Chapter 1, Title 40, Code of Federal Regulations as follows:

Subpart B—Alabama

A new § 52.55 is added as follows:

§ 52.55 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

ALABAMA

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Can Co., permit No:					
101-0001-W001	Naheola	4.7.2	Dec. 21, 1972	Immediately	May 31, 1975
101-0001-W002	do	4.7.2	do	do	Do.
101-0001-W003	do	4.7.2	do	do	Do.
101-0001-W006	do	4.7.2	do	do	Do.
B. H. Harmarr Construction Co. (Asphalt Engineers, Inc.), Permit No.: 104-0007-W001.	Selma	4.4.2	Jan. 27, 1973	do	Jan. 1, 1974
Gulf States Paper Corp., permit No.: 105-0001-W002.	Demopolis	4.7.2	Feb. 8, 1973	do	May 31, 1975
Claiborne Lime Plant, permit No.: 106-0001-W001.	Claiborne	4.4.2	May 25, 1974	do	June 1, 1974
Robinson & Smith Lumber Co., Inc., permit No.: 205-S002-W001.	Wetumpka	3.1	Sept. 25, 1973	do	June 30, 1974
Opelika Foundry, permit No.: 206-0004-W001.	Opelika	4.5.1	Sept. 6, 1974	do	Aug. 31, 1974
Buchanan Lumber Co., Inc., Permit No.: 209-S003-W001.	Montgomery	3.3.4	Jan. 8, 1974	do	Jan. 1, 1974
West Point Pepperell, Permit No.:					
206-0007-W001		4.3.1, 5.1.1	Jan. 8, 1973	Immediately	May 31, 1975
206-0007-W002		4.3.1, 5.1.1	do	do	Do.
206-0007-W003		4.3.1, 5.1.1	do	do	Do.
206-0007-W004		4.3.1, 5.1.1	do	do	Do.

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Capital Veneer Works Inc., permit No.: 209-S007-W001.	Montgomery	4.8.2	Jan. 8, 1973	do	Mar. 8, 1973
Vulcan Materials Co., Southeast Division, Permit No.: 209-0014-W001.	do	4.4.1	June 12, 1973	do	Sept. 1, 1973
Alabama Pipe Co., Permit No.:					
301-0012-W001	Anniston	4.5.1	Mar. 8, 1974	do	Feb. 31, 1975
301-0014-W003	do	4.5.1	July 24, 1973	do	Apr. 30, 1973
301-0014-W004	do	4.5.1	do	do	Do.
301-0015-W001	do	4.4.1	Mar. 5, 1974	do	May 31, 1974
301-0015-W002	do	4.4.1	do	do	Do.
Dixie Clay Co., Permit No.:					
301-0002-W001	Jacksonville	4.4.1	Mar. 5, 1974	do	June 30, 1974
301-0002-W002	do	4.4.1	do	do	Do.
301-0002-W003	do	4.4.1	do	Immedistely	Do.
301-0002-W004	do	4.4.1	do	do	Do.
Donoho Clay Co., Permit No.: 301-0003-W002.	Anniston	4.4.1	Dec. 21,1972	do	Dec. 31,1974
Dresser Manufacturing Division, Dresser Industries, Inc., Permit No.:					
301-0006-W001	do	4.5.1	Mar. 5, 1974	do	Sep. 1, 1974
301-0006-W002	do	4.5.1	do	do	Do.
301-0006-W003	do	4.4.1	do	do	Mar. 31, 1975
Kilby Steel—Division of FMC Corp., Permit No.:					
301-0022-W001	do	4.4.1	Mar. 5, 1974	do	May 31, 1974
301-0022-W002	do	4.4.1	do	do	Do.
301-0022-W003	do	4.4.1	do	do	Do.
Lee Brothers Co., Permit No.:					
301-0005-W001	do	4.4.1	May 25, 1974	do	Aug. 1, 1974
301-0005-W010	do	4.4.1	May 24, 1974	do	May 30, 1975
301-0005-W011	do	4.4.1	do	do	Do.
301-0005-W012	do	4.4.1	do	do	Do.
301-0005-W013	do	4.4.1	do	do	Do.
301-0005-W014	do	4.4.1	do	do	Do.
301-0005-W015	do	4.4.1	do	do	Do.
301-0005-W016	do	4.4.1	do	do	Do.
301-0005-W017	do	4.4.1	do	do	Do.
301-0005-W018	do	4.4.1	do	do	Do.
301-0005-W019	do	4.4.1	do	do	Do.
Kimberly Clarke Corp., Permit No. 304-S001-W001.	Mellow Valley	3.3.4	Mar. 5, 1974	do	April 1, 1974
West Point Pepperell, Permit No.:					
302-0003-W005		4.3.2	Feb. 6, 1973	do	May 30, 1975
302-0004-W006		4.3.2	do	do	Do.
302-0004-W007		4.3.2	do	do	Do.
302-0006-W008		4.3.2	do	do	Do.
302-0006-W009		4.3.2	do	do	Do.
Republic Steel, Permit No.: 307-0008-W034.	Gadsden	4.4.1	Dec. 11, 1972	do	May 31,1975
Unexcelled Manufacturing Division, Permit No.: 307-0009-W002.	Attalla	4.5.1, 7.1	Apr. 24, 1973	do	May 1, 1974
Alabama Calcium Products, Division of G. A. Marble Co., Permit No.:					
309-0001-W001	Gantt's Quarry	4.4.1	May 24, 1974	do	June 15, 1974
309-0001-W002	do	4.4.1	do	do	Aug. 15, 1974
Newbury Manufacturing Co., Permit No.:					
309-0010-W001	Talladega	4.5.1	Nov. 27, 1973	do	Aug. 1, 1974
309-0010-W002	do	4.5.1	do	do	Do.
309-0010-W003	do	4.4.1	do	do	Aug. 1, 1974
309-0010-W004	do	4.4.1	Dec. 11,1972	do	Apr. 1,1973
Talladega Foundry Machine Co., Permit No.: 309-0011-W001.	do	4.5.1	Mar. 5, 1974	do	Jan. 31, 1975
Russell Pipe & Foundry Co., Inc., Permit No.: 310-0007-W001.	Alexander City	4,5,1,7.1	July 29,1974	do	Aug. 15, 1974
Southern Stone Co., Permit No.:					
401-0007-W001	Woodstock	4.4.1	do	do	Apr. 1, 1974
401-0007-W002	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W003	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W004	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W005	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W006	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W007	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W008	do	4.2.1, 4.2.2	do	do	Aug. 15, 1974
401-0007-W009	do	4.2.1, 4.2.2	do	do	Do.
Fayco, Inc., Permit No.: 404-0002-W001.	Fayette	4.4.1	Nov. 27, 1973	do	Jan. 1, 1974
Summerville Bros. Lumber Co., Inc., Permit No.: 409-S010-W001.	Aliceville	3.3.4	Nov. 27, 1973	do	July 15,1974
Alabama Refractory Clay Co., Permit No. 411-0020-W002.	Montevallo	4.4.1	May 24, 1974	do	June 1, 1974
Cheney Lime & Cement Co., Permit No.: 411-0019-W001.	Landmark	4.4.1	Jan. 8, 1973	do	Sept. 15, 1974
Longview Lime Co., Permit No.:					
411-0002-W001	Saginaw	4.4.1	May 24, 1974	do	Dec. 15, 1974
411-0002-W002	do	4.4.1	do	do	Do.
Montevallo Limestone Co., Permit No.: 411-0014-W002.	Montevallo	4.2.1, 4.2.2	Mar. 27, 1973	do	Apr. 9, 1973
Southern Foundry Co., Permit No.: 411-0006-W001.	Calera	4.5.1	Mar. 5, 1974	do	Jan. 1, 1975

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Southern Stone Co., Permit No.:					
411-0009-W001	Maylene	4.2.1, 4.2.2	Jan. 8, 1973	do	June 1, 1974
411-0009-W002	do	4.2.1, 4.2.2	do	do	Do.
U.S. Gypsum Co. (Allied Production Co.), Permit No.:					
411-0008-W002	Montevallo	4.4.1	Mar. 5, 1974	do	Apr. 1, 1975
411-0008-W003	do	4.4.1	do	do	May 31, 1975
Tombigbee Lightweight Aggregate Corp., Permit No.:					
412-0009-W001	Livingston	4.4.1	Sept. 25, 1973	do	Nov. 30, 1973
412-0005-W003	do	4.4.1	do	do	Do.
Alabama Power Co., Gorgas Electric Generating Plant, Permit No: 414-0001-W003.	Parrish	4.3.1, 5.1.1, 5.1.2	June 12, 1973	do	May 31, 1975
Warren Brothers Co., Permit No.: 705-0006-W001.	Scottsboro	4.4.1	May 24, 1974	do	May 30, 1974
Mosaic Tile Co., Permit No.:					
706-0004-W001	Florence	4.4.1	Dec. 11, 1972	do	Aug. 1, 1974
706-0004-W002	do	4.4.1	do	do	Do.
706-0004-W003	do	4.4.1	do	do	Do.
706-0004-W004	do	4.4.1	do	do	Do.
The Thomas Alabama Kaolin Co., Permit No.: 710-0005-W001.	Hackleburg	4.4.1	do	do	Dec. 31, 1974
C. A. Langford Co., Inc., Permit No.:					
711-0002-W001	Guntersville	4.4.1	do	do	Apr. 1, 1974
711-0002-W002	do	4.2.1, 4.2.2	Jan. 8, 1973	do	Dec. 15, 1973
Amoco Chemicals Corp., Permit No.:					
712-0002-W010	Decatur	4.4.1	do	do	Dec. 31, 1973
712-0002-W014	do	4.4.1	Mar. 5, 1974	do	Dec. 31, 1974
G & W Asphalt Co., Inc., Permit No.: 712-0007-W001.	do	4.4.1	do	do	May 15, 1975
Trinity Stone Co., Inc. (Trinity Quarries Inc.), Permit No.: 712-0012-W004.	Trinity	4.2.1, 4.2.2	Dec. 11, 1972	do	June 10, 1973
Trinity Stone Co., Inc. (Trinity Quarries, Inc.), Permit No.: 712-0013-W001.	Hulaco	4.2.1, 4.2.2	Mar. 5, 1974	do	May 15, 1974
Trinity Stone Co., Inc. (Trinity Quarries, Inc.), Permit No.:					
712-0014-W001	Lacon	4.2.1, 4.2.2	do	do	Do.
712-0014-W002	do	4.2.1, 4.2.2	do	do	Do.
	JEFFERSON COUNTY				
American Cast Iron Pipe Co., permit No.:					
407-0030-2107	Birmingham	6.1, 6.4	June 19, 1974	do	Sept. 30, 1974
407-0030-2108	do	6.4	do	do	May 31, 1975
407-0030-2109	do	6.4	do	do	Do.
407-0030-2110	do	6.4	do	do	Do.
407-0030-2111	do	6.4	do	do	Do.
407-0030-2112	do	6.4	do	do	Do.
407-0030-2113	do	6.4	do	do	Do.
407-0030-2119	do	6.1, 6.4, 9.1	July 18, 1973	do	Aug. 1, 1974
407-0030-2120	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2121	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2122	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2123	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2124	do	6.1, 6.4, 9.1	Dec. 19, 1973	do	Aug. 31, 1974
407-0030-2125	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2126	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2127	do	6.1, 6.4, 9.1	do	do	Do.
Barry Pattern Foundry Co., Permit No.: 407-0040-3101.	do	6.1, 6.5, 9.1	do	do	Apr. 1, 1975.
Birmingham Stove & Range, Permit No.: 407-0060-2502.	do	6.1, 6.4, 9.1	Oct. 17, 1973	do	Jan. 31, 1975
Bristol Steel & Iron Works, Permit No.:					
407-0229-2101	Bessemer	6.1	Feb. 20, 1974	do	July 31, 1974
407-0229-2501	do	6.2	do	do	Do.
Buchanan Lumber Co., Permit No.: 407-0065-2201.	Birmingham	6.1, 6.4	do	do	Oct. 1, 1974
W.J. Bullock, Inc., Permit No.:					
407-0068-2101	Fairfield	6.1, 6.4	Apr. 10, 1974	do	June 15, 1974
407-0068-2102	do	6.1, 6.4	do	do	Do.
407-0068-2103	do	6.4	Feb. 20, 1974	do	Jan. 31, 1975
407-0068-2104	do	6.4	do	do	Do.
407-0068-2106	do	6.4	Apr. 10, 1974	do	July 1, 1974
Caldwell Foundry & Machine Co., Permit No.:					
407-0470-2101	Birmingham	6.4	May 15, 1974	do	Mar. 1, 1975
407-0470-2102	do	6.1, 6.4	do	do	Do.

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Caldwell Foundry & Machine Co., Permit No.: 407-0471-2101.	Leeds	6.1, 6.4	Apr. 10, 1974	do	June 15, 1974
Celotex Corp., Permit No.:					
407-0069-2102	Birmingham	6.4	May 15, 1974	do	Jan. 17, 1975
407-0069-2103	do	6.4	do	do	Do.
Continental Can Co., Inc., Permit No.:					
407-0084-3101	Fairfield	6.1	Feb. 20, 1974	do	Mar. 1, 1975
407-0084-3103	do	6.1	do	do	Do.
407-0084-3104	do	6.1	do	do	May 17, 1974
Continental Can Co., Inc., Permit No.:					
407-0085-3101	do	6.1, 6.4	June 19, 1974	do	Aug. 17, 1974
407-0085-3104	do	6.1	Feb. 20, 1974	do	Nov. 15, 1974
Cosper Foundry, Permit No.:					
407-0100-2101	Birmingham	6.1, 6.5, 9.1	Dec. 19, 1973	do	Dec. 31, 1974
407-0100-2102	do	6.4	do	do	Sept. 30, 1974
Fairmont Foundry Co., Permit No.: 407-0130-2101	do	6.1, 6.5, 9.1	Oct. 1, 1973	do	May 11, 1975
Goslin-Birmingham, Inc., Permit No.: 407-0139-2101.	do	6.1, 6.4	May 15, 1974	do	Nov. 16, 1974
Lone Star Cement (Citadel), Permit No.:					
407-0210-2502	do	6.1, 6.4	do	do	Nov. 15, 1974
407-0210-2503	do	6.1, 6.4	do	do	Do.
407-0210-2504	do	6.1, 6.4	do	do	Do.
McWane Cast Iron Pipe Co., Permit No.:					
407-0220-2101	do	6.1	do	do	Mar. 31, 1975
407-0220-2102	do	6.1, 6.4	do	do	May 31, 1975
Stockton Valve & Fitting Co., Permit No.:					
407-0270-2503	do	6.4	Dec. 19, 1973	do	Apr. 1, 1974
407-0270-2504	do	6.1, 6.4, 9.1	do	do	Sept. 1, 1974
U.S. Gypsum Co., Permit No.: 407-0300-2501.	do	6.4	Apr. 10, 1974	do	Apr. 15, 1974
U.S. Pipe & Foundry Co., Permit No.:					
407-0350-2301	do	6.3	Oct. 17, 1973	do	Nov. 1, 1974
407-0350-2303	do	6.3	do	do	Do.
407-0350-2304	do	6.3	do	do	Do.
407-0350-2310	do	6.3	do	do	Do.
407-0350-2311	do	6.3	do	do	Do.
407-0350-2312	do	6.3	do	do	Do.
U.S. Steel Corp., Permit No.:					
407-0370-2101	Fairfield	6.1, 6.4	June 19, 1974	do	Aug. 15, 1974
407-0370-2102	do	6.1, 6.4	do	do	Do.
407-0370-2103	do	6.1, 6.4	do	do	Do.
407-0370-2104	do	6.1, 6.4	do	do	July 31, 1974
407-0370-2105	do	6.1, 6.4	do	do	Aug. 31, 1974
407-0370-2106	do	6.1, 6.4	do	do	Dec. 1, 1974
407-0370-2107	do	6.1, 6.4	do	do	Do.
407-0370-2108	do	6.1, 6.4	do	do	Do.
407-0370-2109	do	6.1, 6.4	do	do	Do.
Vulcan Materials Co., Southeast Division, Permit No.: 407-0410-2502.	Parkwood	6.1, 6.4	May 15, 1974	do	July 15, 1974
Vulcan Materials Co., Southeast Division, Permit No.:					
407-0420-2103	Wylan	6.1, 6.4	Feb. 20, 1974	do	Sept. 1, 1974
407-0420-2501	do	6.1, 6.4	do	do	Do.
Alabama Power Co., Permit No.:					
503-1002-0001	Chickasaw	6.3.1, 7.1	Oct. 26, 1973	Immediately	May 31, 1975
503-1002-0003	do	6.3.1, 7.1	do	do	Do.
503-1002-0005	do	6.3.1, 7.1	do	do	Do.
Amerada Hess Corp., Permit No.:					
503-3013-8407	Mobile	8.1.1	Dec. 15, 1972	do	Dec. 1, 1974
503-3013-8408	do	8.1.1	do	do	Do.
503-3013-8409	do	8.1.1	do	do	Do.
503-3013-8410	do	8.1.1	do	do	Do.
Citmoco Services, Inc., Permit No.:					
503-3011-8401	do	8.1.1	Feb. 25, 1974	do	Sept. 25, 1974
503-3011-8402	do	8.1.1	do	do	Do.
503-3011-8403	do	8.1.1	do	do	Do.
Ergon, Inc., Permit No.: 503-3034-8701.	Bucks	8.1.1	June 18, 1973	do	Oct. 1, 1974
GAF Corp., Permit No.:					
503-8004-0014	Mobile	8.6.1	June 25, 1974	do	Sept. 30, 1974
503-8004-0015	do	8.6.1	do	do	Do.
Gold Bond Building Product, Permit No.:					
503-2002-0001	do	6.4.1	Feb. 2, 1973	do	May 31, 1975
503-2002-0002	do	6.4.1	do	do	Do.
503-2002-0004	do	6.4.1	do	do	Do.
503-2002-0005	do	6.4.1	do	do	Do.
Alabama Refining Co. (Marion Corp. Refining Division), Permit No.:					
503-4001-8408	Theodore	8.1.1	Jan. 23, 1974	do	Aug. 1, 1974
503-4001-8409	do	8.1.1	do	do	Do.
504-4001-8410	do	8.1.1	do	do	Do.
503-4001-8411	do	8.1.1	do	do	Do.
503-4001-8412	do	8.1.1	do	do	Do.
503-4001-8413	do	8.1.1	do	do	Do.
503-4001-8414	do	8.1.1	do	do	Do.
503-4001-8415	do	8.1.1	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Mobile Pulley & Machine Works, Permit No.:					
503-0004-0001	Mobile	6.4.1	May 31, 1974	do	Dec. 15, 1974
503-0004-0002	do	6.4.1	do	do	Do.
503-0004-0003	do	6.4.1	do	do	Do.
503-0004-0005	do	6.4.1	do	do	Do.
Oyster Shell Products, Permit No.: 503-8009-0001.	do	6.4.1	Dec. 15, 1972	do	Aug. 31, 1974
Gold Bond Building Products, Permit No.: 503-2002-0006.	do	6.4.1	June 25, 1974	do	Dec. 30, 1974
International Paper Co., Permit No.:					
503-2005-0012	do	6.7	Feb. 2, 1973	do	May 31, 1975
503-2005-0013	do	6.3	do	do	Do.
503-2005-0014	do	6.3	do	do	Do.
503-2005-0015	do	6.3	do	do	Do.
503-2005-0016	do	6.3	do	do	Do.
503-2005-0017	do	6.3	do	do	Do.
Scott Paper Co., Permit No.:					
503-2012-0002	do	6.6	do	do	Mar. 1, 1975
503-2012-0003	do	6.6	do	do	Do.
503-2012-0004	do	6.6	do	do	Apr. 15, 1975
503-2012-0005	do	6.6	do	do	Aug. 1, 1974
503-2012-0006	do	6.6	do	do	Jan. 1, 1975
503-2012-0007	do	6.6	do	do	Do.
503-2012-0008	do	6.6	do	do	Do.
503-2012-0010	do	6.6	Apr. 12, 1974	do	May 31, 1975
503-2012-0011	do	6.6	do	do	Do.
503-2012-0012	do	6.6	Feb. 2, 1973	do	Do.
503-2012-0023	do	6.3	do	do	Do.
503-2012-0024	do	6.3	do	do	Do.
503-2012-0025	do	6.2	do	do	Do.
503-2012-0026	do	6.7	do	do	Do.

[FR Doc.75-5860 Filed 3-7-75;8:45 am]

[FRL 333-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Compliance Schedules for Sulfur Oxides Emissions in New Mexico

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by New Mexico. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the New Mexico plan. On March 23, 1973 (38 FR 7554), the Administrator promulgated regulations requiring control of sulfur oxides emissions from the coal-fired steam generating plants located in the New Mexico portion of the Four Corners Interstate Air Quality Control Region (AQCR). Pursuant to 40 CFR 52.1626(c), as adopted on March 23, 1973, compliance schedules were submitted on August 9, 1973, which were replaced by revisions submitted on October 31, 1973, by the Arizona Public Service Company (APS) as operator of the affected power plant facility which is called the Four Corners power plant. The compliance schedules, incorporating the revisions of October 31, 1973, demonstrated how the Four Corners power plant would achieve final compliance with § 52.1624(c), limiting sulfur oxides emissions, by July 31, 1977. These schedules extended beyond the then approved compliance date of March 15, 1976, for attainment of the primary and secondary standards for sulfur oxides.

On December 18, 1973 (38 FR 34743), the Administrator proposed approval of the APS Compliance schedules of October 31, 1973, which had been submitted for the Four Corners power plant, and at the same time proposed modification to 40 CFR 52.1626(c) to extend the final compliance date from March 15, 1976, to July 31, 1977. On March 21, 1974, the regulations of March 23, 1973, were amended (39 FR 10582), clarifying the emission limitations for sulfur oxides from the affected power plants and extending the final compliance date from March 15, 1976, to July 31, 1977.

A public hearing on the APS compliance schedules approval, as proposed on December 18, 1973, was held on February 6, 1974, in Santa Fe, New Mexico, 30 days after public notice in the affected region in accordance with the procedural requirements of 40 CFR 51.4. On the basis of more current engineering estimates and vendor information, additional schedule revisions, affecting the time frame of the full scale-front end module test programs, were submitted by APS as part of the public hearing record on February 6, but they reflected no change in control measures nor final compliance dates.

Although much of the testimony and comments supported and endorsed the additional time provided in the APS compliance schedules for development and testing of a demonstration control module, opposition to the proposed APS schedules was also expressed. One citizens representative cited the past history of delays by the Four Corners power plant in implementing sulfur oxides emissions control and contended that current data on sulfur oxide control technology showed that compliance should be achieved by March 15, 1976, even if curtailment of plant operations was necessary. Since no new data was presented, either on historical delays or on control technology, the Administrator's judgment of the need for extension of the final compliance date, expressed in the preamble to the proposed approval of the compliance schedules, remains unchanged (38 FR 34743). The compliance schedules indicate achievement of final compliance by the facility within the extended time frame.

Other comments at the hearing opposed a time extension for compliance to July 31, 1977, unless higher control levels of 90 to 95 percent sulfur removal would be achieved by the facility. As discussed in the preamble to the March 23, 1973, regulations (38 FR 7554), the Federal sulfur oxides regulation, 40 CFR 52.1624(c), provides for the attainment and maintenance of the national ambient air quality standards for sulfur oxides in the New Mexico portion of the Four Corners AQCR. If, at any time, attainment or maintenance of the standards for sulfur oxides is found to require a greater degree of emissions control than is expressly required by § 52.1624(c), the regulation will be revised.

Subsequent to a meeting of APS and EPA representatives on March 29, 1974, in Dallas, Texas, remaining questions regarding increments of progress were resolved and applicable modifications to the compliance schedules were submitted on April 5, 1974, by APS. In view of litigation, currently pending on the validity of § 52.1624(c), regarding the necessity of sulfur oxides emission control to protect public health, the Administrator considers the serial achievement of compliance by individual generating Units under these compliance schedules as acceptable in meeting the requirements of the regulation for interim measures of control.

The initial compliance schedules, all revisions, and all modifications for the Four Corners power plant have been completely reviewed and incorporated into one schedule for each Unit. The incorporated schedules have been determined to meet the requirements of 40 CFR 52.1626(c) and are approved in the regulation promulgated today. The approved schedules are identified in today's regulation only by name of source, location, regulation involved, effective date of regulation, and final compliance date. Copies of the complete schedules, and the Administrator's detailed evaluation of them, are available for inspection at the following locations: Environmental Protection Agency, Region VI, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 and the Office of Public Affairs, Freedom of Information Center, Environmental Protection Agency, 232 Waterside Mall West, Washington, D.C. 20460.

This publication also contains a correction to the reference identifying the Four Corners Interstate Air Quality Control Region found in § 52.1624(c). The error is corrected by changing the reference in § 52.1624, paragraphs (c)(1) and (c)(2), from "§ 82.121" to "§ 81.121".

The Agency finds that good cause exists for not publishing this correction as a notice of proposed rule making and for making it effective immediately upon publication, since the change is only an administrative correction of a typographical error and further public participation is unnecessary.

Effective date. The regulation promulgated today is effective on April 9, 1975.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 1857c–5))

Dated: March 3, 1975.

RUSSELL E. TRAIN,
Administrator.

In Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, § 52.1624 is corrected and § 52.1626 is amended as follows:

Subpart GG—New Mexico

§ 52.1624 [Corrected]

1. The document revising Part 52 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 21, 1974, at 39 FR 10582, is corrected by changing the reference in § 52.1624, paragraphs (c) (1) and (c) (2), from "§ 82.121" to "§ 81.121."

2. Section 52.1626 is amended by adding a new paragraph (e) reading as follows:

§ 52.1626 Compliance schedules.

* * * * *

(e) Compliance schedules for the sources identified below are approved as meeting the requirements of paragraph (c) of this section. Approval of a compliance schedule includes approval of all dates for achievement of increments of progress and final compliance as specified therein, and failure to achieve an increment of progress or final compliance by the specified date will be considered a violation of the compliance schedule.

NEW MEXICO

Source	Location	Regulation involved	Effective date	Final compliance date
Arizona Public Service Co.:				
(a) Fossil fuel-fired steam generating Unit No. 1.	Fruitland, San Juan County.	40 CFR 52.1624(c) [1]	Immediately	Mar. 1, 1977
(b) Fossil fuel-fired steam generating Unit No. 2.	do	do [1]	do	Dec. 1, 1976
(c) Fossil fuel-fired steam generating Unit No. 3.	do	do [1]	do	June 1, 1977
(d) Fossil fuel-fired steam generating Unit No. 4.	do	do [1]	do	Do.
(e) Fossil fuel-fired steam generating Unit No. 5.	do	do [1]	do	July 31, 1977

[1] Federally promulgated regulation.

[FR Doc.75–6103 Filed 3–7–75;8:54 am]

Title 16—Commercial Practices

Chapter I—Federal Trade Commission

[Docket C–2597]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Jaymor Builders, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* § 13.73–92 Truth in Lending Act; § 13.155 *Prices;* § 13.155–95 Terms and conditions; § 13.155–95(a) Truth in Lending Act. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1760 *Terms and conditions.*—Prices: § 13.1823 *Terms and conditions;* § 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provision; § 13.1892–2 Commencing contractual obligations prior to end of cooling-off period; § 13.1905 *Terms and conditions;* § 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 *Guarantee,* in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 52 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order—Jaymor Builders, Inc., et al., Union, N.J., Docket C–2597, Nov. 11, 1974.]

In the Matter of Jaymor Builders, Inc., a Corporation, and Morton Brett, individually and as an Officer of Said Corporation

Consent order requiring a Union, N.J., home improvement firm, among other things to cease making false statements concerning its guarantees and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

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

PART I

It is ordered, That respondents Jaymor Builders, Inc., a corporation, its successors and assigns and its officers, and Morton Brett, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with any extension of or arrangement for consumer credit, or any advertisement to aid, promote or assist, directly or indirectly any extension of or arrangement for consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to notify the buyer of said buyer's right to rescind the contract, as provided for by § 226.9 of Regulation Z.

2. Failing to provide each buyer who has the right to rescind with two copies of the notice prescribed by § 226.9(b) of Regulation Z, as required by that Section.

3. Failing to honor a customer's right to rescind the contract when such election is made and notice of rescission is properly given as prescribed by § 226.9(a) of Regulation Z, and in such a case, failing to give full effect to the customer's rescission, as required by § 226.9(d) of Regulation Z.

4. Performing work or services or undertaking any of the actions proscribed by § 226.9(c) of Regulation Z for customers who have a right of rescission under § 226.9(a) of Regulation Z prior to the expiration of the three day rescission period.

5. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

6. Failing, in any transaction in which respondents retain or acquire a security interest in real property which is used or expected to be used as the principal residence of the customer, to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

PART II

It is further ordered, That respondents Jaymor Builders, Inc., a corporation, its successors and assigns and its officers, and Morton Brett, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale, distribution or installation of any merchandise or services, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing orally, visually or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guar-

antee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondents deliver to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally, visually or in writing, directly or by implication, made to each such purchaser, and unless respondents promptly and fully perform all of their obligations and requirements under the terms of each such guarantee.

PART III

It is further ordered, That respondents distribute a copy of this order to all operating divisions of the corporate respondent and also distribute a copy of this order to all personnel, agents or representatives of respondents responsible for the sale or offering for sale of merchandise or services, or concerned with the consummation of any extension of consumer credit, or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify, or exempt respondents from complying with agreements, orders, or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission, November 11, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-6073 Filed 3-7-75;8:45 am]

[Docket C-2598]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

M & W Electronics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.155 Prices; 13.155–100 Usual as reduced, special, etc. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* § 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1805 *Exaggerated as regular and customary;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, M & W Electronics, Inc., et al., Dallas, Tex., Docket C-2598, Nov. 11, 1974]

In the Matter of M & W Electronics, Inc., and Dallas Hearing Aid Center, Corporations, and John H. Wilson, Jr., Individually and as an Officer of Said Corporations

Consent order requiring a Dallas, Tex., retailer and repairer of hearing aids, audiometers, and other hearing accessories, among other things to cease misrepresenting the usual and customary retail price of its merchandise.

The Decision and Order, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondents M & W Electronics, Inc., and Dallas Hearing Aid Center, corporations, its subsidiaries, successors, assigns, its officers, and John H. Wilson, Jr., individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the distribution, advertising, offering for sale, sale or repair of hearing aids or other related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Using the words "orig. price" or any other words of similar import or meaning, to refer to any amount which is in excess of the price at which such merchandise has been usually and regularly sold by respondents at retail in the recent, regular course of their business; or otherwise misrepresenting the respondents usual and customary retail price of such merchandise.

2. Failing to maintain and produce for inspection or copying for a period of two (2) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations, as set forth in Paragraph One of this order is based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

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

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

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

The Decision and Order was issued by the Commission, Nov. 11, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-6074 Filed 3-7-75;8:45 am]

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

[Docket C-2603]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tru-View Plastics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.70 *Fictitious or misleading guarantees;* § 13.135 *Nature of product or service;* § 13.155 *Prices:* § 13.155–10 Bait; § 13.160 *Promotional sales plans.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–45 Maintain records; 13.533–45 (c) Complaints; § 13.533§45(e) Correspondence; § 13.533–45(k) Records, in general. Subpart—Disparaging products, merchandise, services, etc.: § 13.-1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1765 *Undertakings, in general.*—Prices: § 13.1779 *Bait.*—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 *Guarantee, in general;* § 13.2013 *Offers deceptively made and evaded;* § 13.2090 *Undertakings, in general.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tru-View Plastics, Inc., et al., Brooklyn, N.Y., Docket C-2603, Nov. 19, 1974.]

In the Matter of Tru-View Plastics, Inc., a Corporation, and Martin Simon and Dennis Simon Individually and as Officers of Said Corporation

Consent order requiring a Brooklyn, N.Y., retailer and distributor of plastic slip covers, among other things to cease using misleading sales plans; misrepresenting guarantees; disparaging advertised merchandise and using bait and switch tactics.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Tru-View Plastics, Inc., a corportion, its successors and assigns, and its officers, and Martin Simon and Dennis Simon, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale and distribution of plastic slip covers or other merchandise to the public at retail, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of plastic slip covers or other merchandise or services.

2. Making representations, directly or indirectly, orally, visually, or in writing, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or serivces.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. the cost of publishing each advertisement including the preparation and dissemination thereof;

b. the volume of sales made of the advertised product or service at the advertised price; and

c. a computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondents deliver to each purchaser, prior to the signing of the sales contract a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless respondents promptly and fully perform all of their obligations and requirements under the terms of each such guarantee.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of plastic slip covers and other merchandise, or utilized in the advertising, promotion or sale of plastic slip covers and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of plastic slip covers and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents who are engaged in the offering for sale and sale of respondents' products, or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person and that respondents distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents maintain full and complete records of all complaints and correspondence received from customers, or any memoranda in connection therewith, for a period of two years after receipt.

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

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

It is further ordered, That no provision of the Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this Order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

The Decision and Order was issued by the Commission, Nov. 19, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-6075 Filed 3-7-75;8:45 am]

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

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 JUSTICE

Board of Parole

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Extension of Comment

Notice of proposed rule making published by the United States Board of Parole at 39 FR 45296 (December 31, 1974) invited submission by interested persons of written statements or comments on proposed regulations setting out the policies and procedures of the Board. A deadline of March 3, 1975, was established for the submission of such written statements and comments on the published proposed rules. The notice of proposed rule making published on December 31, 1974, is hereby amended to extend the time for submission of written comments until May 4, 1975. The text of the proposed rules corresponds to the text of the emergency regulations originally published at 39 FR 45223, et seq. (December 31, 1974), and at 40 FR 5357, et seq. (February 5, 1975), and republished in the rules and regulations section of this issue.

All persons who wish to make comments or suggestions in connection with these proposed rules should send written statements to the United States Board of Parole, Federal Home Loan Bank Board Building, 320 First St., NW., Washington, D.C. 20537, Attention: Rule Making Committee. All comments and suggestions should be submitted by May 4, 1975.

Dated: March 4, 1975.

MAURICE H. SIGLER,
Chairman, U.S. Board of Parole.

[FR Doc.75-5729 Filed 3-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CAPE COD NATIONAL SEASHORE, MASSACHUSETTS

Public Nudity

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; (16 USC 3)); section 7 of the Act of August 7, 1961 (75 Stat. 284, 16 USC 459b-6); 245 DM 1 (27 FR 6395); National Park Service Order No. 77 (38 FR 7478, as amended, 39 FR 4597) and North Atlantic Region Order No. 1 (39 FR 3695), it is proposed to revise § 7.67 of Title 36 of the Code of Federal Regulations as set forth below.

This proposed action was recommended in a resolution adopted by the Seashore Advisory Commission in November, 1974.

This proposed action and additional alternative actions were provided to the public on December 13, 1974, in an environmental assessment. That assessment and supplemental data considered in the deliberative process are available in the office of the Superintendent. It has been determined b ynegative declaration that this is not a major Federal action significantly affecting the environment, and does not require the preparation of a complete environmental impact statement.

The purpose of this amendment is to prohibit public nudity by visitors in all public areas of Cape Cod National Seashore which are open for public swimming, hiking, beachcombing, fishing, and other similar recreational activities. Exempt from this amendment are the enclosed portions of bathhouses, restrooms, public showers, or other public structures designed for similar purposes or private structures permitted within the Seashore, such as trailers or tents.

Public nudity in areas open to the general public is considered by the National Park Service to be an inappropriate use of Cape Cod National Seashore. The practice is objectionable to portions of the populace and has the effect of discouraging the use of portions of the seashore by those who wish to avoid exposure to it.

Furthermore, isolated nude practices by the public in the past have expanded to become a major attraction not intended by or consistent with the legislative or administrative purposes of the Seashore. Included in the statute which established the Seashore are the requirements:

"that no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna of the physiographic conditions now prevailing . . ., and that the Secretary (Secretary of the Interior) shall provide public use areas in such places and such manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the Seashore."
(75 Stat. 284)

This prohibitive action is proposed to reduce not only the adverse impact on park programs and resources, but also the expanding adverse impact on adjacent communities and private property within the boundaries of the Seashore.

Adverse use attributed to the allowance of public nudity during 1974 included extensive resource damage from indiscriminate vehicle travel and parking, personal property damage and infractions from trespass. Levels of use even below that of 1974 would be highly detrimental to the Seashore and its environs. It is projected, however, that the nudity attraction will result in use levels even higher than those of 1974. Elimination of the attraction is considered the most feasible way to reduce the level of use.

It is the policy of the Department of the Interior, wherever practical, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, on or before the 30th day after publication of this notice in the FEDERAL REGISTER.

Section 7.67 is amended by the addition of paragraph (g) as follows:

§ 7.67 Cape Cod National Seashore.

* * * * *

(g) Public nudity, including public nude bathing, by any person on Federal land or water within the boundaries of Cape Cod National Seashore is prohibited. Public nudity is a person's intentional failure to cover with a fully opaque covering that person's own genitals, pubic areas, rectal area, or female breast below a point immediately above the top of the areola when in a public place. Public place is any area of Federal land or water within the Seashore, except the enclosed portions of bathhouses, restrooms, public showers, or other public structures designed for similar purposes or private structures permitted within the Seashore, such as trailers or tents. This regulation shall not apply to a person under 10 years of age.

LAWRENCE C. HADLEY,
Superintendent,
Cape Code National Seashore.

[FR Doc.75-6301 Filed 3-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Redistricting and Reapportionment of Committee Membership

Consideration is being given to proposals to redistrict and reapportion committee membership among districts on the South Texas Onion Committee. These proposals were unanimously recommended at a public meeting on November 6, 1974, by the committee which is

the local administrative agency established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. The order provides in § 959.25 that the committee may recommend and the Secretary may approve the reapportionment of members among districts and the reestablishment of districts within the production area.

Production of South Texas onions is concentrated in District No. 3—Lower Valley. This district's share of total production increased from 83 percent in 1970 to 94 percent in 1974. Conversely, the share of District No. 1 (Coastal Bend) decreased from 2.5 percent in 1970 to less than 1 percent in 1974. Production in both District No. 2 (Laredo) and District No. 5 (Winter Garden) also has trended downward, and District No. 4 (Wilson-Karnes) is no longer a significant factor in onion production.

The proposed redistricting would combine the Wilson-Karnes district with the Winter Garden district. The proposed reapportionment would transfer the handler position from the Wilson-Karnes district and one grower position from the Coastal Bend district to the Rio Grande Valley district. Also, one grower position would be transferred from the Laredo district to the Winter Garden district.

In recommending these changes, the committee considered (1) shifts in onion acreage within the districts and the production area during recent years, (2) the importance of new production in its relation to existing districts, (3) the equitable relationship of committee membership and districts, (4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts, and (5) other relevant factors.

These proposed changes would provide more efficient administration of the order and greater equity of representation on the committee.

All persons who desire to submit data, views or arguments in connection with these proposals shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 21, 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)).

The proposals are as follows:

§ 959.110 Reestablishment of districts.

(a) Pursuant to § 959.25, the counties of DeWitt, Wilson, Atascosa and Karnes (currently District No. 4) and the counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle (currently District No. 5) are reestablished as District No. 4.

(b) The new districts are hereby established in the current fiscal period only for the purpose of making nominations of committee members for the coming fiscal period. The new districts are to be established as operating entities beginning on August 1, 1975.

§ 959.111 Reapportionment of committee membership.

Pursuant to § 959.25, the membership representation of the South Texas Onion Committee shall be reapportioned among the districts of the production area so as to provide the following members and their respective alternates:

District No. 1—Two producer members and one handler member.

District No. 2—One producer member and one handler member.

District No. 3—Four producer members and three handler members.

District No. 4—Three producer members and two handler members.

For each member there shall be a respective alternate selected on the same basis as the member.

Dated: March 4, 1975.

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

[FR Doc.75–6107 Filed 3–7–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 342–1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the Commonwealth of Puerto Rico Implementation Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator of the Environmental Protection Agency (EPA) approved in its entirety the implementation plan which was submitted by the Commonwealth of Puerto Rico on the basis that it adequately provided for the attainment and maintenance of national ambient air quality standards for all criteria pollutants by April 1975. The Commonwealth has since determined that article 6 of the regulation for Control of Atmospheric Pollution, as contained in the approved plan, was too stringent and needed revision.

In development of the implementation plan the Commonwealth of Puerto Rico was faced with an extreme lack of ambient air quality data and, therefore, found it necessary to use diffusional analysis to determine that the national ambient air quality standards for sulfur oxides were probably being violated. The control strategy which was adopted to provide for attainment of standards included the requirement for limitations of the sulfur content of fuel to 2.0 percent after October 1, 1973, 1.5 percent after April 1, 1974 and 1.0 percent after April 1, 1975. In the municipalities of San Juan, Catano, Guaynabo and Bayamon a maximum sulfur content of 0.5 percent was required after April 1, 1975. Limited air quality monitoring was conducted in the Commonwealth in 1972 and 1973, a period during which the average sulfur content of fuel oil used was slightly in excess of 2.0 percent; although a few sources used fuel oil ranging in sulfur content from 3.5 to 4.0 percent. Despite the fact that few specific violations of the primary ambient air quality standard were found at that time, there was some question as to whether the sampling was truly representative of Commonwealth air quality. This was due in part to the sparseness of the sampling network and the frequency of sampling. Based on these observations, and the results obtained from a more comprehensive effort in diffusion modeling, the Environmental Quality Board (EQB) held hearings on October 24 and 25, 1974 on a proposal to revise Article 6 of the Regulation for Control of Atmospheric Pollution and voted to approve a revised regulation on December 4, 1974. The regulation was adopted by Governor's Executive Order (Administrative Bulletin Number 3022) on December 19, 1974 and became legally enforceable on December 30, 1974. A proposed plan revision was submitted to EPA on January 3, 1975. Section 6.1.3 of the revised article 6 states that: "all stationary sources shall be in compliance with subsection 6.1.1 and 6.1.2 not later than 60 days after their effective date." The effective date of the regulation and its respective sections was December 30, 1974 and all stationary sources are required to be in compliance by February 28, 1975.

The material submitted in support of the plan revision include information received from the Governor on January 3rd and information transmitted by the Executive Director, EQB on January 17, 1975. These include the following:

(1) Notices of public hearings which were held October 24 and 25, 1974.

(2) A record of the public hearings which includes a transcript of the proceedings and all other material which was submitted at the hearings and a copy of each written presentation submitted after adjournment of the hearings.

(3) The revised article 6 of the Regulation for the Control of Atmospheric Pollution. Included as a part of the regulation were Appendices A and B to the regulation which discuss respectively the atmospheric dispersion calculation method used to develop the maximum allowed percentage of sulfur in fuels for all sources with a design capacity greater than 8 million Btu/hr and a listing of limitations. Table 1, which follows, presents the information contained in Appendix B to the regulation.

(4) Environmental Quality Board Resolution Number R–74–24, dated December 4, 1974, which adopted the revision to article 6.

(5) A Governor's Executive Order, dated December 19, 1974 (Administrative Bulletin Number 3022) which sets December 30, 1974 as the effective date of the revised regulation.

(6) A listing of the diffusion model computer program.

(7) Summaries of predicted sulfur dioxide concentrations and partial contributions to these concentrations by sources at each receptor point using the sulfur in fuel values set forth in Appendix B of the regulation and the meteorological parameters used in the diffusion calculations for the air basins of Mayaguez, Catano, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati.

(8) "Amendments to the State Implementation Plan of the Commonwealth of Puerto Rico."

(9) "Enforcement Procedures and Changes in Resource Requirements."

On February 14, 1975 the information listed in (7) was received for the air basins of Guayanilla and Aguirre.

TABLE 1.—*Maximum allowable percentage of sulfur in fuels for sources with a design capacity greater than 8,000,000 Btu/h*

Air basin	Source name	Stack No.	Allowable percentage of sulfur
Mayaguez	Central Igualdad	1-2	3.1
	Eli Lilly	1	3.1
	India	1	3.1
	PRWRA	G-1, G-2, P-1, P-2	0.5
		J-1	0.15
Catano	Barcardi	1	2.0
	Gulf	1-11	1.5
	Industrial Siderurgica	1	2.0
	Placoo	1-3	1.0
	P.R. Cement	1-5	3.1
	P.R. Glass	1-4	1.5
		5	0.5
	PRWRA (Palo Seco)	1 and 2/unit	2.5
		G-1—G-3	0.5
		J-1—J-2	0.15
	PRWRA (San Juan)	1 and 2/unit	1.5
		J-1—J-2	0.15
Guayanilla	CORCO	1-5, 10-16, 18-20, 24, 26, 28-31, 33-43, 45, 47-49, 52	1.0
		6-9, 17, 25, 27, 32, 44, 46, 50-51, 53	0.01
		21-23	0.5
	Peerless	1	1.5
	PPG	1-2	1.0
		3-4	0.01
	P.R. Olefins	1-4	0.6
		5	0.01
	PRWRA (South Coast)	1 and 2/unit	1.0
		P-1	0.5
		J-1	0.15
	Union Carbide	1 and 7	0.5
		2	0.1
		3-5, 8-9	0.01
		6	0.05
Arecibo	Central Cambalache	1-2	3.1
	International Paper	1-3	3.1
	P.R. Chemical	1-2	3.1
	P.R. Distillers	1-3	3.1
Aguirre	Central Aguirre	1-2	3.1
	Fibers International	1	3.1
	Phillips	1-2	0.1
		3-4, 7, 9-11, 14-15, 17, 19, 21-22	2.5
		5-6, 8, 12-13, 16, 18, 20, 23-24	0.15
	PRWRA (Aguirre)	2/unit	3.1
		P-1—P-2	0.5
Barceloneta	Abbott	1-2	3.1
	Merck-Sharp and Dohme	1-2	3.1
	Pfizer	1	2.0
		2	1.0
	Union Carbide	1	3.1
	Upjohn	1-2	3.1
	Bristol	1	3.1
Ponce	Central Mercedita	1	3.1
	Central Roig	1-2	3.1
	Ponce Cement	1-7	3.1
	Serralles Distillery	1	2.0
	Sun Oil	1-7	3.1
	Union Carbide	1-3	0.2
	Ponce Asphalt	1	1.0
Aguada	Central Eureka	1	3.1
	Central Fajardo	1	3.1
	Central Guanica	1-3	3.1
	Central Plata	1-2	3.1
	Central Coloso	1	3.1
Trujillo Alto-Dorado.	Diazlite, Inc	1-3	1.0
	San Juan Cement	1-3	3.1
Manati	Eli Lilly	1	3.1
		2	1.0
	Medical Center	1	3.1
	P.R. Distillers	1-2	3.1
		3	2.5
	PRWRA (Celba)	P-1	0.5
	Schering	1-2	3.1

PROVISIONS OF THE REGULATION AND CONTROL STRATEGY

Section H of Appendix A of the revised article 6 would allow existing sources to increase their stack height up to good engineering practice as a means of easing the burder of complying with the sulfur in fuel requirements of the regulation. Credit is not given for an increase in stack height beyond that necessary to overcome building wake or eddy downwash effects. This height is defined as no greater than two and one-half times the height of the nearest structural or naturally occurring terrain obstruction which lies within 200 meters of the location of the source. The impact of all new or modified sources of sulfur dioxide will be estimated using this technique.

The control strategy for sulfur oxides contained in the revision proposes to maintain national ambient air quality standards by assigning a maximum allowable sulfur content to each source such that the resulting ambient air quality concentrations predicted by means of the specified dispersion model are below national ambient air quality standards. The model specified is based on the conventional Gaussian plume dispersion equation. The predicted centerline concentration is used to estimate 3-hour and 24-hour sulfur oxide concentrations. The sector averaged form of this equation is used to determine annual concentrations.

Meteorological input for short term calculations consists of wind speed, wind direction and atmospheric stability measured at five minute intervals at wind meteorological towers located at several sites around Puerto Rico. Annual concentrations are calculated using joint stability-wind speed-wind direction distributions recorded at U.S. Weather Service operated weather stations. The meteorological input is chosen so as to maximize the impact of individual sources and combinations of many sources. Buoyant plume rise and plume enhancement are both taken into account in the modeling technique.

The emission rates used by EQB were calculated assuming a 100 percent load factor in determining three and twenty-four hour average concentrations and an 80 percent load factor in determining annual average concentrations. However, in the air basins of Mayaguez, Arecibo, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado and Manati an annual load factor of 70 percent was assumed.

Significant terrain features are considered by subtracting from the effective stack height of the source one-half of the difference in height between the base of the stack and the elevation of the terrain at which a prediction of concentration is being made. Receptor locations were spaced at whatever interval was necessary to identify the maximum concentration.

Allowable sulfur contents were chosen so as not to exceed 80 percent of the applicable 3-hour and 24-hour national ambient air quality standards. Protection of the annual national ambient air quality standard was assured through the conservative estimate of an 80 percent load factor on an annual basis when estimating source emissions.

In addition to the information which EPA regulations requires to be submitted in support of a request for a plan revision, EQB has also provided detailed computations of predicted ambient air quality for each source analyzed. Examination of these detailed calculations shows that some sources were modeled using different sulfur-in-fuel values than those presented in Appendix B to the revised article 6. For each case in which this occurred linear proportioning was used to adjust the predicted concentrations to those that would result from use of Appendix B sulfur contents. By this technique it was determined that the use of the sulfur limitations given in

Appendix B would be sufficient to provide for attainment and maintenance of the national standards.

EQB neglected to predict the expected concentration from one source in the Ponce air basin which has a sulfur-in-fuel limitation provided in Appendix B. If further analysis shows that the Appendix B sulfur-in-fuel limitation for this source would lead to contravention of national standards for sulfur oxides then the sulfur-in-fuel value proposed for this source will be disapproved. This omission has been brought to the attention of EQB and is expected to be covered in a subsequent submission by EQB during the public comment period and will be available to the public during such period. Table 2 depicts the maximum predicted sulfur oxide concentrations which are expected to result when all the assumptions described previously are used, this includes the assumption that all sources operate at 80 percent load factor for the entire year.

TABLE 2.—*Maximum predicted sulfur oxide concentrations (μg/m3)*

Air basin	3-h maximum [1]	24-h maximum [2]	Annual average [3]
Mayaguez	134	66	43
Guayanilla	340	125	77
Catano	[4] 465	[4] 202	[4] 72
Arecibo	338	96	44
Aguirre	515	303	58
Barceloneta	467	174	77
Ponce [5]	[4] 337	[4] 113	[4] 37
Aguada [6]	238	104	29
Trujillo Alto-Dorado	[4] 539	[4] 171	[4] 32
Manati [7]	229	79	26

[1] National standard is 1,300 μg/m3.
[2] National standard is 365 μg/m3.
[3] National standard is 80 μg/m3.
[4] The above concentrations allow for 65 percent absorption by the process of the sulfur oxide emissions produced by the combustion of fuel oil in cement kilns.
[5] Includes Yabucoa and Santa Isabel.
[6] Includes Esenada, San Sebastian, Fajardo, and Hormiguero.
[7] Includes Camuy, Ceiba, Carolina, and Rio Piedras.

The enforcement procedures which were submitted by EQB include the requirement that daily and monthly averages of fuel sulfur content be submitted by affected sources. This approach appears acceptable. EQB will also do spot checking of sources at least twice a year.

The resource portion of the EQB submission will be reviewed by EPA during the public comment period. It is anticipated that EQB will submit additional material on resources during the comment period and that such material will be available to the public during the comment period.

This notice is issued to advise the public that comments may be submitted on whether the proposed implementation plan revision should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the plan revision submission are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, Room 907 and at the Environmental Quality Board, Thom McAn Building, Stop 22½, Santurce, Puerto Rico. Copies are also available at the EPA San Juan Field Office, 1225 Ponce De Leon Avenue, Caso Building, Suite 804, Santurce, Puerto Rico 00807 and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. The information which is available for public inspection at the above locations consists of the following:

(1) Notices of public hearings which were held on October 24 and 25, 1974.

(2) A record of the public hearing.

(3) The revised article 6 of the Regulation for the Control of Atmospheric Pollution. Also included are Appendices A and B to the regulation.

(4) Environmental Quality Board Resolution Number R–74–24, dated December 4, 1974.

(5) A Governor's Executive Order dated December 19, 1974 (Administrative Bulletin Number 3022).

(6) Summaries of the predicted sulfur oxide concentrations for the air basins of Mayaguez, Guayanilla, Catano, Arecibo, Aguirre, Barceloneta, Ponce, Aguada, Trujillo Alto-Dorado, and Manati.

(7) "Amendments to the State Implementation Plan of the Commonwealth of Puerto Rico".

(8) "Enforcement Procedures and Changes in Resource Requirements."

At the public hearings testimony was presented that detailed computer calculations were not available for public inspection prior to the public hearing. In order to provide interested parties with the opportunity to comment on all pertinent information, the computer printouts, the information to be provided by EQB on additional resources and the information on the source omitted in the Ponce air basin will be available for public inspection at the Region II Office. The address is presented above. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(42 U.S.C. 1857c–5)

Dated: February 28, 1975.

ERIC B. OUTWATER,
Acting Regional Administrator.

[FR Doc.75–6010 Filed 3–7–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19785; RM–2156]

TELEVISION BROADCAST STATIONS

Table of Assignments

1. Panhandle Broadcasting Co., Inc. filed a petition for rule making requesting assignment of UHF Channel 17 to Fort Walton Beach, Florida. A notice of proposed rule making to this effect was issued on July 3, 1973 (FCC 73–733; 38 FR 18688). Comments in opposition were filed by The National Association of Business and Educational Radio, Inc., and The Offshore Telephone Company.

2. By letter, dated September 10, 1973, petitioner's counsel has informed us that certain unforeseeable circumstances now preclude petitioner from filing an application for a construction permit should its request be granted. Counsel's letter observes, correctly, that granting petitioner's request would be contrary to this Commission's policy of not assigning the limited number of television channels unless petitioner gives assurance that it will apply for and construct a station should the assignment be made and a construction permit be granted.

3. Accordingly, *it is ordered*, That Channel 17 will not be assigned to Fort Walton Beach, Florida and that this proceeding is terminated. Authority for this action is contained in section 4(i) of the Communications Act of 1934, as amended, and § 1.425 of the Commission's rules and regulations.

Adopted: February 26, 1975.

Released: March 3, 1975.

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

[FR Doc.75–6158 Filed 3–7–75;8:45 am]

[47 CFR Part 74]

[Docket No. 20372; FCC 75–250]

UHF TELEVISION

Translator Signal Booster Stations

1. As a result of its continuing study in regard to re-regulation of broadcasting, the Commission has under consideration, on its own motion, the matter of amending § 74.733 of its rules concerning UHF television translator signal booster stations. Such signal boosters are on-channel stations available only to the licensee of a UHF translator station and for the purpose of providing reception to small shadowed locations within the area intended to be served by the translator.

2. The amendment under consideration is the addition of a note to § 74.733 providing that no new UHF translator signal boosters would be authorized after the effective date of a Report and Order herein. There are nine existing signal boosters authorized to three licensees. Those signal boosters would be "grandfathered", and the licensees would use applicable FCC forms for Television Broadcast Translator Stations to apply for renewal of license or change of facility.

3. It appears that there is no longer an interest in, or need for, new facilities in this service. No such applications have been filed in the last nine years. Two inquiries were received, but in both cases application was made instead for a conventional UHF translator.

4. A UHF translator signal booster will accomplish nothing that cannot be accomplished by a conventional UHF translator. A signal booster is limited in

power to 5 watts input to the final amplifier, whereas a conventional UHF translator can normally be operated with a maximum power output of 100 watts, or, in certain situations, with as much as 1,000 watts. Also, a signal booster has an inherent interference potential not present in a conventional UHF translator. Due to the lack of demand for signal boosters, such equipment is difficult to obtain.

5. Signal boosters can not be authorized for 85 percent of the existing UHF translators since they are licensed on the upper 14 UHF channels (70–83), which are no longer available for new broadcast facilities.

6. Deletion of the provision for new UHF translator signal boosters will make it unnecessary for the Commission to print and stock a form which is not now used.

7. It appears that the public interest may be better served by fostering the use of conventional UHF translators and deleting the provision for new UHF translator signal boosters.

8. Pursuant to the authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 74.733 of the Commission's rules, as set forth below.

9. Pursuant to applicable procedures set forth in § 1.415 and § 1.46(b) of the Commission's rules, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 21, 1975. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.415 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission. However, in an effort to obtain the widest possible response in this proceeding, especially from small-market stations, informal comments (without extra copies) will be accepted. 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 in Washington, D.C. (1919 M Street, NW.).

Adopted: February 26, 1975.

Released: March 5, 1975.

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

1. In § 74.733 a note is added at the end of paragraph (j) to read as follows:

§ 74.733 UHF translator signal boosters.

* * * * *

(j) * * *

NOTE: Effective ----------, 1975, no new UHF translator signal boosters will be authorized. Licensees of such existing boosters will make application for renewal of license or change in facilities on the applicable FCC forms for Television Broadcast Translator Stations (346, for construction permits; 347, for license to cover construction permit; and 348, for renewal). Report and Order, Docket No. ----------, --, 1975.

[FR Doc.75–6159 Filed 3–7–75;8:45 am]

[47 CFR Part 76]

[Docket No. 19417]

CABLE TELEVISION SYSTEMS

Carriage of Sports Programs; Extension of Comment Period

1. On February 21, 1975, the National Cable Television Association, Inc. (NCTA) filed a motion requesting that the time for filing comments in the above-captioned proceeding be extended from March 3, 1975, to April 22, 1975. The motion is opposed by the National Hockey League and the Commissioner of Baseball.

2. In support of its request, NCTA states that on January 8, 1975, it filed with the Commission a letter seeking information pursuant to the Freedom of Information Act, 5 U.S.C. 522 and § 0.461(a) of the Commission's rules. NCTA alleges that this information is necessary ". . . to evaluate and comment on the newly defined scope of the alternative restrictions set forth in the further notice [of proposed rulemaking in Docket No. 19417, FCC 74–1415, ____ FCC 2d ____ (1974).]" The Commission's response to the NCTA request was not received until February 11, 1975, and NCTA alleges that too little time remained for adequate utilization of the information in connection with the March 3, 1975, deadline for comments. It is further alleged that the Commission's response did not provide NCTA with all of the material requested, and, thus, additional time is needed to permit NCTA to compile the information.

3. The National Hockey League and the Commissioner of Baseball object to the request on the grounds that "[i]t is becoming increasingly apparent that delay has become a major tactic in the cable industry's strategy," and suggests that the Commission put a halt to these tactics. In the alternative, objectors suggest that, if an extension of time is granted, the Commission halt the grants of any certificates of compliance until a final resolution is reached in this docket.

4. On January 30, 1975, the deadline for filing comments and reply comments in this proceeding was extended to March 3, 1975 (Action by Chief, Cable Television Bureau, Mimeo No. 45897, January 30, 1975). This was done because NCTA's Freedom of Information Act request then had not been answered, and the staff believed that the 30 day extension would provide an appropriate period of time after the information request had been answered for all parties to prepare appropriate comments. In light of the facts that receipt of the Commission's response was somewhat delayed and that some of the information (See items 7 and 8 of NCTA's request) will not be available until after April 15, 1975, it appears that good cause exists for the requested 50 day extension of time. We have not been persuaded by the comments in opposition that this extension is not appropriate in the circumstances and in view of the complexity of this proceeding and our desire for concise comments and empirical data.

Accordingly, *it is ordered,* That the "Opposition to Motion for Extension of Time to File Comments" filed by the National Hockey League and the Commissioner of Baseball are denied.

It is further ordered, That the "Motion for Extension of Time" filed by the National Cable Television Association, Inc. is granted and the dates for filing comments and reply comments in the captioned proceeding are extended until April 22, 1975, and May 6, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: February 28, 1975.

Released: March 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75–6160 Filed 3–7–75;8:45 am]

[Docket No. 20371; FCC 75–239]

[47 CFR Part 76]

SIGNIFICANTLY VIEWED TV BROADCAST STATIONS

Proposed Determination on Special Showings

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. We recently have had cause to consider application of § 76.54(b) of the Commission's rules to television broadcast stations not operating during the original survey periods (May 1970, November 1970, and February/March 1971) used in formulating the significantly viewed list contained in Appendix B, Reconsideration of Cable Television Report and Order, FCC 72–530, 36 FCC 2d 326 (1972). Our concern with this problem largely results from recognition of the fact that some stations were never given the opportunity to be demonstrated to be significantly viewed on a county-wide basis. See, e.g., Pappas Television, Inc., FCC 75– ____, -- FCC 2d -- -- (1975). Furthermore, we realize that per-community showings are economically burdensome for new stations, while county-wide data is readily and inexpensively available. Our current information indicates that such surveys cost $100 per county, as opposed to $2,500 per community. (See, e.g., Cablevision of Marlow, Inc., FCC 73–1273, 44 FCC 2d 257 (1973)). Furthermore, our preliminary studies reveal that the proposed change will aid stations—predominately UHF—in obtaining carriage on cable television systems located in communities that can reasonably be considered within the station's market

areas. It should be noted that under the proposed rule, we will still require showings to meet the standards contained in §§ 76.5(k) and 76.54(b). We are not going to require that surveys submitted result in an average figure at least one standard error above the required viewing level nor will we require compliance with § 76.54(c), since the original surveys were not subject to these conditions. However, as a safeguard against the submission of unrepresentative surveys, we will treat all proposed § 76.54(d) surveys as petitions for declaratory ruling pursuant to § 76.7, and will place them on public notice giving interested parties thirty (30) days to comment or object. Also we expect these surveys to be conducted in accordance with nationally recognized standards, since Commission staff will evaluate all data in light of professional survey practices and procedures.

3. It is our feeling that the proposed change, while providing equitable treatment for new stations, will have little impact on existing signal carriage by cable television systems. Our studies indicate that only a small number of stations were not operating at the time the original surveys were taken (approximately less than 6 percent of existing stations), and, therefore, we envision few problems. We recognize, however, that the proposed change may result in hardship for cable television systems operating at full channel capacity being required to add a "must carry" significantly viewed signal. Yet we feel that the special relief provisions of our rules offer an adequate remedy for cable television systems adversely affected by the proposed change.

4. It is apparent that we have proposed a very narrow exception to the standard of per-community surveys required by § 76.54(b). Yet we are aware that the proposed change affects other rules (signal carriage) and raises other questions which are appropriate for comments from interested parties. All interested persons are invited to file written comments on the rulemaking proposals on or before April 11, 1975, and reply comments on or before April 21, 1975. In reaching a decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

5. Authority for the proposed rulemaking instituted herein is contained in sections 4(i), 303, and 403, of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen (14) copies of all comments, replies, pleadings, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: February 26, 1975.

Released: March 5, 1975.

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

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Part 76. Cable Television Service.

1. In § 76.54, paragraph (b), the first sentence is amended and a new paragraph (d) added to read as follows:

§ 76.54 Significantly viewed signals; method to be followed for special showings.

* * * * *

(b) On or after March 31, 1973, significant viewing in a cable television community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of noncable television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. * * *

* * * * *

(d) Signals of television broadcast stations not operating at the time surveys (for the periods of May 1970, November 1970, and February-March 1971) used in establishing Appendix B of the Memorandum Opinion and Order on Reconsideration of Cable Television Report and Order, FCC 72-530, 36 FCC 2d 326 (1972), were compiled, may be demonstrated as significantly viewed by independent professional county-wide audience surveys of noncable television homes that cover at least two weekly periods separated by at least thirty (30) days but not more than one of which shall be a week between the months of April and September.

[FR Doc.75-6161 Filed 3-7-75;8:45 am]

[47 CFR Part 87]

[Docket No. 20369; FCC 75-228]

AIR TRAFFIC CONTROL RADAR

Transponder Test Sets for Eliminating Interference

1. The Commission has received a request from the Federal Aviation Administration (FAA) to specify the pulse-repetition rate (PRR) for transponder test sets at 235 pulses per second (pps) ± 5 pps to reduce interference to Air Traffic Control (ATC) radar.

2. In April 1971, FAA advised the Commission that harmful interference was being experienced by ATC radar from transponder test sets operating on 1030 MHz when the PRR of the test set was equal to, or harmonically related to, the PRR of ATC radar. In order to minimize this interference as rapidly as possible, the Commission sent letters to its 79 licensees of land test stations suggesting that they operate with an interrogation rate between 245 and 270 pps. If this pps was not possible, it was suggested that they ascertain from the FAA Regional Office a PRR which would not interfere with the ATC radar installation in the vicinity.

3. The FAA now advises that: "Since 1971, the 1030/1090 MHz population has increased by approximately 60 percent; therefore, we strongly recommend the use of 235 pps ±5 pps to prevent interference to operational facilities and to provide a clear PRR channel for transponder test sets." We agree that it would be desirable to have a discrete PRR for transponder test sets to reduce the interference potential. All existing transponder test sets have been tested or evaluated by FAA and none have been found to cause interference. In view of the fact that there is no safety hazard, we can permit existing stations some period for amortization or modification. We are, therefore, proposing to permit continued operation with existing equipment until March 31, 1978.

4. The proposed amendment, as set forth below, is issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. Pursuant to the procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 21, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

February 26, 1975.

March 5, 1975.

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

Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.521(d) is amended to read as follows:

§ 87.521 Frequencies available.

* * * * *

(d) 108.0 MHz and the frequencies set forth in Subpart N of this part may be assigned to radionavigation land test stations for the testing of airborne receiving equipment. The frequencies normally

assigned will be 108.0 and 108.05 MHz for VHF omnirange, 108.1 MHz for localizer, 334.7 MHz for glide slope, 978 and 979 MHz (X channel)/1104 MHz (Y channel) for DME/TACAN and the ATC radar beacon (ATCRAB) frequency 1030 MHz for transponder tests. The power authorized on these frequencies normally will be 1 watt or less. The pulse-repetition rate (PRR) of the 1030 MHz ATC beacon test set will be 235 pps±5 pps. Stations which are authorized before (effective date of the order in this proceeding) may continue operation on present PRR until March 31, 1978. The assignment of 108.0 MHz is subject to the condition that no interference shall be caused to the reception of FM broadcasting stations and stations using the frequency are not protected against interference from FM broadcasting stations.

* * * * *

[FR Doc.75-6162 Filed 3-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 14449; Notice 75-11]

GROUND PROXIMITY WARNING EQUIPMENT

Proposed New Technical Standard

The Federal Aviation Administration is considering amending Part 37 of the Federal Aviation regulations by adding a new Technical Standard Order for Ground Proximity Warning Equipment (TSO-C92).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 25, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On April 18, 1973, an advance notice of proposed rulemaking (ANPRM), Notice 73-14 (38 FR 10158; April 25, 1973), was issued to elicit comments from aircraft operators, manufacturers and other interested persons regarding the need for the installation of ground proximity warning systems on aircraft used in operations conducted under Part 121 and appropriate design characteristics for that equipment.

After the issuance of that ANPRM, the FAA determined, in view of a number of air carrier accidents, that a need existed for the installation of ground proximity warning systems in certain aircraft. Therefore, on September 12, 1974, the FAA issued a notice of proposed rulemaking, Notice 74-32 (39 FR 33234; September 16, 1974), proposing to amend Part 121 to require the installation of an approved ground proximity warning system on each large turbine-powered airplane operated under Part 121. Based on the comments received and further investigation by the FAA, Amdt. 121-114 was issued (39 FR 44439; December 24, 1974) to require the installation of approved ground proximity warning systems on large turbine-powered airplanes operated under Part 121 by December 1, 1975.

As indicated in Notice 74-32, there exists a need for specific technical standards for the design and manufacture of ground proximity warning equipment. The FAA has concluded that those standards should be set forth in a new Technical Standard Order.

The Radio Technical Commission for Aeronautics (RTCA) has developed minimum performance standards for ground proximity warning equipment that are contained in RTCA Document No. DO-161, titled "Minimum Performance Standards, Airborne Ground Proximity Warning System", dated February 7, 1975. The standards contained in that document, in part, deal with the operation and accessibility of equipment controls, required modes of operation, aural and visual warning requirements, emergency deactivation provisions, and failure monitoring and self test requirements for ground proximity warning equipment.

Based on a review of the information received in response to Notices 73-14 and 74-32 and other information made available to FAA by equipment manufacturers, aircraft operators, and other interested persons after the issuance of Amdt. 121-114, the FAA believes that RTCA Document No. DO-161, with certain additional provisions relating to equipment reliability, deactivation control guards, required warnings, and fire protection, would provide an acceptable minimum performance standard for ground proximity warning equipment. Therefore, it is proposed that compliance with that standard be required in order to obtain a TSO authorization for the manufacture of that equipment. The proposed TSO also contains marking and data contains marking and data requirements and a requirement that all the technical data required to be furnished by the manufacturer to the FAA, except test reports, be furnished with each unit manufactured under the TSO.

It is also proposed that environmental testing of the equipment be accomplished in accordance with RTCA Document No. DO-138, titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968, including Change Number 2, dated October 29, 1969. However, the FAA has been informed by the RTCA that a new Document No. DO-160, which is a revised and updated version of Document No. DO-138, is scheduled for RTCA approval in the near future. If that document becomes available, the TSO proposed herein may be issued as a final rule permitting utilization of the environmental criteria contained in either Document No. DO-138 or DO-160.

Concurrently with the issuance of this notice, a notice of proposed rule making is being issued proposing to amend Part 121 to provide for the installation of TSO approved ground proximity warning equipment in large turbine powered airplanes operated under that part.

Finally, in order to assure that sufficient TSO approved ground proximity warning equipment is available for installation in accordance with the provisions contained in Part 121, it is essential that standards be adopted as rapidly as possible. In that light it should be noted that the comment period for this notice has been limited to 15 days from the date of its publication. The FAA believes that in this instance a 15 day comment period is adequate in view of the information obtained by the FAA at the public meeting, announced in the FEDERAL REGISTER (40 FR 1743, January 9, 1975), that was held on January 28 and 29, 1975 concerning ground proximity warning equipment standards.

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

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation regulations by adding a new § 37.201, to read as follows:

§ 37.201 Ground proximity warning equipment; TSO-C92.

(a) *Applicability.* This Technical Standard Order prescribes the minimum performance standards that ground proximity warning equipment must meet in order to be identified with the applicable TSO marking. Ground proximity warning equipment that is to be so identified must meet the minimum performance standards prescribed in Radio Technical Commission for Aeronautics (RTCA) Document No. DO-161, titled "Minimum Performance Standards, Airborne Ground Proximity Warning System" dated February 7, 1975, and the additional standards contained in paragraph (c) of this section.

(b) *Environmental standards.* RTCA Document No. DO-138, titled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968, including Change Number 2, dated October 29, 1969, must be used to determine the environmental conditions over whic hthe equipment has been designed to operate.

(c) *Additional standards.*—(1) *Reliability.* The design mean time between failure (MTBF) rate may not be less than 8000 hours. This must be shown by the

use of analytical methods acceptable to the Administrator.

(2) *Fire protection.* Except for small parts (such as knobs, fasteners, seals, grommets, and small electrical parts) that the Administrator finds would not contribute significantly to the propagation of a fire, all materials used must be self extinguishing when tested in accordance with the requirements of §§ 25.853 and 25.1359(d), as applicable, and Appendix F to Part 25 except that the materials may be of a size and be mounted for the test in accordance with paragraph (b) of Appendix F or may be of a size and be mounted as used in the aircraft.

(3) *Aural and visual warnings.* The required aural and visual warnings must initiate simultaneously.

(4) *Deactivation control.* If the equipment incorporates a deactivation control other than a circuit breaker, the control must be a switch with a protective cover. The cover must be safety wired so that the wire must be broken in order to gain access to the switch.

(d) *Markings.* In addition to the markings specified in § 37.7(d), the equipment must be marked as follows:

(1) The environmental categories over which it has been designed to operate as set forth in Appendix B of RTCA Document No. DO–138 must be permanently and legibly marked on the equipment. Where an environmental test procedure is not applicable and the test is not conducted, and "X" must be placed in the space assigned for that category.

(2) Each separate component of equipment (computer, transducer, etc.) must be permanently and legibly marked with, at least, the name of the manufacturer, the TSO number, and the environmental categories over which it has been tested.

(e) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division (or in the case of the Western Region, the Chief, Aircraft Engineering Division) Federal Aviation Administration, in the region in which the manufacturer is located, one copy of the following technical data, except that additional copies must be furnished upon request:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Any limitations, restrictions, or other conditions pertinent to installation must be included.

(3) List of the components (by part number) that make up the equipment system complying with the standards prescribed in this section.

(4) Equipment data sheets specifying, within the prescribed ranges of environmental conditions, the actual performance of equipment of that type with respect to each performance factor prescribed in the standard.

(5) Manufacturer's test report.

(f) *Data to be furnished with each manufactured unit.* One copy of the data and information specified in paragraphs (e)(1), (e)(2), (e)(3), and (e)(4) of this section must be furnished with each article manufactured under this TSO.

(g) *Availability of referenced documents.* RTCA Documents Nos. DO–138, dated June 27, 1968, including Change Number 2, dated October 29, 1969, and DO–161, dated February 7, 1975, are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23. Additionally, RTCA Documents Nos. DO–138 and DO–161 may be examined at any FAA regional office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division) and may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, at a cost of $8.00 per copy for Document No. DO–138 and $8.00 per copy for Document No. DO–161.

Issued in Washington, D.C., on March 6, 1975.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.75–6333 Filed 3–7–75;9:54 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 14341]

ROLLS ROYCE RB 211 ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls Royce Model RB 211 Series engines. There have been reports of engine oil loss and subsequent inflight engine shutdowns caused by improperly secured HS external gearbox oil tank filler caps. Since this condition is likely to exist or develop in other engines of the same type design, the proposal airworthiness directive would require modification of the oil tank filler cap and housing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before April 9, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS ROYCE (1971) LIMITED. Applies to Rolls Royce Model RB 211 Series engines, serial numbers 10479 and prior.

Compliance required before July 1, 1975, unless already accomplished.

To prevent engine loss of oil and possible inflight engine shutdown, modify the HS external gearbox oil tank filler cap and housing in accordance with Rolls Royce (1971) Limited Service Bulletin RB211–72–3533, dated August 12, 1974, or an FAA approved equivalent.

Issued in Washington, D.C. on February 27, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75–6079 Filed 3–7–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–SW–12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Winnfield, La. transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 9, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

WINNFIELD, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winnfield NDB (latitude 31°57'46" N., longitude 92°39'25" W.); within 3 miles each

side of a 276°T (270°M) bearing from the Winnfield NDB extending from the 5-mile radius area to 8 miles west of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the David G. Joyce Airport, Winnfield, La.

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

Issued in Fort Worth, TX, on February 27, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-6080 Filed 3-7-75;8:45 am]

[14 CFR Part 121]

[Docket No. 14450; Notice No. 75-12]

GROUND PROXIMITY WARNING SYSTEMS

Performance and Environmental Standards

The Federal Aviation Administration is considering amending § 121.360 of Part 121 of the Federal Aviation regulations to provide that the ground proximity warning system required by that section must meet specific technical performance and environmental standards.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 25, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By Amendment 121-114, issued December 18, 1974 (39 FR 44439; December 24, 1974), the FAA adopted § 121.360 which provides that, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide a warning of imminent inadvertent contact with the ground. Paragraph (b) of § 121.360 provides certain requirements for the ground proximity warning system.

The FAA has concluded that specific technical standards for the design and manufacture of ground proximity warning equipment should be set forth in a new Technical Standard Order. Accordingly, concurrently with the issue of this Notice, the FAA is issuing a notice of proposed rule making, Notice 75-11, proposing to amend Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order for Ground Proximity Warning Equipment (TSO-C92). The FAA believes, and it is proposed herein, that the ground proximity warning system required by § 121.360 should meet the performance and environmental standards of proposed TSO-C92. However, it is also proposed to allow the use of ground proximity warning systems approved for use under Part 121 and installed before the effective date of this proposed amendment until January 1, 1977.

Proposed § 121.360 would not require that the visual and aural warnings operate continuously until the hazardous condition no longer exists, as does current § 121.360(b)(2)(iii). Proposed TSO-C92 would provide that ground proximity warning equipment must meet, among other standards, the minimum performance standards prescribed in Radio Technical Commission for Aeronautics (RTCA) Document No. DO-161, titled "Minimum Performance Standards, Airborne Ground Proximity Warning System" dated February 7, 1975. Document No. DO-161 provides for emergency deactivation of the warning indication by stating that "means to deactivate the warning indications may be provided for flight crew use in planned abnormal or emergency conditions."

The provision for a means to deactivate the warning indications would allow for situations in which the warning would not be appropriate, as in the case of a planned abnormal landing during a training flight or an emergency landing when the continuous operation of the warning might distract the pilot.

In addition, a new paragraph (c) would be added to § 121.360 to require that the Airplane Flight Manual contain appropriate procedures for the use of the ground proximity warning system, proper flight crew action, and deactivation for planned abnormal and emergency conditions. The manual would also have to contain an outline of all input sources that must be operating. This provision would apply both to equipment that meets the requirements of paragraph (a) of proposed § 121.360 and to equipment the use of which is authorized by paragraph (b) of that section.

A new paragraph (d) would be added to § 121.360 that would prohibit any person from deactivating a ground proximity warning system required by that section except in accordance with procedures contained in the Airplane Flight Manual. It is also proposed to add a new paragraph (e) that would require that, whenever a ground proximity warning system is deactivated, an entry must be made in the airplane maintenance record that includes the date and time of the deactivation.

Finally, it is essential that standards in proposed TSO-C92 be made a part of § 121.360 as rapidly as possible. Accordingly, it should be noted that the comment period for this notice has been limited to 15 days from the date of its publication. The FAA believes that in this instance a 15 day comment period is adequate in view of the information obtained by the FAA at the public meeting concerned with the preparation of minimum performance standards for airborne ground proximity warning systems, announced in the FEDERAL REGISTER (40 FR 1743; January 9, 1975), that was held January 28 and 29, 1975.

These amendments are proposed under sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 121.360 of Part 121 of the Federal Aviation regulations to read as follows:

§ 121.360 Ground proximity warning systems.

(a) Except as provided in paragraph (b) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92.

(b) Ground proximity warning systems approved for use under this Part and installed before [the effective date of this amendment] may be used in lieu of equipment that meets the performance and environmental standards of TSO-C92 until January 1, 1977, except that the requirements of paragraph (c) of this section must be met.

(c) For the ground proximity warning system required by this section, the Airplane Flight Manual shall contain—

(1) Appropriate procedures for—(i) The use of the equipment; (ii) Proper flight crew action with respect to the equipment; (iii) Deactivation for planned abnormal and emergency conditions; and

(2) An outline of all input sources that must be operating.

(d) No person may deactivate a ground proximity warning system required by this section except in accordance with procedures contained in the Airplane Flight Manual.

(e) Whenever a ground proximity warning system required by this section is deactivated, an entry shall be made in the airplane maintenance record that includes the date and time of deactivation.

Issued in Washington, D.C., on March 6, 1975.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.75-6334 Filed 3-7-75;9:54 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Correction

In FR Doc. 75-5836 appearing at page 8962 in the issue of Tuesday, March 4, 1975, the fifth line on page 8963 now reading, "Proposed effective date: March 4, 1975" should read, "Proposed effective date: Date of issuance of final rule."

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

Office of the Secretary

[Dept. Circular Public Debt Series–No. 7–75]

7¾ PERCENT TREASURY NOTES OF SERIES B–1981

Dated November 15, 1974, With Interest From March 19, 1975; Due November 15, 1981

MARCH 5, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 98.51 percent of their face value for $1,750,000,000, or thereabouts, of notes of the United States, designated 7¾ percent Treasury Notes of Series B–1981. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, March 11, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes now offered will be identical in all respects with the 7¾ percent Treasury Notes of Series B–1981 issued pursuant to Department Circular, Public Debt Series—No. 14–74, dated October 31, 1974, except that interest will accrue from March 19, 1975. With this exception the notes are described in the following quotation from that circular:

"1. The notes will be dated November 15, 1974, and will bear interest[1] from that date, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1981, and will not be subject to call for redemption prior to maturity.

"2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

"5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes."

[1] On November 7, 1974, the Secretary of the Treasury announced that the interest rate on the notes would be 7¾ percent per annum.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m, e.d.s.t., Tuesday, March 11, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 98.51 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept more or less than the $1,750,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price (in two decimals)[2] of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids together with $26.54696 per $1,000 for accrued interest from November 15, 1974, to March 19, 1975, must be made or completed on or before Wednesday, March 19, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, in other funds immediately available to the Treasury by March 19, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Monday, March 17, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to Fifth Federal Reserve District in case of the Treasury, or (2) Friday, March 14, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes alloted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and

[2] Average price may be at, or more or less than $100.00.

they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-6178 Filed 3-6-75;10:00 am]

[Dept. Circular Public Debt Series—No. 8-75]

TREASURY NOTES OF SERIES M–1976

Dated and Bearing Interest From March 25, 1975; Due May 31, 1976

MARCH 5, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series M–1976. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.d.s.t., Thursday, March 13, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 25, 1975, and will bear interest from that date, payable on a semiannual basis on November 30, 1975, and May 31, 1976. They will mature May 31, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.d.s.t. Thursday, March 13, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 25, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 25, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, March 20, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Tuesday, March 18, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-6179 Filed 3-6-75;10:00 am]

DEPARTMENT OF DEFENSE

Department of the Army

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: National Board for the Promotion of Rifle Practice.
Date of meeting: April 11, 1975.
Place: Secretary of the Army Conference Room, Room 1E687, The Pentagon.
Time: 0900 Hours.

PROPOSED AGENDA

Item I: Goals of the civilian marksmanship program (CMP) and service support recommended to achieve objectives
Item II: Continued NRA support of the National Rifle and Pistol Championships, including the National Trophy Matches
Item III: Scheduling the 1976 Annual Board Meeting to coincide with the NRA National Convention
Item IV: Board participation at the National Trophy Matches
Item V: Support of the 1976 Olympics

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

JACK R. ROLLINGER,
Colonel, Infantry,
Executive Officer.

[FR Doc.75-6139 Filed 3-7-75;8:45 am]

US ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act, notice is hereby given of the April 17, 1975 meeting of the US Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 328, Aberdeen Proving Ground, Maryland. The purpose of the meeting is to receive comments from the Committee regarding Research and Development Projects presented at the Spring Technical Conference of the Laboratory Program.

This meeting will not be open to the public.

R. J. EICHELBERGER,
Director.

[FR Doc.75-6071 Filed 3-7-75;8:45 am]

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will hold an open meeting on March 27, 1975, at 9:15 a.m., in room 4D710, the Pentagon, Washington, D.C.

The purpose of the meeting is to review the naval historical activities of the past eighteen months and to make comments and recommendations on these activities to the Secretary of the Navy.

Public attendance, depending on available space, may be limited to those persons who have given written notice at least 5 days prior to the meeting of their intention to attend.

Any person desiring information about the Secretary of the Navy's Advisory Committee on Naval History may write to the Director of Naval History, Building 220, Washington Navy Yard, Washington, D.C. 20374.

Dated: March 5, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General.

[FR Doc.75-6123 Filed 3-7-75;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Meetings

The Department of Defense Advisory Group on Electronic Devices and various working groups thereof will meet in closed sessions as indicated below:

Working Group A (Mainly Microwave Devices) 201 Varick Street, New York, New York. April 22, 1975.
Working Group B (Mainly Low Power Devices) 201 Varick Street, New York, New York. April 8, 1975.
Working Group C (Mainly Imaging and Display Devices) DARPA, 1400 Wilson Blvd., Arlington, Va. April 10-11, 1975.
Working Group D (Mainly Laser Devices) Institute for Defense Analyses, 400 Army-Navy Drive, Arlington, Virginia. April 3-4, 1975.
Advisory Group on Electron Devices, 201 Varick Street, New York, New York. April 24, 1975.

The purpose of the DoD Advisory Group on Electronic Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices: e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it is hereby determined that the AGED 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 be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

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

MARCH 4, 1975.

[FR Doc.75-6091 Filed 3-7-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on April 8 and 9, 1975, at the Space and Missiles Systems Organization (SAMSO), Los Angeles, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine how the Space Shuttle with its new capabilities can lead to more effective military space operations in the future.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

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

MARCH 4, 1975.

[FR Doc.75-6092 Filed 3-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant.—Mississippi State Game and Fish Commission, Post Office Box 451, Jackson, Mississippi 39205; Avery Wood, Director of Conservation.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Capture and transport American alligators (endangered species) from Louisiana to Mississippi for stocking of suitable habitats

3. APPLICANT. (If any, complete address and phone number of individual, business, agency, or institution for which permit is requested)
State Game and Fish Commission
Box 451
Jackson, Mississippi 39205
Telephone: 601 354-7333

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
N/A

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The conservation agency of the state of Mississippi charged with management and protection of the wildlife resources
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Avery Wood, Director of Conservation
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Collecting at Rockefeller Wildlife Refuge and Marsh Island Refuge in Louisiana and transporting to Mississippi for distribution

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)
No

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Louisiana - letter of authorization

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
April 15, 1975

11. DURATION NEEDED
December 31, 1975

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) | DATE

3-200
(6/74)

Scientific Permit. (1) We anticipate capturing approximately 500 American alligators (Alligator Mississippiensis). The majority will be approximately 3 feet in length although some may range to 6 feet in length. The sex ratio of captured animals will be about 1:1.

(2) Not applicable.

(3) We are submitting an application on behalf of the Mississippi Game and Fish Commission for a permit to capture, transport and release alligators from populations with surplus animals in Louisiana and from within the state of Mississippi as may be considered proper management or are nuisance animals for transfer within the state.

Recent research studies with captive alligators at Mississippi State University have shown that alligators are capable predators on beaver and can be expected to exercise some degree of biological control over surplus numbers of these furbearers which are presently classed as predatory animals in Mississippi.

The Mississippi Game and Fish Commission, in cooperation with the Louisiana Wild Life and Fisheries Commission with the approval of the Fish and Wildlife Service, has begun an alligator transplant program. Approximately 1000 nuisance alligators have been relocated from Louisiana marshes and one or two locations in Mississippi and transferred to lands in Mississippi, mostly where landowners are having problems with beavers flooding timber but also to other protected locations such as state management areas. This is a planned management program for the re-establishment of alligator populations. Some of the animals are individually tagged or marked for future identification in followup research studies to determine survival rates, movements and other information.

Mr. CLARK BAVIN,
Chief of the Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

AUGUST 9, 1974.

DEAR MR. BAVIN: During the past several years, we have fulfilled requests from both the Mississippi and Arkansas Game and Fish Commissions for alligators to be used in their respective states for restocking purposes. Under Pub. L. 92-205, it is our understanding that we will need a permit from your office in order to continue with this program.

We now have another request from Mississippi for 250 animals, and we would like to suggest and recommend that your office issue a blanket permit letter which would authorize the Game and Fish Commissions of Mississippi, Arkansas, and Louisiana to continue with this program without necessitating the issuance of a permit for each individual transplant. This would help minimize redtape problems, and a report of the transfers could be supplied to your office on an annual or semi-annual basis as you may deem necessary.

The alligators captured in Louisiana by personnel of the Louisiana Wild Life and Fisheries Commission are turned over directly to personnel of the Mississippi and Arkansas Commissions for release in suitable habitat in their states. Since the animals are taken largely from state refuges where we have over-large populations and transplanted to areas of appropriate habitat that have little or no populations of these reptiles, certainly this will benefit the overall status of the animal in the southeast.

Please let us hear from you on this.

Sincerely yours,

J. BURTON ANGELLE,
Director.

Mr. LYNN A. GREENWALT, *Director,*
U.S. Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C. 20240.

SEPTEMBER 4, 1974.

DEAR MR. GREENWALT: We are hereby resubmitting an application on behalf of the Mississippi Game and Fish Commission for a permit to capture, transport and release alligators from where they are considered to be a nuisance, surplus animals in Louisiana and within the State of Mississippi as may be considered proper management for this species or are nuisance animals for transfer within the State. We are requesting this permit in compliance with the Endangered Species Act of 1973 and hereby we also ask that our earlier letter request for a permit be withdrawn.

Recent research studies with captive alligators at Mississippi State University have shown conclusively that alligators are capable predators on beavers and can be expected to exercise some degree of biological control over surplus numbers of these furbearers which are presently classed as predatory animals in Mississippi. Some beaver colonies become nuisances to landowners where they impound water over valuable timber, creating deadenings and sometimes causing serious losses to landowners. Demands are made on state and local authorities for assistance with beaver control. This has resulted in legislation appropriating general funds for $5.00 bounty payments on beavers as a subsidy for control of excess beavers. The Game and Fish Commission is required to administer this bounty program on beavers by receipting beaver tails paid for by the State Auditor. It is felt that the bounty program does not exercise real control over nuisance beaver problems, merely paying an extra bonus for animals that

would be caught anyway by trappers, resulting in fixed net cost to the state.

The Game and Fish Commission, in cooperation with the State of Louisiana Wildlife and Fisheries Commission and the National Audubon Society with the approval of the Fish and Wildlife Service, has begun an alligator transplant program. Approximately 700 nuisance alligators have been relocated from Louisiana marshes and one or two locations in Mississippi and transferred to lands in Mississippi, mostly where land owners are having problems with beavers flooding timber but also to other protected locations such as State Management Areas. This is a planned management program for the re-establishment of alligator populations. Some or most of the animals are individually tagged or marked for future identifcation in follow-up research studies to determine survival rates, movements and other information.

We understand the process through which this permit must be granted. I hereby certify that I have read and understand the regulations in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50. I further certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of 18 U.S.C. 1001.

Very truly yours,

AVERY WOOD,
Director of Conservation.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: March 4, 1975.

MARSHALL L. STINNETT,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-6108 Filed 3-7-75;8:45 am]

National Park Service

ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. The charter for the committee containing information prescribed by section 9(c) of Pub. L. 92-463 is published below.

CHARTER-ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

1. The official designation of the Board is the Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

2. The purpose of the Board is to advise the Secretary of the Interior on any matters relating to the National Park System, and to matters related to the administration of the Historic Sites Act of August 21, 1935. It also recommends policies to the Secretary from time to time pertaining to the National Park System, and to the restoration, reconstruction, conservation, and general administration of historic sites, buildings and properties.

To effectuate these purposes, the Board may form itself into committees, subcommittees, and ad hoc committees as may be necessary. There shall, however, be four standing committees as follows:

(1) Recreation Areas Committee.
(2) Natural Areas Committee.
(3) History Areas Committee.
(4) Committee on Surplus Federal Property.

3. In view of the goals and purposes of the Board and Council, the Board will be expected to continue beyond the foreseeable future. However, continuation will be subject to biennial review and renewal as required by section 14 of Pub. L. 92-463.

4. The Board files its reports and minutes with the Secretary of the Interior, Washington, D.C.

5. Support for the Board and Council is provided by the National Park Service, Department of the Interior.

6. The duties of the Board are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of the Board and Council is $21,000, and involves approximately 2½ man-years of time.

8. The Board meets approximately three times a year on a regular basis and at such other times as the Secretary of the Interior may direct.

9. The Board and Council will terminate on December 31, 1976, unless prior to that date renewal action is taken as directed in paragraph 2 above, or legislation has been enacted reestablishing the Board.

10. In accordance with section 3 of the Act of August 21, 1935 (49 Stat. 667), the Board was composed of not more than eleven persons, citizens of the United States, to include representatives competent in the fields of history, archeology, architecture, and human geography. Many years of experience in working with the Board have indicated that representation of the four disciplines as a base, together with seven remaining discretionary appointments, provides for a fairly balanced committee as required by the Federal Advisory Committee Act. Accordingly, the Board will be composed of not more than eleven persons, citizens of the United States, to include representatives competent in the fields of history, archeology, architecture, and human geography.

The Board is composed of eleven members, and the Council of the Board is composed of former members of the Board. Nominees for the Board will be recommended for 6-year periods, subject to renewal of the Board under the Federal Advisory Committee Act.

Vacancies occurring by reason of removal, resignation, or death shall be filled for the balance of the remaining period of eligibility.

All former members of the Board shall, upon the expiration of their terms, be appointed as members of the Council of the Board. Appointments shall be on an annual basis, subject to reappointment at the pleasure of the Secretary. Council members who do not attend at least one regular meeting per year shall be terminated as members of the Council. Council members shall be entitled to attend meetings of the Board, but shall not receive travel expenses or per diem for field trips. Council members shall be entitled to participate in discussions of the Board and of any committees, but shall not be entitled to vote on any matter pending before the full Board. In order to provide for effective communication between regional advisory committees and the Board, members of the Council may perform liaison functions with regional advisory committees. In accordance with that function, Council members may be assigned to attend regular meetings of regional advisory committees for the regions in which they reside, or at regional offices of the National Park Service to which they are closest, and they shall be entitled to travel expenses and per diem for their attendance at regional advisory committee meetings.

Council members attending any meeting of a regional advisory committee may participate in all discussions and activities, but shall not be entitled to vote. Not more than two Council members shall be assigned to any regional advisory committee.

The Chairman is elected annually by the members of the Board.

11. The Board was established by section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463). Reestablishment of the Board is authorized by the provisions of Pub. L. 91-383. The Board is necessary in connection with the performance of duties imposed on the Department of the Interior by law, by the Act of August 25, 1916 (16 U.S.C. 1, et seq.), as amended and supplemented, the Act of August 21, 1931 (16 U.S.C. 461, et seq.), and other statutes related to the administration of the National Park System.

The Secretary of the Interior has made a written determination that creation of this advisory committee is in the public interest. The committee is established effective April 9, 1975.

Additional information regarding the Advisory Board on National Parks, Historic Sites, Buildings and Monuments may be obtained from Robert M. Landau, National Park Service, Department of the Interior, Washington, D.C. 20240 (telephone: 202/343-8953).

Date: February 28, 1975.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc. 75-6154 Filed 3-7-75; 8:45 am]

APPALACHIAN NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the Appalachian National Scenic Trail Advisory Council. The charter for the committee containing information prescribed by section 9 (c) of Pub. L. 92-463 is published below.

CHARTER—APPALACHIAN NATIONAL SCENIC TRIAL ADVISORY COUNCIL

1. The official designation of the committee is the Appalachian National Scenic Trail Advisory Council.

2. The purpose of the committee is to advise the Secretary of the Interior in regard to matters relating to the Trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the Trail, and the administration of the Trail.

3. In view of the goals and purposes of the committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by section 14 of Pub. L. 92-463.

4. The committee files its reports and minutes with the Regional Director, North Atlantic Region, National Park Service, Boston, Massachusetts.

5. Support for the committee is provided by the National Park Service, Department of the Interior.

6. The duties of the committee are solely advisory and are as stated in paragraph 2 above.

7. There are no annual operating costs for the committee. Committee activities involve approximately ½ man-year of time.

8. The committee meets approximately twice a year.

9. The committee will terminate on December 31, 1976, unless prior to that date renewal action is taken as directed in paragraph 2 above.

10. The committee's membership was outlined in Pub. L. 90-543. Specific requirements of that Act were that one member must be appointed to represent each Federal Department or Agency administering lands through which the Trail route passes, one member must be appointed to represent each State through which the Trail passes, on recommendations of the respective Governors, one or more members shall represent private organizations, including landowners and land users and, particularly that the Appalachian Trail Conference be represented by a sufficient number to represent the various sections of the country through which the Trail passes.

Previous experience in working with the Council indicates that the membership requirements of the statute provided for a well balanced committee as now required by the Federal Advisory Committee Act.

The committee was composed of 35 members, each of whom served for a term of 5 years. The number of members provided for adequate representation of varying interests and functions. Accordingly, the number of members will be continued at 35, and their appointments shall be for 5 years, subject to the biennial review of the committee under the Federal Advisory Committee Act and section 3, above.

The Chairman is designated by the Secretary of the Interior.

11. The committee was originally directed to be established by section 3 of Pub. L. 90-543 (82 Stat. 920 (16 U.S.C. 1244(a)(3))). Establishment of the committee is authorized by the provisions of Pub. L. 91-383.

The Secretary of the Interior has made a determination that creation of this advisory committee is in the public interest. The committee is established effective April 9, 1975.

Additional information regarding the Appalachian National Scenic Trail Advisory Council may be obtained from Robert M. Landau, National Park Service, Department of the Interior, Washington, D.C. 20240 (telephone: 202/343-8953).

Dated: March 4, 1975.

RICHARD C. CURRY,
Associate Director,
Legislation.

[FR Doc.75-6153 Filed 3-7-75;8:45 am]

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE, MONTANA

Public Meeting Regarding Master Plan Environmental Assessment

Notice is hereby given that a public meeting will be held beginning at 7:30 p.m., on March 26, 1975, in the Powell County Courthouse, 400 Missouri Avenue, Deer Lodge, Montana, for the purpose of receiving comments and suggestions on an environmental assessment for planning and implementation of management and development policies for Grant-Kohrs Ranch National Historic Site.

An environmental assessment is a discussion of management and development alternatives. It will consider the social, economic, historic, cultural and other resource values at Grant-Kohrs, as well as development requirements, objectives, and commitments for the area.

A copy of the assessment may be obtained from the Superintendent, Grant-Kohrs Ranch NHS, P.O. Box 799, 316 Main Street, Deer Lodge, Montana 59722 or from the Regional Director, Rocky Mountain Region, National Park Service, P.O. Box 25287, 655 Parfet Street, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public meeting. They should notify the Superintendent, Grant-Kohrs Ranch NHS, P.O. Box 799, 316 Main Street, Deer Lodge, Montana 59722, by March 25 of their desire to appear. Those not wishing to appear in person may submit written statements on the assessment to the Superintendent for inclusion in the official record, which will be held open until April 14. Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area master plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Superintendent at the time of presentation of the oral statement. Written statements presented in person at the meeting will be considered for inclusion in the meeting record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Superintendent, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the area is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: February 26, 1975.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc.75-6115 Filed 3-7-75;8:45 am]

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Establishment

Pursuant to section 9 of the Federal Advisory Committee Act of October 6, 1972 (86 Stat. 770), the Secretary of the Interior approved a charter establishing the National Capital Memorial Advisory Committee. The Committee has undertaken to implement the purposes of the charter by preparing criteria and guidelines for its use in making recommendations to the Secretary of the Interior on proposals for memorialization of persons and events on Federal lands in the National Capital region, through the media of monuments, memorials, and statues.

It is the purpose of this notice, through publication of information and materials included herein, to apprise the public as well as governmental agencies, associations and all other organizations

and individuals interested in memorial proposals, of the implementing actions that have been taken in order that there will be a greater awareness of the means by which memorials are considered and erected in the Nation's Capital and its environs, as well as the criteria used in evaluating each memorial proposal. The notice includes the criteria and guidelines as adopted by the Committee.

Persons who wish to file written comments on the guidelines and criteria or who want further information concerning the National Capital Memorial Advisory Committee may contact or write Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, 1100 Ohio Drive SW., Washington, D.C. 20242 (area code 202–426–6715), on or before April 9, 1975. At that time the comments will be evaluated and if necessary, revision of the guidelines will be considered in light of these comments.

Dated: January 17, 1975.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

CRITERIA AND GUIDELINES

In recognition of the diminishing number of memorial sites on lands under the jurisdiction of the Secretary of the Interior in the National Capital region, and in particular in the monumental core of the Nation's Capital, it shall be deemed appropriate for the National Capital Memorial Advisory Committee to recommend limiting the use of remaining sites to memorializations of exceptional significance, quality and value; and as to persons, degrees of achievement, and to recommend other suitable sites outside the monumental core. Through this action, it is hoped that the early depletion of memorial sites in the monumental core will be curtailed while still providing for the memorialization of persons and events through expressions of commemorative ideas. The following guidelines are provided to achieve the above objectives.

1. The National Capital Memorial Advisory Committee, hereinafter referred to as the Committee, will review each proposal for a memorial to be placed on lands under the jurisdiction of the Department of the Interior and on all other Federal lands or public properties in the National Capital region where such review is provided for in proposed or enacted legislation. The Committee will consider the location appropriateness and adequacy of each proposal as it prepares its recommendations to the Secretary of the Interior.

2. Sponsors are urged not to select specific sites for memorials. This determination should be made by the Secretary of the Interior. The Committee will advise the Secretary of the Interior concerning appropriate sites for specified memorial proposals prior to the adoption of legislation authorizing such memorials. In those instances where legislation has been enacted or where circumstances preclude a site selection recommendation by the Committee, the Committee shall assist the Secretary of the Interior in locating the memorial and guiding development on the site selected.

3. Sponsors are urged not to select specific concepts or designs prior to approval of the site and site plans. The Committee will coordinate these matters with the National Capital Planning Commission and the Commission of Fine Arts. The Committee will forward its decisions on proposals to the above Commissions.

4. Sites shall be determined by considering such matters as: appropriateness of memorialization, location, compatibility with surroundings and effects on environmental integrity. The Committee, in making its recommendations, will give consideration to identifying the most suitable site having surroundings that will tend to enhance the quality of the memorial. Natural features of the landscape would be preserved and utilized to the fullest extent possible in the memorial design. When a site is selected, it should include a positive and intentional contribution to urban design determined in advance to be an integral part of the aesthetic urban composition.

5. Subjects to be memorialized within the monumental core of the Nation's Capital shall be of outstanding national or international significance. The monument or memorial must be of enduring quality and character. The National Capital Memorial Advisory Committee will make a strict interpretation of the long-term historic importance of subjects of memorialization in meeting these criteria.

6. Persons interested in sponsoring a memorial or anyone wishing advice with respect to procedures to be followed for memorialization should contact the Director, National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

[FR Doc.75–6114 Filed 3–7–75;8:45 am]

ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held on April 3, 1975, at the Keystone Conference Center, Dillon, Colorado. The business session will convene at 8:30 a.m.

The purpose of the Rocky Mountain Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Rocky Mountain Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. John D. Hunt, Logan, Utah (Chairman).
Mr. Samuel J. Taylor, Moab, Utah.
Mr. Ralph M. Clark, Denver, Colorado.
Mr. William W. Robinson, Denver, Colorado.
Mr. Hoadley Dean, Rapid City, South Dakota.
Mrs. Harold (Alice) Fryslie, Bozeman, Montana.
Mr. D. C. "Del" Shipman, Watford City, North Dakota.
Mr. Jack Rosenthal, Casper, Wyoming.

The matters to be discussed at this meeting include:

1. NPS Bear Management Policy—Yellowstone National Park.
2. Functions of the Regional Public Affairs Office.
3. Status of the proposed Master Plan and Wilderness Proposal for Glen Canyon National Recreation Area.
4. Committee management items.

The meeting will be open to the public. Any member of the public may file with the committee a written statement concerning the matters to be formally discussed by the committee on April 3.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Acting Committee Manager Jerry Banta, Rocky Mountain Regional Office, National Park Service, Denver, Colorado 80225. Telephone 303–234–4943.

Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado.

Dated: February 28, 1975.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc.75–6152 Filed 3–7–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FmHA Instruction 449.2]

BUSINESS AND INDUSTRIAL LOANS

Insured Loan Interest Rates

Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR 1842.23(d) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of nine and three-quarters percent (9¾%). This rate will remain in effect until a change is published in the FEDERAL REGISTER.

b. The rate for guaranteed loans is as agreed upon between the borrower and lender.

Effective Date. This notice shall be effective Monday, March 10, 1975.

Dated: March 5, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–6246 Filed 3–7–75;8:45 am]

[Designation Number A160]

GEORGIA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Treutlen County, Georgia, as a result of a natural disaster consisting of drought June 1 through July 31, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 25, 1975, for physical losses

and November 25, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-6165 Filed 3-7-75;8:45 am]

Office of the Secretary

STANDING ROCK INDIAN LANDS IN SOUTH DAKOTA AND NORTH DAKOTA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Standing Rock Indian Lands in South Dakota and North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain as products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on March 5, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-6168 Filed 3-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00192-01-77040 Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Ion Microanalyzer System, IMS-300. Manufacturer: Cameca, France. Intended use of article: The article is intended to be used to study the application of secondary ion mass spectrometry to the surface analysis of samples from solid state systems for the characterizations of new materials. Problems to be investigated involve the surface transport properties, interphase and grain boundaries, surface structure, thin films and chemical reactions at surfaces. The following studies represent typical problems to be investigated initially:

1. Segregation in Metallic Systems.
2. Surface Structure and Chemical Reactions at Surface of Silver Halids.
3. Chemical Reactions at Platinum Surfaces.
4. Interaction Between Solute Atoms and Crystal Defects in Dilute Alloys.
5. Diffusion Along Grain Boundaries.
6. Magnetic Properties of Metals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the specification of direct imaging. The National Bureau of Standards advises in its memorandum dated February 4, 1975 that direct imaging is pertinent to the applicant's intended purposes, as it permits photographing of images directly as in an optical microscope; the imaging speed is at least 10^6 more rapid, and the dynamic recording range for photographic film is 100 compared with 10 if indirectly with a CRT. NBS compared the article with the domestic ARL Ion microprobe mass Analyzer (IMMA) which provides indirect imaging as it depends on rastering a small primary beam to provide CRT readout. Thus the IMMA does not satisfy the pertinent specification. NBS also advises that it knows of no domestically manufactured in microanalyzer system of equivalent scientific value to the foriegn article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-6117 Filed 3-7-75;8:45 am]

DALLAS HEALTH AND SCIENCE MUSEUM, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on application for duty-free entry of scientific articles 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 each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: § 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 73–00237–99–61800. Applicant: Dallas Health and Science Museum, Fair Park, Box 26406, Dallas, Texas 75226. Article: Planetarium Projector, Model MS–8. Date of denial without prejudice to resubmission: October 24, 1974.

Docket number: 74–00373–33–46040. Applicant: William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07470. Article: Electron Microscope, Model EM 9S–2. Date of denial without prejudice to resubmission: October 24, 1974.

Docket number: 74–00391–00–82600. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Components for Model 680 Thermovision system which includes Field Stop Kit and Raster SYNC. Date of denial without prejudice to resubmission: October 10, 1974.

Docket number: 74–00541–33–41700. Applicant: University of Cincinnati Medical Center, Laser Laboratory, Children's Hospital, Elland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: CO_2 Surgical Laser. Date of denial without prejudice to resubmission: October 24, 1974.

Docket number: 75–00005–33–46500. Applicant: Greenville General Hospital, Box 2760, 100 Mallard St., Greenville, S.C. 29602. Article: Ultramicrotome, Model LKB 8800A and Accessories. Date of denial without prejudice to resubmission: October 15, 1974.

Docket number: 75–00019–01–42700. Applicant: Illinois Institute of Technology, 3300 South Federal Street, Chicago, Illinois 60616. Article: Model 510 Nanosecond Light Source. Date of denial without prejudice to resubmission: October 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75–6119 Filed 3–7–75;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ANGELES

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00135–33–46040. Applicant: University of California-Los Angeles, Department of Neurology, Los Angeles, California 90024. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine human and animal brain tissue at very high resolution in investigations of certain human diseases (e.g. Parkinson's disease, Huntington's Chorea, and dystonia musculorum deformans). Application received by Commissioner of Customs: September 24, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 28, 1975. Article ordered: August 12, 1974.

Docket number: 75–00155–33–46040. Applicant: University of Pennsylvania, Department of Microbiology, School of Medicine G2, Philadelphia, Pa. 19174. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the following research projects:

(1) Studies of the effects of oncogenic Rous Sarcoma virus on the development process in myogenic chick embryo cells.

(2) Investigation of the junction of various subcellular structures during phagocytosis by rabbit peritoneal polymorphonuclear leukocytes.

(3) Examination of the outer membrane and surface of various strains of *Escherichia coli.* which have alterations in the chemistry of the liposaccharide in some strains, alterations in the proportion of outer membrane proteins.

(4) Studies of the reversible development of abnormal membrane structures in *Escherichia coli* B.

(5) Isolation and characterization of extrachromosomal plasmid DNA from various bacterial species.

(6) Study of genetic transformation of Hemophilus influenzae. The article is also intended to be used as a teaching device in the course, "Biology and Chemistry of microbial and mammalian cells." Application received by Commissioner of Customs: October 8, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 28, 1975. Article ordered: February 6, 1974.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope which is currently supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e. the lower the rating, the better the resolving capability). We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75–6118 Filed 3–7–75;8:45 am]

UNIV. OF CINCINNATI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00128–33–46040. Applicant: University of Cincinnati, Department of Surgery, 234 Goodman Street, Cincinnati, Ohio 45267. Article: Electron Microscope Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is to be interfaced with an EDAX Energy Dispersive X-Ray analysis system to study:

a. The ultrastructure and ultracytochemistry of bacteria significant in postsurgical wound infections.

b. Ultrastructure and cytochemical changes at ultrastructural level involved in uncomplicated wound healing and wound healing in the face of systematic diseases and/or wound infection.

c. Ultracytochemical studies of thick frozen sections of biopsy materials in neoplasms and gastrointestinal pathology.

d. Immunobiology of rejection phenomena in organ transplantation.

e. Morphological and ultracytochemical changes involved in the transformation of antibiotic sensitive to antibiotic resistant organisms.

f. The development of techniques for rapid preparation and study of biological specimens for TEM, STEM, SEM by means of cryotechniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes, as well as scanning microdiffraction from microareas as small as 200 Angstroms in diameter. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 28, 1975, that the scanning microdiffraction capability of the foreign article described above is pertinent to the applicant's use in an ultracytochemical study of bacteria, as related to wound healing, that includes the ultrastructural changes during transformation from antibiotic sensitive to resistant strains. The most closely comparable domestic instrument to the foreign article is the Model EMU–4C electron microscope produced by the Adam David Company. HEW further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability. We therefore, find that the 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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–6116 Filed 3–7–75;8:45 am]

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Meeting

The Exporters' Textile Advisory Committee will meet at 10 a.m. on April 9, 1975, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 27 members representing exporting firms and four trade associations, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Review of Export Market Situation.
3. Foreign Licensing and Labeling.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75–6223 Filed 3–7–75;8:45 am]

Maritime Administration

[Docket No. S–440]

PACIFIC FAR EAST LINE, INC.

Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of the service description of its subsidized Trade Route 29, Transpacific Freight Service so as to add calls at ports on the Persian Gulf and Gulf of Oman.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on March 21, 1975, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administration.

Dated: March 5, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75–6174 Filed 3–7–75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Sandards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Wednesday, April 23, 1975, in Room B255, Technology Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301–921–3551).

Dated: March 5, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75–6121 Filed 3–7–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANTIMICROBIAL AGENTS, REVIEW PANEL

Meeting Changes

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 announced in a notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7112), public advisory committee meetings and other required information, in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the schedule for the meeting of the Panel on Review of Antimicrobial Agents on March 21–23, 1975 has been changed. An all day open session beginning at 9 a.m. will be held on March 22, 1975 at the Howard Johnson Motel, Viers Mill Rd. and University Blvd., Wheaton, MD.

Presentations will be as follows: Hugh Dillon, M.D., Streptococcal Infections of the Skin; David Taplin, Use of Topical Antibiotics; David Rovee, Ph. D., Wound Healing Models; James Leyden, M.D., Human Models for Skin Infection and Testing of Antimicrobial Agents. Closed sessions will be held on March 21 and 23, 1975 in Conference Rm. G, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Dated: March 4, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6085 Filed 3-7-75;8:45 am]

DIAGNOSTIC PRODUCTS ADVISORY COMMITTEE, HEMATOLOGY SUBCOMMITTEE

Rescheduling of Meeting

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 announced in a notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7112), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Hematology Subcommittee of the Diagnostic Products Advisory Committee scheduled for March 24 and 25, 1975, has been rescheduled for March 27 and 28, 1975 in Rm. 1409, FB-8, 200 C St. SW., Washington, D.C. Open session will be held on March 27 from 9 a.m. to 10 a.m.

Dated: March 4, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-6086 Filed 3-7-75;8:45 am]

[Docket No. FDC-D-715; NADA 32-337V]

JOHN D. COPANOS & CO., INC.

Iron Dextrin Complex With Neomycin Sulfate; Opportunity for Hearing on Proposal To Withdraw Approval of New Animal Drug Application

Iron Dextrin Complex with Neomycin Sulfate is the subject of approved new animal drug application (NADA) 32-337V held by John D. Copanos & Co., Inc., 6110 Robinwood Rd., Baltimore, MD 21225. It is a fixed combination drug containing in each cubic centimeter 100 milligrams of elemental iron stabilized with dextrin and neomycin sulfate equivalent to 10 milligrams of neomycin base. It is intended for the prevention of iron-deficiency anemia in baby pigs and is recommended for the prevention of local infections at the site of injection caused by bacteria sensitive to neomycin.

In a letter dated September 11, 1974 concerning a supplement to NADA 32-337V providing for revised labeling for the drug, the Food and Drug Administration advised John D. Copanos & Co., Inc., that available data do not justify the inclusion of neomycin sulfate in the formulation or support the recommendation in the labeling that the drug be used to prevent local infections at the site of injection. The firm was informed that the necessary data to justify inclusion of neomycin sulfate in the formulation must be submitted or the formulation revised to delete neomycin sulfate and corresponding appropriate revisions made in the labeling of the drug.

In a letter dated September 23, 1974, John D. Copanos & Co., Inc. acknowledged receipt of the letter of September 11, 1974 from the Food and Drug Administration and commented on steps the firm had taken to establish the effectiveness of its drug including arranging a conference with representatives of the Food and Drug Administration to be held September 25, 1974 to discuss protocols for certain studies.

At that meeting the firm expressed its intent to submit protocols for studies to support the effectiveness of the neomycin sulfate component of the drug in preventing abscesses at the injection site and/or prevent scours in baby pigs. Also, the firm proposed to develop protocols for residue and toxicity studies with neomycin sulfate.

The firm was advised that available data fail to identify a significant pig population that can benefit from the inclusion of neomycin sulfate in the drug for preventing abscesses at the site of injection and that in the absence of such required data the continued marketing of the product as formulated could not be permitted. The firm was advised that an acceptable protocol with respect to determining the efficacy of neomycin sulfate in the fixed combination drug in preventing abscesses at the site of injection and acceptable protocols for toxicity and residue studies with neomycin sulfate must be submitted to the Food and Drug Administration within 60 days of the date of the meeting or proceedings to withdraw approval of NADA 32-337V would be initiated.

No additional information has been received from the firm, and the Commissioner proposes to revoke approval of NADA 32-337V.

The Commissioner knows of no approvals affected by this proposal other than that named herein. Any person who intends to assert or rely on such an approval that is not listed in this notice shall submit proof of its existence within the period allowed by this notice of opportunity to request a hearing. The failure of any person holding such an approval to submit proof of its existence within that period shall constitute a waiver of any right to assert or rely on it. If proof of the existence of such an approval is presented, this notice shall also constitute a notice of opportunity for hearing with respect to that approval pursuant to the same requirements as for the approval named in this notice.

In respect to fixed combination drugs, section 512 of the Federal Food, Drug, and Cosmetic Act requires that each ingredient designated as active in any new animal drug combination must make a contribution to the effect in the manner claimed or suggested in the labeling, and, if in the absence of express labeling claims of advantages for the combination such a product purports to be better than either component alone, it must be established that the new animal drug has that purported effectiveness. The requirement of effectiveness includes the requirement that the most effective level for each component be used. In the case of drug combinations for concurrent therapy, the requirement of effectiveness also includes the requirement that the dosage of each component is such that the combination is safe and effective for a population of significant size specifically described in the labeling requiring such concurrent therapy.

Insufficient data have been submitted to demonstrate the effectiveness of the fixed combination product compared with the effectiveness of the individual ingredients, or to demonstrate that it is otherwise in accord with the requirements for fixed combination drugs as set forth in 21 CFR 135.4a(b)(8)(v) and this notice.

On the basis of all the data and information available to him, the Commissioner is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 512(e) of the act (21 U.S.C. 360b(e)) and 21 CFR 135.4a(b)(8)(v), demonstrating the effectiveness of the combination drug product.

Therefore, notice is given to the holder of the approval of the product listed above and to all other interested persons that the Commissioner proposes to issue an order under section 512(e) of the act (21 U.S.C. 360b(e)) and under section 108(b) of Pub. L. 90-399, withdrawing

approval of the product listed above on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the product, shows that there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, in that there is a lack of substantial evidence that the product is effective as a fixed combination.

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it, e.g., any contention that any such product is not a new animal drug within the meaning of section 201 (w) of the act.

In accordance with provisions of sections 512 of the act (21 U.S.C. 360b), section 108 of Pub. L. 90–399, and the regulations promulgated thereunder (21 CFR 3.517 and 21 CFR Part 135), the holder of approval for the drug product named above and all other persons subject to this notice are hereby given an opportunity for a hearing to show why approval of the product should not be withdrawn and an opportunity to raise, for administrative determination, all issues related to the legal status of the drug product named above. Any other interested person may also submit comments on this notice within the time and pursuant to the requirements specified in this notice.

The holder of an approval and any other person subject to this notice shall file on or before April 9, 1975, a written appearance electing whether to avail himself of the opportunity for a hearing. Such written appearance shall give the reason why approval should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data in support of the opposition to the Commission's proposal.

Such analysis shall include all protocols and underlying raw data and shall be submitted in accordance with the requirements of 21 CFR 314.200 (c) (2) and (d), which are hereby made applicable to this notice by reference. Wherever in 21 CFR 314.200(d) reference is made to the requirements of 21 CFR 3.86, that reference shall be deemed, for the purposes of this notice, to be a reference to the requirements for combination drug products as expressed in 21 CFR 135.4a (b) (8) (v) and this notice.

The failure of the holder of an approval or any other person subject to this notice to file timely written appearance and request for hearing as required by 21 CFR 135.15 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug products and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data submitted and from the reasons and a factual analysis in the request for the hearing that no genuine and substantial issue precludes the withdrawal of approval of the drug product (for example, no adequate and well-controlled clinical investigations to support the claims of effectiveness and safety have been identified), the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 512, 701; 52 Stat. 1055–1056 as amended; 72 Stat. 1785–1788 as amended; 82 Stat. 343–351; 21 U.S.C. 348, 360b, 371) and the Animal Drug Amendments of 1968 (sec. 108(b), 82 Stat. 353) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 3, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75–6087 Filed 3–7–75;8:45 am]

National Institutes of Health

DIET AND NUTRITION WORKSHOP

Meeting

Notice is hereby given of a Workshop on Diet and Nutrition in the Therapy and Rehabilitation of the Cancer Patient, National Cancer Institute, March 26, 1975, Building 31, Room 11A10.

This workshop will be open to the public from 8:30 a.m. to adjournment on March 26, 1975 to discuss diet and nutrition in relation to the therapy and rehabilitation of the cancer patient. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Gio B. Gori, Building 31, Room 11A10, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, 301–496–6616.

Dated: March 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–6331 Filed 3–7–75;9:45 am]

Office of Education

POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM

Proposed Allocation Formula and Program Guidelines

Pursuant to the authority contained in Title XII, Section 1203, of the Higher Education Act of 1965, as amended (20 U.S.C. 1142b), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the allocation formula and program guidelines set forth below for the Postsecondary Education Comprehensive Statewide Planning Grants Program.

1. *Allocation formula.* Such funds as may become available for grant awards during fiscal year 1975 under the Postsecondary Education Comprehensive Statewide Planning Grants Program will be used to fund State Commission activities during the period from July 1, 1975 through June 30, 1976.

Such funds will be allocated in the following manner among those State Postsecondary Education Commissions which have filed the required information concerning establishment with the Office of Education and which have applied for funds:

(a) Fifty percent of the funds available or such percentage as will ensure that no State Commission receives less than was received for fiscal year 1974, whichever is greater, will be distributed equally among all such State Commissions.

(b) The balance of the funds available will be distributed on the basis of the ratio of the population of a postsecondary age, namely 18 to 58 (14 to 54 in the 1970 census), in a given state to the total population of a postsecondary age in all States with such Commissions.

2. *Program guidelines.* Grants made under these provisions must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. Such comprehensive studies and inventories should be of such a nature as will assist the State Commission in planning for:

(a) Maximizing the development of human resources within the State through encouragement of student entrance to postsecondary education and the provision to the students of needed guidance, counseling and financial assistance;

(b) Providing comprehensive postsecondary education programs and services;

(c) Achieving efficient operation and orderly growth;

(d) Providing the fullest possible financial support together with efficient use of resources;

(e) Attracting and retaining qualified faculty and professional personnel; and

(f) Providing adequate and appropriate facilities and instructional equipment and securing efficiency in their use.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed allocation formula and program guidelines to the State Planning Commissions Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW., Washington D.C. 20202. Such responses to this notice will be available for public inspection at the above office which is located in Room 4656, Regional Office Building 3, 7th and D Streets SW., Washington, D.C., on Mondays through Fridays between 8 a.m. and 4 p.m. All relevant material received on or before April 9, 1975, will be considered.

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

Dated: February 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 5, 1975.

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

[FR Doc.75-6150 Filed 3-7-75;8:45 am]

STATE STUDENT INCENTIVE GRANT PROGRAM

Proposed Allotment and Application Procedures for FY 1975

Notice is hereby given that pursuant to the authority contained in section 415B of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to allot funds appropriated for the State Student Incentive Grant Program for academic year 1975–1976 in the manner set forth below. The purpose of the State Student Incentive Grant (SSIG) Program is to make incentive grants to States, to assist them in providing awards to eligible students with substantial financial need and thereby enabling such students to attend or to continue to attend institutions of higher education. The proposed allotment procedures of initial and continuation grants funds set forth herein would be used only for making grants to States with Fiscal Year 1975 funds for use by the States in making awards to students for the academic year 1975–1976.

A. *Background.* Currently applicable regulations governing the SSIG Program are set forth in 45 CFR Part 192. Proposed amendments to these regulations, portions of which are incorporated in this Notice, were published in the FEDERAL REGISTER on December 18, 1974. These regulations and the authorizing legislation are founded on separate appropriations for the purpose of initial awards to eligible students who have not previously received such awards and for the purpose of continuation awards to eligible students who have previously received initial awards, and on separate annual applications from the States for these two purposes. The statute also provides a formula for allotting the appropriation for initial awards among the States, but gives the Commissioner discretion in allotting the appropriation for continuing awards. However, the Fiscal Year 1975 appropriation act for the Department of Health, Education, and Welfare (Pub. L. 93–517) did not make such separate appropriations for initial and continuing awards. Consequently, the Commissioner must provide a procedure for distributing the appropriation between initial and continuation awards.

The proposed procedures set forth below provide that the entire appropriation will be allotted according to the statutory formula for initial awards and further provide the States with discretion to make determinations, based on their individual circumstances, for the distribution of such allotments between initial and continuing awards. The Commissioner recognizes that students who have received initial awards for the current academic year may reasonably expect continued financial support, and that some priority should therefore be given for continuing awards; however, he also believes that, in this instance, the States should be given the flexibility to make judgments regarding the student's relative access to the various forms of financial assistance which might be available.

The proposed procedures would supersede, for fiscal year 1975 only, the proposed amendment to 45 CFR 192.3 which was published on December 18, 1974, but would otherwise incorporate the proposed amendments to the SSIG regulations published at that time. Those proposed amendments have been reviewed in light of comments received and will be published in final form in the FEDERAL REGISTER as soon as possible.

B. *Applicability.* The proposed procedures set forth below would apply only to those States which are eligible, on the basis of having received grants under the SSIG Program for Fiscal Year 1974, to apply for funds under the Fiscal Year 1975 appropriation for both continuation and initial awards. The remaining States (Alabama, Alaska, Arizona, Guam, Hawaii, and Louisiana) may apply for grants for initial awards only, under the allotment formula and application procedures set forth in currently applicable regulations.

C. *Allotment and application procedures.* (1) From the sum appropriated for the SSIG Program for Fiscal Year 1975, the Commissioner will allot to each State that applies for such funds an amount which bears the same ratio to such sum as the number of students in attendance as at least half-time students at institutions of higher education in such State bears to the total number of such students in such attendance in all such States. (A table containing a distribution among all States according to this formula has been appended to the Fiscal Year 1975 State application form as a guide for the States in developing their applications.)

(2) Each State wishing to obtain a grant under this Program shall apply for such grant in accordance with the provisions of the program regulations (45 CFR 192.5), including the proposed amendments to those regulations published on December 18, 1974 relating to continuation awards. In such application, each State will specify what proportion of its allotment it intends to use for continuing awards and what proportion for initial awards.

(3) The Commissioner will review all State applications for conformity with the program statute and regulations, including the proposed amendments to the regulations published on December 18, 1974 with respect to continuation awards, and will approve all requests for continuation awards where the amount applied for does not exceed the amount of the State's allotment established under paragraph (1) above. The difference between the amount of each State's allotment and the amount approved for continuation awards by that State may be used by the State for making initial awards.

(4) The Commissioner may require each State receiving an allotment under this Program to submit a report prior to May 31, 1975, projecting the portion, if any, of such allotment that will not be needed to make SSIG awards for the academic year 1975–76. Such unused funds may be redistributed among the other States in proportion to the original allotments.

D. *Public comment.* Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed allocation and application procedures to the State Student Incentive Grant Program Unit, Bureau of Post-secondary Education, U.S. Office of Education, Seventh and D Streets, SW., Room 4525, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material must be received on or before April 9, 1975.

(20 U.S.C. 1070c-1)

(Catalog of Federal Domestic Assistance Number 13.548; State Student Incentive Grant Program)

Dated: February 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 5, 1975.

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

[FR Doc.75-6149 Filed 3-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-15; Notice 1]

EAGLE INTERNATIONAL, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Eagle International, Inc of Brownsville, Texas, has applied for a 6-month exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Eagle and Bus & Car Company of Belgium are wholly-owned subsidiaries of Overseas Inns SA, a Luxembourg corporation. Eagle acts as sales and distribution agent for Bus & Car in the United States. In 1974 Eagle manufactured 11 intercity coaches, while Bus & Car shipped 225 coaches to the United States. In 1975 coaches produced by Bus & Car will be sent to Brownsville where "the electronic portion of the Skid-Trol system will be added." As the importer of the coach, Eagle pursuant to 49 CFR 567.4(g) will certify conformance of the vehicle with applicable Federal motor vehicle safety standards, and thus any exemption granted will be to Eagle and not to Bus & Car. Eagle, incorporated in 1973, had a net loss of almost $1,400,000 in its first fiscal year.

Eagle is primarily concerned with the aspects of Standard No. 121 covering antilock systems, antilock warning signal, and braking performance under antilock conditions. A 6-month exemption is needed "because of our inability to obtain needed supplies in time to work out the installation, develop the desired performance specifications and production line methods." Axles and other braking equipment "have been on order for nearly a year" but have not yet arrived. While the exemption is in effect Eagle plans to build 30 buses and to certify 115 coaches from Bus & Car "not having axles to standard #121." Apparently there will also be 220 coaches produced by Eagle without antiskid devices but which "will be retrofitted to bring compliance to completion on September 30, 1975 or as soon as possible thereafter." Eagle asserts that denial of the exemption would mean a prolonged period of closure that Eagle could not withstand, "and the loss of 350 jobs will result in a severe economic hardship for [Brownsville]." It would, Eagle states, also result in a permanent closure of the Belgian facilities with a loss of employment for 500 people.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Eagle International described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date. March 20, 1975.

Proposed effective date. Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on March 5, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-6260 Filed 3-6-75;2:06 pm]

[Docket No. EX75-13 Notice 1]

FWD CORP.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

FWD Corporation of Clintonville, Wisconsin, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Petitioner and its wholly-owned subsidiary, Seagrave Fire Apparatus, manufactured 674 motor vehicles in the fiscal year ending September 30, 1974. It is understood that FWD is primarily a manufacturer of incomplete trucks with work-performing equipment such as cranes and mixer-dumpers added by various final-stage manufacturers. However, all work necessary for conformance with Standard No. 121 is performed by FWD, subject to any conditions specified in the document provided the final stage manufacturer pursuant to 49 CFR Part 568, Vehicles Manufactured in Two or More Stages. This the first instance in which a manufacturer of incomplete vehicles has applied for a temporary exemption pursuant to 49 CFR Part 555, and within the facts of this specific case the NHTSA has concluded that FWD is eligible to apply for exemption as a "manufacturer" of a "motor vehicle".

The company installs the compressors, reservoirs, pressure gauges, axles, brakes, and allied components, which constitute the entire air brake system covered by Standard No. 121. The final stage manufacturer's role with respect to that standard is essentially passive, limited to such things as insuring that the completed vehicles does not exceed any of the gross axle weight ratings, or that the center of gravity at GVWR does not exceed a required height above the ground, or simply making no alterations in any brake system component. The NHTSA considers that under the circumstances, FWD is a party that Congress intended to be included within the statutory exemption scheme, as a "manufacturer" of "motor vehicles" to be protected against substantial economic hardship if the facts warrant it.

FWD states that it has met with continuing setbacks in its attempts to fulfill the requirements of Standard No. 121. Difficulties have been encountered with suppliers of brake blocks, vendors of antiskid devices, and scheduling time for testing on dynamometers. Petitioner is therefore unable to comply with the standard as of March 1, 1975, and requests a 1-year exemption in order to solve its supplier and test-scheduling problems. It bases its hardship plea "on the loss of revenue if the petition is denied," the Company had net sales of $23,000,000 in the fiscal year ending September 30, 1974, which would be reduced to $14,775,000 during the current fiscal year assuming a denial. The company had a net loss in 1974 of $2,500,000 which would reach almost $4,000,000 if the petition were denied. The company's work force would then have to be reduced, increasing unemployment in an already depressed geographical area.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of FWD Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comments closing date. March 20, 1975.

Proposed effective date. Date of issuance of the exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 6, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-6258 Filed 3-6-75;2:07 pm]

[Docket No. EX75-14; Notice 1]

HARNISCHFEGER CORP.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Harnischfeger Corporation of Milwaukee, Wisconsin, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Harnischfeger manufactured approximately 922 motor vehicles in fiscal 1974. Of these, 303 were on/off highway carrier mounted hydraulic cranes and it is for such vehicles that petition is made. Vendors have failed to supply equipment items necessary for conformance, and in the company's estimation it will require an exemption until September 1, 1976, to insure delivery and "to complete tests and implementing production schedules without disruption." Although the company had a net income exceeding $11,600,000 in the fiscal year ending October 31, 1974, it argues that a denial would cause a loss of $20,000,000, or one-fourth the 1975 budget of the Hydraulic Equipment Division which manufactures the vehicles. This reduction in output, from $50,000,000 to $30,000,000, could result in a corresponding reduction in work force of 350 people in the Cedar Rapids, Iowa, plant, causing hardship to personnel and the area.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Harnischfeger described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date. March 20, 1975.

Proposed effective date. Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on March 5, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-6261 Filed 3-6-75;2:08 pm]

[Docket No. EX75-10; Notice 1]

WARNER & SWASEY CO.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The Warner & Swasey Company of Cincinnati, Ohio, has applied for a 6-month exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Warner & Swasey manufactured 491 trucks during 1974. The company seeks an exemption because it "has not received certain parts (primarily axles) necessary to begin manufacture of the vehicles at this time and may not receive such parts in sufficient quantity for up to six months after March 1, 1975." In addition, because of a 7-month strike during 1974 the company has been unable to exhaust its non-complying parts inventory before March 1, 1975, as it had intended to do. It anticipates that approximately 137 vehicles would be built while the exemption is in effect. The company had net sales of $181,427,000 in the first nine months of 1974, but its net income was $8,133,000. If the exemption is not granted, the company projects a loss in revenues of $7,557,816. In addition the company would be forced to lay off 651 employees from 1 to 3 months, with a "total estimated loss of wages for the employees, families and communities affected [of] $841,122". Complying vehicles will be built at the end of the exemption period.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulation on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of The Warner & Swasey Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date. March 20, 1975.

Proposed effective date. Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 5, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-6259 Filed 3-6-75;2:08 pm]

CIVIL AERONAUTICS BOARD

[Docket 27226; Order 75-3-7]

LIAT (1974) LTD.

Transfer of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of March, 1975.

On December 5, 1974, LIAT (1974) Limited filed in Docket 27226 an application for approval of the transfer to it of the foreign air carrier permit held by Leeward Islands Air Transport Services Limited (hereinafter Leeward), a corporation of the Colony of Antigua, British West Indies.[1] The application was accompanied by a motion requesting that the Board issue an order to show cause why the transfer should not be approved.

No answers to the application or the motion have been received.

Background. Leeward is the holder of a foreign air carrier permit authorizing foreign air transportation of persons, property and mail between the coterminal points Antigua; Barbuda; Montserrat; St. Kitts; Nevis; Anguilla; and British Virgin Islands; the intermediate points St. Maarten, N.W.I.; St. Croix and St. Thomas, Virgin Islands; and San Juan, Puerto Rico; and the terminal point Santo Domingo, Dominican Republic. At the time that its amended permit was issued, Leeward was wholly owned by Court Line Limited, a citizen of Great Britain and one of the Court Line Group of companies which were engaged, among other things, in aviation, shipping and tour operations.[2] In 1971 Court Line Limited had purchased the capital stock of Leeward, 75 percent from British West Indies Airways (BWIA) and 25 percent from certain private individuals. Under the ownership of both BWIA and Court Line Limited, Leeward operated continuously and, apparently, successfully in the entire eastern Caribbean area between Puerto Rico and the Virgin Islands, on the north, and Trinidad, on the south.

On August 15, 1974, Court Line Limited became a bankrupt, and management and control of its operations and assets devolved upon a Special Manager, the British equivalent of a receiver or trustee in bankruptcy.[3] The West Indies

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[1] Leeward's permit was issued originally pursuant to Order E-25175, approved May 22, 1967, 46 C.A.B. 546 (1967), and renewed for a period of five years pursuant to Order 73-5-84, approved May 15, 1973.

[2] Leeward Islands Air Transport Services Limited, Recommended Decision of Administrative Law Judge Louis W. Sornson at pp. 9-13 (served November 20, 1972), Docket 24447.

[3] Motion of LIAT (1974) Limited for order to show cause (hereinafter "motion"), pp. 1-2. On September 10, 1974, Court Line Aviation Limited, a member of the Court Line Group, moved for dismissal of its pending application in Docket 26109 for a foreign air carrier permit on the grounds that its aircraft has been repossessed and that the company had ceased operations. The motion was granted by Order 74-9-78, September 20, 1974.

Associated States [4] entered into an agreement with the Special Manager to operate Leeward pending the formation of a new multinational corporation which was to acquire the assets of Leeward and, presumably, to seek to have Leeward's section 402 permit transferred. To this end, LIAT (1974) was incorporated in Antigua on September 28, 1974,[5] as an interim vehicle to avoid the complete cessation of service. While the negotiations with the Special Manager were taking place, the British banking house which held liens on the assets of Leeward secured a writ which would have forced the carrier's liquidation. Accordingly, LIAT (1974) was constrained to purchase the assets of Leeward immediately in order to provide funds for the satisfaction of the liens. This acquisition was accomplished on November 8, 1974.

On November 13, 1974, the Government of the United Kingdom, by Note No. 211, informed the Department of State that LIAT (1974) had been designated to operate the route in question in lieu of Leeward.[6] About one week later, LIAT (1974) filed the appropriate certificates of insurance and an executed copy of CAB Form 263 with the Board.[7] Since that time, LIAT (1974) has continued to operate the route designated in the permit issued to Leeward pursuant to Order 73–5–84 and now seeks to effect a formal transfer of that permit.

Ownership and control. LIAT (1974) is a corporation organized and existing under the laws of the State of Antigua having been incorporated under Chapter 358 of the Companies Act on September 20, 1974.[8] The authorized share capital is EC$20 million divided into 200,000 shares of EC$100 each.[9] However, only 502 shares are presently issued, of which the Government of Antigua holds 500 and the two original incorporators hold one share each.[10]

It is obvious that issuance of the remaining shares could change the ownership completely. However, it appears that these shares are to be acquired by the other members of the West Indies Associated States as soon as the treaties necessary to form the multinational company are executed.[11]

Of the seven directors, four, including the chairman, are citizens of various States in the British West Indies; consequently, they are citizens of the United Kingdom. A fifth director is a citizen of Venezuela and the United Kingdom while the sixth and seventh are citizens of Canada and Barbados, respectively.[12] Of the senior management personnel, four individuals are citizens of the United Kingdom, two are citizens of Trinidad and one is a citizen of the United States.[13] Thus, it is tentatively concluded that effective control over both day-to-day operations and policy decisions is vested in nationals of the United Kingdom.

Financial and operational fitness. Although LIAT (1974) expects to incur a net loss through April 1975,[14] its financial posture appears generally sound. The company owns ten aircraft and various other fixed assets valued at EC$8,510,000 and has total assets of EC$11,650,000, which amount is expected to increase to EC$16,183,582 by April 30, 1975.[15] The major liabilities are two outstanding loans which will total more than EC$15 million by the end of April. In view of the long-term equity funding expected to be realized from the sale of shares, the company is capable of achieving profitability in the second half of 1975.

LIAT (1974) is, in all material respects, the successor to Leeward which was found by the Board less than two years ago to be fit, willing and able to perform the foreign air transportation in issue. The management is experienced,[16] there is an adequate number of trained pilots, crew and ground personnel [17] and there are suitable facilities for servicing, maintenance and ticketing throughout the service area.[18] Since the airline is presently operating,[19] its ability to institute and maintain regularly scheduled services is not in doubt.

In addition, LIAT (1974) has voluntarily accepted the limits of passenger liability and the terms governing such limits as are set forth in CAB Agreement 18900, approved by the Board in Order E–23680, May 13, 1966, and has already in force hull insurance as well as passenger and third-party liability insurance coverage of more than $1 million.[20]

With respect to the carrier's fitness, willingness, and ability to conform to the provisions of the Act and the Board's regulations, we do not consider the fact that LIAT (1974) has been operating since November without an effective permit to militate against a finding of fitness. The series of events and circumstances surrounding the demise of Leeward required immediate action to forestall the cessation of essential services in an area in which alternative transportation sources are limited.[21] The principals of LIAT (1974) applied to the Board for authority as soon as practicable and diligently sought to prosecute their application. In these circumstances it is tentatively concluded that all the fitness requirements of section 402 of the Act are met by LIAT (1974).[22]

Public interest. Less than two years ago, the Board found that it was in the public interest to renew the permit held by Leeward for five years. Issuance of a permit to a different company to perform the identical foreign air transportation is supported by the same considerations discussed in Order 73–5–84. As noted above, the United Kingdom has already designated LIAT (1974) to operate U.K. Route 12 of the annex to the U.K.-U.S. bilateral agreement. Finally, Eastern Air Lines is certificated to operate the corresponding U.S.-flag route under the bilateral agreement. Therefore, it is tentatively concluded that grant of the relief requested is in the public interest.

Terms, conditions and limitations. The permit issued to Leeward is effective until May 15, 1978. Aside from the standard foreign permit conditions incorporated in the permit itself, Order 73–5–84 imposed certain so-called "passing off" restrictions because of the ownership of Leeward by Court Line. The independent ownership of LIAT (1974) obviates the need for such restrictions upon its operations. However, condition 4 of Order 73–5–84 precludes, absent prior Board approval, charters by the holder of persons whose journeys, by any means of transportation, begin or terminate at a point outside the Caribbean area. This restriction is not in terms limited to operations in conjunction with Court Line. Accordingly, said condition will be included, together with the power of modification contained in paragraph 5 of Order 73–5–84, as a condition to the final order issued herein.

On the basis of the foregoing, it is tentatively found and concluded that:

(a) LIAT (1974) Limited is fit, willing and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(b) LIAT (1974) Limited is substantially owned and effectively controlled by nationals of the United Kingdom;

(c) LIAT (1974) Limited should be subject to all of the terms, conditions and limitations set forth in the attached specimen foreign air carrier permit, and in addition should be subject to the following condition which will be included in our final order herein: That the exercise of the privileges granted by said permit

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[4] *I.e.*, St. Kitts, Antigua, Dominica, St. Lucia and St. Vincent.

[5] Motion, Exhibit No. 1. Exhibits referenced in this order are those appended to the Motion filed December 5, 1974.

[6] Exhibit No. 4.

[7] Exhibit No. 6.

[8] Exhibit No. 1.

[9] Exhibit No. 1, p. 7. As of November 8, 1974, 2.05 EC (East Caribbean) dollars were worth one U.S. dollar. See Exhibit No. 3, p. 8.

[10] Motion, p. 2, n. 2; Exhibit No. 3, p. 11.

[11] Motion, p. 5. Thus, present control is clearly in the Government of Antigua, and future control, upon issuance of the remaining shares, will rest collectively in the respective Governments of the British West Indies.

[12] Exhibit No. 5, p. 1.

[13] Exhibit No. 5, p. 2.

[14] Exhibit No. 3, p. 2. The loss is attributable to the fact that its modest operating profit will be offset by interest payments associated with loans used to purchase the assets from Court Line and to start up operations. See Exhibit No. 3, pp. 2, 11.

[15] Exhibit No. 3, pp. 7, 9.

[16] Exhibit No. 5.

[17] Exhibits No. 8, 9, and 10.

[18] Exhibits No. 11 and 12.

[19] Exhibit No. 7.

[20] Exhibit No. 6.

[21] Although Eastern Air Lines, BWIA and Air Canada also serve the Eastern Caribbean, the bulk of the local air service between and among the Islands has been provided by Leeward.

[22] By letter dated November 14, 1974, addressed to the Director, Bureau of Enforcement, applicant requested a waiver of the Sherman Doctrine to the extent that enforcement of the Doctrine would otherwise preclude processing of the application. See Sherman, Control and Interlocking Relationships, 15 C.A.B. 876 (1952). Inasmuch as section 408 of the Act does not require prior approval of the acquisition of a foreign air carrier by persons who are not air carriers, persons controlling an air carrier or persons engaged in a phase of aeronautics, we do not perceive any Sherman Doctrine issue in this case.

shall be subject to the condition that LIAT shall not, absent prior Board approval, perform pursuant to the authority granted herein any passenger charter flight transporting persons whose journeys, by any means of transportation, begin or end at a point outside the Caribbean area. Requests for such advance approval shall be filed in accordance with procedures applicable to off-route charters under Part 212 of the Board's Economic Regulations: *Provided, however,* That this condition shall be subject to amendment or modification by the Board, without hearing, in any manner consistent with the public interest;

(d) LIAT (1974) Limited has been designated by the United Kingdom government as a United Kingdom carrier under the Bermuda Agreement with the intention that it take over all the services of Leeward Islands Air Transport Services Limited thereunder;

(e) A hearing on the application of LIAT (1974) Limited is not required in the public interest; and

(f) The transfer to LIAT (1974) Limited of the permit held by Leeward Islands Air Transport Services Limited is in the public interest.

Accordingly, we have decided to issue an order directing interested persons to show cause why we should not approve the transfer of Leeward Islands Air Transport Services Limited's permit to LIAT (1974) Limited.

All interested persons will be given 20 days following the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues, and to support such objections with detailed analyses. If an evidentiary hearing is requested, the objectors should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, transferring and reissuing the permit held by Leeward Islands Air Transport Services Limited to LIAT (1974) Limited, and cancelling the permit issued by Order 73-5-84 to Leeward Islands Air Transport Services Limited;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions, herein, and transferring the said permit, shall, within 20 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: Provided, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;[22]

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein; and

5. This order shall be served upon LIAT (1974) Limited; Special Manager of Court Line Limited; Leeward Islands Air Transport Services Limited; Eastern Air Lines, Inc.; the Ambassador of the United Kingdom of Great Britain and Northern Ireland; the Mayors of San Juan, Puerto Rico, and St. Thomas and St. Croix, Virgin Islands; and the Governors of Puerto Rico and the Virgin Islands.

This order shall be published in the FEDERAL REGISTER, and transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

PERMIT TO FOREIGN AIR CARRIER
(as reissued)

LIAT (1974) LIMITED, is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

"Between the coterminal points Antigua; Barbuda; Montserrat; St. Kitts; Nevis, Anguilla; and British Virgin Islands; the intermediate points St. Maarten, N.W.I.; St. Croix and St. Thomas, Virgin Islands; and San Juan, Puerto Rico; and the terminal point Santo Domingo, Dominican Republic."

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder hereof shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for British international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom of Great Britain and Northern Ireland shall be parties.

This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of C.A.B. Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,00,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in Agreement C.A.B. 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on and unless otherwise terminated as provided hereinafter, shall continue in effect until May 15, 1978. This permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by the Government of the United Kingdom of Great Britain and Northern Ireland (or in the event of the elimination of any part of a route or routes hereby authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of the United Kingdom of Great Britain and Northern Ireland in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Services Agreement between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland effective February 11, 1946, as amended by exchanges of notes including an exchange of notes effective May 27, 1966: Provided, however, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the events specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and the Government of the United Kingdom of Great Britain and Northern Ireland are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed

[22] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

Acting Secretary.

[SEAL]

Issuance of this permit
to the holder approved by the
President of the United States
on
in Order

[FR Doc.75-6176 Filed 3-7-75;8:45 am]

[Docket 27075]

PITTSBURGH-ATLANTA-JAMAICA CASE

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding has been postponed from March 18, 1975 (40 FR 7479, Feb. 19, 1975), to April 8, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 4, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-6175 Filed 3-7-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the California State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 25, 1975, at the Los Angeles Press Club, 600 North Vermont, Los Angeles, California 90004 and at Saint Francis Hotel at Union Square (Elizabethe Room—Second Floor/Tower Section) San Francisco, California 94119.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this press conference is to release Asian American Report, "A Case of Mistaken Identity".

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-6155 Filed 3-7-75;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon on April 3, 1975, in the Chairman's Office, (Conference Room—Basement).

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Boston School Desegregation project and other new business.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 5, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-6156 Filed 3-7-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Cancellation of Restraint Levels

MARCH 5, 1975.

On July 18, 1974, there was published in the FEDERAL REGISTER (39 FR 26312) a letter dated July 12, 974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Nicaragua and exported to the United States during the twelve-month period beginning August 1, 1974, pursuant to the Bilateral Cotton Textile Agreement of September 5, 1972, as amended, between the Governments of the United States and Nicaragua. The purpose of this notice is to announce that the two governments have agreed to terminate this agreement, effective on January 3, 1975.

Accordingly, there is published below a letter of March 5, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of July 12, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

MARCH 5, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on January 3, 1975, the directive of July 12, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, effective August 1, 1974 and for the twelve-month period extending through July 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textile products, produced or manufactured in Nicaragua in excess of certain specified levels of restraint.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles and cotton textile products from Nicaragua have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-6233 Filed 3-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 342-3; OPP-180029B]

STATE OF MAINE

Withdrawal of Application for Specific Exemption to Control Spruce Budworm

On October 15, 1974, the Department of Conservation of the State of Maine applied to the Environmental Protection Agency (EPA) for a specific exemption to use fenitrothion (Sumithion) to control the spruce budworm. The location involved was 3.5 million acres of forest in northern Maine. This application was in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and describes the requirements for exemption of Federal and State agencies under emergency conditions.

Notice of receipt of this application was published in the FEDERAL REGISTER on December 5, 1974 (39 FR 42416). However, on January 27, 1975, the State of Maine withdrew its application for an exemption, upon learning that EPA was about to approve registration for fenitrothion (Sumithion) for this use, which has since occurred.

The file on this subject is available for review in the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

Dated: March 3, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-6104 Filed 3-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-202; 30159]

REPORT ON THE BROADCAST OF VIOLENT, INDECENT AND OBSCENE MATERIAL

Transmitted herewith for publication in the FEDERAL REGISTER is a copy of the report of the Federal Communications Commission on the broadcast of violent, indecent and obscene material.

Released: February 27, 1975.

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

In response to Congressional directives, the Federal Communications Commission submits its report of actions with respect to televised violence and obscenity. This report addresses "specific positive action taken and planned by the Commission to protect children from excessive programming of violence and obscenity."[1]

Congressional concern over the effects of television upon young people has been longstanding. The Senate Judiciary Committee's Subcommittee on Juvenile Delinquency under Senators Kefauver and later Dodd conducted investigations into this area in 1954, 1955, 1961–62 and 1964. In 1969, the National Commission on the Causes and Prevention of Violence, chaired by Dr. Milton Eisenhower, reported that:

> It is reasonable to conclude that a constant diet of violent behavior on television has an adverse effect on human character and attitudes. Violence on television encourages violent forms of behavior, and fosters moral and social values about violence in daily life which are unacceptable in a civilized society.

Subsequent to this finding, the Senate Commerce Committee's Communications Subcommittee, under Senator John O. Pastore, requested the Department of Health, Education, and Welfare to initiate an inquiry into "the present scientific knowledge about the effect of entertainment television on children's behavior".

Results of that one-year study by the Surgeon General's Scientific Advisory Committee on Television and Social Behavior,[2] added support to the view that a steady stream of violence on television may have an adverse effect upon our society—and particularly on children. Continuing studies funded by the Department of Health, Education and Welfare during 1972–1974, as reported in the April 3–5, 1974 hearings before Senator Pastore's Subcommittee, gave further evidence of the harmful effects of televised violence on children. Research continues in this area, but the existing evidence is sufficient to justify consideration of changes in industry practices.

The Federal Communications Commission has received substantial evidence that parents, the Congress, and others are deeply concerned. In 1972, the Commission received over 2,000 complaints about violent or sexually-oriented programs. In 1974, that volume had increased to nearly 25,000. Further, the Commission has received petitions to deny broadcast license renewals[3] and petitions for rulemaking[4] expressing the desire that the Commission take action with respect to televised violence, particularly as it affects children. Mindful of the public interest questions raised by the Report to the Surgeon General, subsequent research findings, and the continuing concerns of Congress and the general public, the Commission undertook a study of specific solutions to the problems of televised violence and sexually-oriented material in mid-1974.

Staff discussion and study focused upon two questions: (1) what steps might be taken to prohibit the broadcasting of obscene or indecent material and (2) what steps might be taken to protect children from other sexually-oriented or violent material which might be inappropriate for them. With respect to questions of obscene and indecent material, direct governmental action is required by statute, and the Commission intends to meet its responsibilities in this area. With respect to the broader questions of what is appropriate for viewing by children, the Commission is of the view that industry self-regulation is preferable to the adoption of rigid governmental standards. We believe that this is the case for two principal reasons: (1) the adoption of rules might involve the government too deeply in programming content, raising serious constitutional questions, and (2) judgments concerning the suitability of particular types of programs for children are highly subjective. As a practical matter, it would be difficult to construct rules which would take into account all of the subjective considerations involved in making such judgments. We are concerned that an attempt at drafting such rules could lead to extreme results which would be unacceptable to the American public.[5]

SEXUAL OR VIOLENT MATERIAL WHICH IS INAPPROPRIATE FOR CHILDREN

Administrative actions regulating violent and sexual material must be reconciled with constitutional and statutory limitations on the Commission's authority to regulate program content. Although the unique characteristics of broadcasting may justify greater governmental supervision than would be constitutionally permissible in other media, it is clear that broadcasting is entitled to First Amendment protection. *Columbia Broadcasting System* v. *Democratic National Committee*, 412 U.S. 94 (1973); *Red Lion Broadcasting Co.* v. *FCC.*, 395 U.S. 367 (1968); *United States* v. *Paramount Pictures*, 334 U.S. 131 (1948). Congress expressed its concern that the Commission exercise restraint in the area of program regulation by enacting section 326 of the Communications Act which specifically prohibits "censorship" by this agency.[6]

On the other hand, the Communications Act requires the Commission to insure that broadcast licensees operate in a manner consistent with the "public interest." In the *Red Lion* decision, the Supreme Court affirmed the view that broadcasters are "public trustees" with fiduciary responsibilities to their communities. The Commission has long maintained the policy that program service in the public interest is an essential part of a licensee's obligation. *Programming Policy Statement*, 20 P&F R.R. 1901 (1960). We have also made it clear that broadcasters have particular responsibilities to serve the special needs of children. *Children's Television Report and Policy Statement*, 39 FR 39396 (November 6, 1974).

In light of the constraints placed on the Commission by the Constitution and section 326 of the Communications Act, the Commission "walks a tightrope between saying too much and saying too little" when applying the public interest standard to programming. *Banzhaf* v. *FCC*, 405 F.2d 1082, 1095 (D.C. Cir. 1967); *Columbia Broadcasting System* v. *Democratic National Committee, supra.* For

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[1] See H.R. Rep. No. 1139, 93d Cong., 2nd Sess. (1974), p. 15; S. Rep. No. 1056, 93d Cong., 2nd Sess. (1974), p. 17. The Commission's views of the division of responsibility with the F.T.C. with respect to advertising practices, also requested in the Congressional directives, will be submitted in a separate letter.

[2] "Television and Growing Up: The Impact of Televised Violence, A Report to the Surgeon General from the Surgeon General's Scientific Advisory Committee on Television and Violence," (1972).

[3] *George D. Corey*, 37 FCC 2d 641 (1972); *Oliver R. Grace*, 18 P&F RR 2d 1017 (1970); see also *Maguire* v. *Post-Newsweek*, 24 P&F RR 2d 2094, (D.C. Cir. 1972).

[4] *Foundation to Improve Television*, 25 FCC 2d 830 (1970) (RM-1515), *Petition of V.I.O.L.E.N.T.*, (received February 20, 1973) (RM-2140).

[5] As Chairman Richard E. Wiley stated in his February 10, 1975 speech to the National Association of Television Program Executives, at Atlanta, Georgia: "Short of an absolute ban on all forms of 'violence'—including even slapstick comedy—the question of what is appropriate for family viewing necessarily must be judged in highly subjective terms. Under a rigid objective test, I suppose that it would be argued that many traditional children's films should be banned because they include some element of violence—for example, episodes in *Peter Pan* when Captain Hook is eaten by a crocodile or in *Snow White* where the young heroine is poisoned by the witch. Such an extreme result simply does not make sense and would not be acceptable to the American people. Indeed, the lack of an acceptable objective standard is one of the best reasons why—the Constitution aside—I feel that self-regulation is to be preferred over the adoption of inflexible governmental rules."

[6] 47 U.S.C. § 326 provides that:

> Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.

this reason, the Commission has historically exercised caution in the area of program regulation.

Regulatory action to limit violent and sexually-oriented programming which is neither obscene nor indecent is less desirable than effective self-regulation, since government-imposed limitations raise sensitive First Amendment problems. In addition, any rulemaking in these areas would require finding an appropriate balance between the need to protect children from harmful material and the adult audience's interest in diverse programming. Government rules could create the risk of improper governmental interference in sensitive, subjective decisions about programming, could tend to freeze present standards and could also discourage creative developments in the medium.

With these considerations in mind, Chairman Wiley initiated the first of a series of discussions with the executives of the three major television networks on November 22, 1974.[7] In suggesting such meetings, the Chairman sought to serve as a catalyst for the achievement of meaningful self-regulatory reform. He suggested the following specific proposals for the networks to consider:

(1) *New Commitment*—There should be a new commitment to reduce the level and intensity of violent and sexually-oriented material.

(2) *Scheduling*—Programs which are considered to be inappropriate for viewing by young children should not be broadcast prior to 9 p.m. local time.

(3) *Warnings*—At times when such programs are broadcast, they should include audio and video warning at the outset of the program (and at the first "break"), in addition, similar to the practice in France, a small white dot might be placed in the corner of the screen during the course of a program to warn those viewers who tune in while the program is in progress that it may not be appropriate for viewing by young children.

(4) *Advance Notice*—Affiliates should be provided warnings in advance to be included in local TV Guide and newspaper program listings and promotional materials.

In addition, the Chairman raised the possibility of adoption of a rating system similar to that used in the motion picture industry. In making these suggestions, it was understood that the decision as to which programs are so excessively violent or explicitly sexually-oriented as to be inappropriate for young children would remain in the broadcaster's sound discretion. Also, it was recognized that non-entertainment programming, such as news, public affairs, documentaries and instructional programs would be exempt from the scheduling rule.

At the time of the November 22nd meeting, no commitments were sought from the networks and none were offered. The meeting provided an opportunity for a free and candid exploration of a mutually recognized problem affecting broadcast service. Arrangements were made at that time for a continuation of discussions at the staff level and for a later meeting with top network executives. Staff members of the Commission met separately with representatives of each network in New York on December 10–11, 1974.

Not all of the proposals advanced by the Commission were found to be acceptable by the networks. However, each of the networks developed a set of guidelines which it believed should govern its programming, and policy statements incorporating these guidelines were released to the public.[8] A common element of the three statements is that they provide that the first hour of network entertainment programming in prime time will be suitable for viewing by the entire family.

A second meeting between the Commission's Chairman and the network officials was held in Washington on January 10, 1975. At this meeting, representatives of the National Association of Broadcasters were present.[9] During the course of this meeting, each of the networks made it clear that programs presented during this "Family Viewing" period would be appropriate for young children. Also discussed at that meeting were proposals that reforms be incorporated in the NAB Code.

On February 4, 1975, the NAB Television Code Review Board adopted a proposed amendment to the NAB Television Code similar to the guidelines adopted by the three networks but which would expand the "Family Viewing" period to include "the hour immediately preceding" the first hour of network programming in prime time.[10] The new proposal would go into effect in September 1975, but must first be approved by the NAB Television Board, which meets in early April in Las Vegas, Nevada. The Commission has no reason to expect that the Television Board will reject the proposal of the Television Code Review Board.[11]

Taken together, the three network statements and the NAB proposed policy would establish the following guidelines for the Fall 1975 television season:

(1) *Scheduling*—"The first hour of network entertainment programming in prime time" and "the immediately preceding hour," is to be designated as a "Family Viewing" period. In effect, this would include the period between 7 p.m. and 9 p.m. Eastern Time during the first six days of the week. On Sunday, network programming typically begins at a different time; the guidelines would therefore provide that the "Family Viewing" period will begin and end a half-hour earlier.

(2) *Warnings*—"Viewer advisories" will be broadcast in audio and video form "in the occasional case when an entertainment program" broadcast during the "Family Viewing" period contains material which may be unsuitable for viewing by younger family members. In addition, "viewer advisories" will be used in later evening hours for programs which contain material that might be disturbing to significant portions of the viewing audience.

(3) *Advance Notice*—Broadcasters will attempt to notify publishers of television program listings as to programs which will contain "advisories."[12] Responsible use of "advisories" in promotional material is also advised.

Thus, the network and NAB proposals are designed to give parents general notice that after the evening news, and for the duration of the designated period, the broadcaster will make every effort to assure that programming presented (including series and movies) will be appropriate for the entire family. After that time, parents themselves will have to exercise greater caution to be confident that particular programs are suitable for their children. Warnings would continue to be broadcast in later hours to notify viewers of those programs that might be disturbing to significant portions of the audiences.

The Commission believes that the recent actions taken by the three networks and the National Association of Broadcasters Television Code Review Board are commendable and go a long way toward establishing appropriate protections for children from violent and sexually-oriented material. This new commitment suggests that the broadcast industry is prepared to regulate itself in a fashion that will obviate any need for governmental regulation in this sensitive area.

It is inevitable that there will be some disagreements over particular programs and the question of their suitability for children. Interpretation of which programs are appropriate for family viewing remains, as it should, the responsibility of the broadcaster. The success of this program will depend upon whether that responsibility is exercised both with good faith and common sense judgment. Thus, meaningful evaluation by Congress and the public of the efficacy of these self-regulatory measures must await observation of how they are interpreted and applied by the broadcasters.

The industry proposal represents an effort to strike a balance between two conflicting objectives. On the one hand, it is imperative that licensees act to assist parents in protecting their children from objectionable programming. On the other hand, broadcasters believe that if the medium is to achieve its full maturity, it must continue to present sensitive and controversial themes which are appropriate, and of interest, to adult audiences.

[7] Among those present representing the networks were: Arthur Taylor, President, CBS, Inc., and John Schneider, President, CBS Broadcast Group; Herbert Schlosser, President, NBC, Inc., and David Adams, Vice Chairman, NBC, Inc., Elton Rule, President, ABC, Inc., and Everett Erlick, Senior Vice President and General Counsel, ABC, Inc.

[8] Copies of the network statements are attached as Appendices A, B and C.

[9] Representing the NAB at the January 10, 1975 meeting were Vincent Wasilewski, President, and Grover Cobb, Vice-President. Richard Jencks, Vice-President of CBS, Inc., was also present in addition to the network executives who attended the November 22, 1974 meeting.

[10] See Appendix D.

[11] We anticipate that the same issues will be discussed with representatives of the Association of Independent Television Stations (INTV) and the educational broadcasters.

[12] Significantly, the Publisher of *TV Guide* (in a letter to Chairman Wiley) has pledged full cooperation with this program of warnings or advisories.

Parents, in our view, have—and should retain—the primary responsibility for their children's well-being. This traditional and revered principle, like other examples which could be cited has been adversely affected by the corrosive processes of technological and social change in twentieth-century American life. Nevertheless, we believe that it deserves continuing affirmation.

Television, as a guest in the American home, also has some responsibilities in this area. In providing a forum for the discussion of excessive violence and sexual material on television, the Commission has sought to remind broadcasters of their responsibility to provide some measure of support to concerned parents.

It is obvious that the reforms proposed by the industry will not provide absolute assurance that children or particularly sensitive adults will be insulated from objectionable material. However, no reform short of a wholesale proscription of all violent and sexually-oriented material would have that effect. Surveys have indicated that some children will be viewing television during all hours of the broadcast day, and not just during the hours now designated for "Family Viewing". Some, who are not properly supervised, may be exposed to programming which a responsible adult would consider inappropriate for them. We believe, however, that the industry plan provides a reasonable accommodation of parental and industry responsibilities.

It should be stressed that the networks do not view the post 9 p.m. viewing period as a time to be filled with blood, gore and explicit sexual depictions. The presidents of all three networks have assured the Commission that there will continue to be restraint in the selection and presentation of program material later in the evening.

We recognize that there will be some disagreements with specific aspects of these industry self-regulatory measures. As we have already indicated, the "Family Viewing" period will be presented at different hours in different time zones. This special period would ordinarily end at 9 p.m. in New York and Los Angeles, at 8 p.m. in the Midwest, and as early as 7 p.m. in portions of the Mountain Time Zone.[13] In addition, the fact that the "Family Viewing" period may be presented at a different time on Sunday may create some confusion.[14]

The success of the entire "Family Viewing" principle depends upon the good-faith and responsibility of the networks and other broadcasters. It is important that the "program advisories" and advance notices not be used in a titillating fashion so as to commercially exploit the presentation of violent or sexually-oriented material. Also, the new guidelines will not gain the acceptance of the American people if broadcasters prove to be unreasonably expansive in deciding which programs are appropriate for family viewing.

Despite these considerations, we believe the new guidelines represent a major accomplishment for industry self-regulation, and we are optimistic that these principles will be applied in a responsible manner which will be acceptable to the American people.

Broadcast of Obscene or Indecent Material

Congress has authorized the Commission to enforce Title 18, United States Code, section 1464 which prohibits utterance of "any obscene, indecent or profane language by means of radio communication." The Commission is further authorized to utilize its administrative remedies against broadcast licensees who violate section 1464.[15] The Commission has utilized these administrative remedies on a number of occasions.[16] It has exercised its powers carefully, however, with due regard to the sensitive constitutional issues involved.

The Commission believes that Title 18, section 1464 may be inadequate for the purpose of prohibiting explicit visual depictions of sexual material. The precise terms of the statute refer to "utter[ance] of * * * language." It is, therefore, uncertain whether the Commission has statutory authority to proceed against the video depiction of obscene or indecent material.[17] For this reason, we will include in our legislative proposals for action by this Congress an amendment to section 1464 which would eliminate this uncertainty. In addition, our proposal would extend the prohibition to cable television.

In 1970, the Commission focused specifically on the problem of "indecent language". In *Eastern Educational Radio (WUHY–FM)*, *supra*, the Commission issued a notice of apparent liability which held "indecent" the use of the certain words during a pre-recorded broadcast interview. In 1973, the Commission issued another notice of apparent liability in *Sonderling Broadcasting Co.*, 27 R.R. 2d 285, recon. denied, 41 FCC 2d 777 (1973) for broadcasting explicit discussions of ultimate sexual acts, holding that the material broadcast was both "obscene and indecent" under section 1464 and the prevailing constitutional obscenity test.[18] Our decision in *Sonderling Broadcasting Co.*, *supra*, was recently affirmed by the Court of Appeals for the District of Columbia Circuit in *Illinois Citizens Committee for Broadcasting* v. *FCC*, *supra*. In an opinion written by Judge Leventhal, the Court issued the first judicial decision supporting the FCC's conclusion that the probably presence of children in the radio audience is relevant to a determination of obscenity.

However, it is apparent to the Commission that particularly on radio the problem of "indecent" language has not abated and that the standards set forth in prior opinions has failed to resolve the problem. Thus, we adopted on February 12, 1975, a declaratory order clarifying the Commission's position on the broadcasting of indecent language in violation of 18 U.S.C. 1464. *In re Citizen's Complaint Against Pacifica Foundation* (WBAI–FM), File No. BRH–13, a copy of which is included herein as Appendix E.[19] The previous definition of "indecent" language in *WUHY, supra*,[20] is clarified by eliminating the test "utterly without redeeming social value" which the Supreme Court modified in *Miller* v. *California*, 413 U.S. 15 (1973). The new definition of "indecent" is tied to the use of language that describes, in terms patently offensive as measured by contemporary community standards for broadcast media, sexual or excretory activities and organs, at times of the day when there is a reasonable risk that children may be in the audience.[21]

We are hopeful that the combined effects of the declaratory order and the proposed amendment to 18 U.S.C. 1464

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[13] In this regard, the networks have informed us that a standard based on 9 p.m. local time would require prohibitively expensive separate program transmissions to each time zone.

[14] We are encouraged, however, that one network has recently advised us that its "Family Viewing" period will continue until 9 p.m. Eastern Time seven nights a week beginning with September 1975.

[15] The Commission may (1) revoke a station license, (2) issue a cease and desist order, or (3) impose a monetary forfeiture for violation of Section 1464, 47 U.S.C. 312(a), 312(b), 503(b)(1)(E). It may also (4) deny license renewal or (5) grant a short term license renewal, 47 U.S.C. 307, 308.

[16] See e.g., *Palmetto Broadcasting Co.*, 33 FCC 250, 23 P & F R.R. 483, (pattern of abuse; indecent language; license revoked), *aff'd on other grounds sub nom Robinson* v. *FCC*, 334 F. 2d 534 (D.C. Cir. 1962), *cert. denied*, 379 U.S. 843 (1964); *Jack Straw Memorial Foundation*, 21 FCC 2d 833 (1970) (indecent language; short term renewal); *Pacifica Foundation*, 36 FCC 147, 1 P&F R.R. 2d 747 (1964) (no overall pattern of abuse), 2 FCC 2d 1066, 6 P&F R.R. 2d 570 (1965) (short term renewal); *Eastern Educational Radio (WUHY–FM)*, 24 FCC 2d 408 (1970) (indecent language; forfeiture imposed); *Sonderling Broadcasting Co.*, FCC 2d, 27 P&F R.R. 2d 1508 (1973) ("sex talk shows," forfeiture imposed), *aff'd sub nom Illinois Citizens Committee for Broadcasting* v. *FCC*, No. 73–1652, —— F. 2d —— (D.C. Cir., Nov. 20, 1974), petition for rehearing *en banc* pending.

[17] See the Commission's comments on S. 1, 94th Cong., 1st Sess. (1975), in *Letter to Hon. John L. McClellan and Hon. Roman H. Hruska* and *Letter to Mr. Vincent Rakestraw, Assistant Attorney General, Office of Legislative Affairs, Department of Justice*, adopted November 27, 1974. No court has authoritatively construed 18 U.S.C. 1464 with respect to visual depictions.

[18] *John Cleland's "Memoirs of a Woman of Pleasure"* v. *Massachusetts*, 383 U.S. 412 (1968).

[19] Appendix E was filed as part of the original document.

[20] The Commission had defined "indecent" as material that is (a) patently offensive by contemporary community standards; and (b) is utterly without redeeming social value, 24 FCC 2d at 412.

[21] When the number of children in the audience is reduced to a minimum, for example, during the late evening hours, the Commission would then consider whether the material has "serious literary, artistic, political or scientific value." However, that standard would not be used when there is a substantial number of children in the audience.

* * * * *

will clarify the broadcast standards for obscene and indecent speech as well as visual depictions and will prove effective in abating the problems which have arisen in these areas.

APPENDIX A

RECOMMENDATION TO NAB TV CODE REVIEW BOARD FROM PRESIDENT OF CBS, INC.

The purpose of this letter is to recommend to the NAB Television Code Review Board certain changes in the existing Code, and to set out our reasons for believing that these changes are important to the public interest. Our recommendations result from continuing review of the principles which govern CBS television programming content and scheduling. They were developed after consultation with many of our affiliates, although we make no representation that our affiliates endorse these principles, in whole or in part.

In consideration of any Code matter, there is always one critical test that must be applied: whether a proposed provision could have a stifling effect on the creative processes of the medium. If the answer is affirmative, or even in doubt, then the provision, in CBS's view, is contrary to the public interest. It is CBS's strong and abiding conviction that the public interest can be served only when the creative potential of broadcasting is nurtured and encouraged, and when it is allowed to function as free from inhibiting restrictions as are, traditionally and constitutionally, all other media. The essential fact about broadcasting in this country is that, due to the freedom in which it has so far been able to flourish, the American people—of all ages—are far better informed and more knowledgeable about the world around them than any other people in the history of mankind. This freedom must never be compromised—and must in fact be constantly reaffirmed.

Because of varying tastes, interests, opinions and ages, no program "code" could ever, in its entirety, satisfy even a large percentage of American television viewers. The best and most respected literary works in the world, for instance, contain incidents which some segments of our society would consider inappropriate for portrayal on television. We are wholly convinced that, if the intellectual and cultural quality of our nation is to advance, broadcasters must remain free to exercise their best judgment on the way in which they serve the tastes of their various audience groups. They must also avoid permitting the tastes of one age or interest group to completely dominate those of others. Insofar as children are concerned, we must not lose sight of the fact that there simply is no substitute—nor should there be—for discriminating parental supervision of television viewing within each family's home and according to each family's judgment as to what is appropriate material for its younger members.

APPENDIX B

RELEASE AND STATEMENT OF PROGRAM STANDARDS, NATIONAL BROADCASTING CO.

JANUARY 6, 1975.

The National Broadcasting Company today announced that it plans to devote the first hour of its prime time network schedule to programming suitable for general family viewing. This follows and builds upon the network's current practice of opening its prime time schedule, on each evening of the week, with a series suitable for family viewing.

The extension of NBC's policy, to be applied in developing the coming season's programming starting September 1975, is set forth in a detailed statement of program standards, a copy of which is attached. This restates and supplements the provisions of NBC's long-standing Code of Broadcast Standards to reflect practices now followed and to be followed.

The program standards statement deals with treatment of adult themes in programming, scheduling of such programs, and the application of a broad system of advance audience warnings already in effect, to enable parents to decide on whether their children or other members of the family should view programs designed for adults. It also deals with questions of responsibility and how the program standards are applied.

In addition to its own Code of Broadcast Standards, NBC adheres to the Code of the National Association of Broadcasters. It intends to follow the policies described above, whether or not the NAB Code is amended to include similar principles, as recently suggested.

STATEMENT OF PROGRAM STANDARDS

NBC exercises a systematic and continuing effort, through two separate departments—the Broadcast Standards Department and the Program Department—both guided by management policy, to assure that its programming meets the public's general standards of acceptability for the television medium. NBC recognizes that this home medium requires stricter standards than other media.

Given the nature of television, which reaches viewers of all levels of taste and interest, NBC regards the application of proper standards as a substantial responsibility it has a duty to meet.

NBC has operated under its own Code of Broadcast Standards for almost 30 years and has revised that Code as new developments have required. It also adheres to the Television and Radio Codes of the National Association of Broadcasters. The standards set forth in the NBC and NAB Codes are necessarily statements of general principles which must be applied to specific program material. This application requires sensitive case-by-case judgments that strike a proper balance between meeting the public interest in responsible and creative entertainment, including programs dealing with social concerns or employing realistic treatments, while adhering to standards of taste and propriety appropriate to television.

The following restates and supplements the provisions of the NBC Code of Broadcast Standards to incorporate practices now followed and to be followed in connection with the treatment and scheduling of network entertainment programs containing elements of sex or violence.

1. *Responsibility.* NBC accepts an important responsibility for seeking to ensure that where its entertainment programs contain depictions of violence or present sexual themes, such program elements do not violate standards generally acceptable to the public. It maintains a substantial staff which exercises care in following procedures for the review of program material, through all stages of production, so that this responsibility is properly fulfilled.

2. *Sex.* Explicit, graphic or undue presentations of sexual matters and activities will be avoided. Sexual themes should not be gratuitously injected into story lines. When they are involved as a natural part of plot or characterization, they will be treated with intelligent regard for commonly accepted standards of taste and perception, and not in a manner that would be offensive to general audiences.

3. *Violence.* Violence will be shown only to the extent appropriate to the legitimate development of theme, plot, or characterization. It should not be shown in a context which favors it as a desirable method of solving human problems, for its own sake, for shock effect, or to excess.

4. *Scheduling.* In exercising its responsibility for programming and the proper application of broadcast standards, NBC will take into account the suitability of the program for the time period for which it is scheduled. This includes many considerations, such as subject matter, composition of audience, manner of treatment, whether the portrayal deals with themes of fiction, fantasy or contemporary reality, whether it presents prosocial or anti-social behavior and similar matters calling for a case-by-case judgment. NBC's policy is reflected by its present schedule (1974–75) in which the television network's prime time programming opens, each evening of the week, with a series suitable for general family viewing. NBC expects to continue and expand this policy, effective September 1975, so that the first hour of its prime time network schedule will be devoted to programming of this type. If any program in the opening hour might be fairly considered as unsuitable for children, NBC will apply the system of warnings described in the following section.

5. *Warnings.* Programs suitable for general audiences may in certain cases contain material regarded by some parents as unsuitable for their children or other members of their family. NBC will make case-by-case judgments on whether the circumstances—including the subject, treatment and time period—warrant special precautions. When NBC judges that such precautions are necessary, it will pre-screen the program for affiliated stations and follow a system of audience warnings. These audience warnings will include advisories in audio and video form at the beginning of the program and also at a later point in the program and warnings in advance of the program where possible, in appropriate promotional material. This system is designed to alert viewers to the situation in advance, so that they can determine whether they care to view the program or permit children or other members of the family to do so. NBC has recently expanded its procedures in publicizing advance warnings along the foregoing lines, and will apply this expanded procedure when appropriate.

6. *Application.* The foregoing standards are not self-executing and will be applied conscientiously by an experienced staff in the Program Department and the Broadcast Standards Department. They represent the principles and procedures learned from experience and they will be modified, supplemented and expanded, as necessary, in the light of future experience.

APPENDIX C

RELEASE AND POLICY STATEMENT ON BROADCASTS WHICH PORTRAY VIOLENCE AND ADULT THEMES, AMERICAN BROADCASTING CO.

JANUARY 8, 1975.

The American Broadcasting Company announced today that the first hour of each night of its prime time network entertainment schedule will be devoted to programming suitable for general family audiences starting with the new television season in the Fall of 1975.

When, in ABC's judgment, programming in this time period may, on occasion, contain material which might be regarded as unsuitable for younger family members, viewers will be advised both visually and aurally at the start of such programs.

In a statement on its policies on broadcasts which portray violence and adult themes, ABC emphasized a continuing awareness of its obligation to select with sensitivity its programs, cognizant of the possible effect that violence and adult themes may have on the audience, particularly younger viewers.

In order to better inform viewers, ABC has been televising audio and video advisory announcements, when appropriate, in certain entertainment programs to afford parents the opportunity of exercising discretion with regard to younger viewers.

As part of a continuing review of these policies, ABC recently increased the use of advisory announcements and will now also include them in on-air promotion and print advertising.

A statement of ABC's policies on broadcasts which portray violence and adult themes is attached.

The American Broadcasting Company issued the following statement in response to recent inquiries about its policies on broadcasts which portray violence and adult themes:

The American Broadcasting Company acknowledges and accepts the continuing responsibility to its viewers for all programs broadcast by the ABC Television Network. We are, and have been, aware of our obligation to select, with sensitivity, programs, cognizant of the possible effect that violence and certain adult themes may have on that audience, particularly younger viewers.

Aware of current public opinion concerns and in order to better inform the viewing audience, ABC has been televising audio and video advisory announcements, when appropriate, in certain entertainment programs to afford parents the opportunity to exercise discretion in regard to younger viewers.

As part of a continuing review of these policies, we have recently increased the use of such audio-visual viewer advisories, and will also now be including them in print advertising and on-air promotional material.

As an additional measure, starting with the new television season in the Fall of 1975, the first hour of each night of the week of our prime time network entertainment schedule will be devoted to programming suitable for general family audiences. When in our judgment, programming in this period may, on occasion, contain material which might be regarded as unsuitable for younger members of the family, the audience will be appropriately advised as outlined above.

We wish to emphasize the necessity to preserve the basic rights of freedom of expression under the Constitution and under the Communications Act. Government action in the area of program content must be both cautious and carefully limited lest we do permanent damage to the principles of free expression which are so fundamental in our society. All Americans recognize, we are sure, that these are sensitive and fragile concepts. Accordingly, ABC strongly supports the concept of industry self-regulation.

The providing of network television programming is an extremely complicated task which we attempt to do in a responsible fashion. We serve a diverse audience, among whom are people with wide differences of opinion about our programs. For instance, there are those who look upon the treatment of certain subjects in dramatic programs as too controversial to be touched upon. There are also those who feel that these same subjects reflect changes in our society which television should realistically portray; and if not, has failed its responsibility. It is for these reasons that we attempt to present each season a balanced program schedule with diverse content and program types which will appeal to broad segments of the public.

VIOLENCE

Since June of 1968 the following has been the policy of American Broadcasting Company with respect to portrayal of violence in television programs:

"The use of violence for the sake of violence is prohibited. In this connection, special attention should be given to encourage the de-emphasis of acts of violence.

While a story-line or plot development may call for the use of force—the amount, manner of portrayal and necessity for same should be commensurate with a standard of reasonableness and with due regard for the principle that violence, or the use of force, as an appropriate means to an end, is not to be emulated."

Additionally, special attention has been directed to avoid close-ups of demonstrations of criminal techniques. The foregoing has been brought to the attention of producers of ABC entertainment programs on a regular basis.

It has also been ABC's policy, since April 1972, to prohibit acts of personal violence from being portrayed in teasers, prologues and promotional announcements.

In connection with the application of this policy and because of our special concerns over the possible effects of televised violence on young people, ABC took the initiative to sponsor on-going research in this area and has retained two teams of entirely independent research consultants. An important adjunct to this research is the refinement and continued development of guidelines by which we can effectuate our policies. We have found, for example, that violence can be responsibly portrayed to the extent to which its consequences are adequately depicted in depth. Under these circumstances, such portrayals may even have the effect of reinforcing real-life prohibitions, thereby acting as a suppressor of violence. On the other hand, as it is clear that gratuitous violence serves no useful purpose and may be emulated, we are extremely cautious in avoiding the portrayal of specific, detailed techniques involved in the use of weapons, the commission of crimes or avoidance of detection.

ADULT SUBJECT MATTER

In meeting the challenge to present innovative programming which deals with significant moral or social issues and with current topical program treatments of interpersonal relationships, it has been a guiding principle that the presentation of such material be accomplished unexploitatively, unsensationally and responsibly. In relation to made-for-television programs it is the responsibility of the Standards and Practices Department to review material which includes sensitive or controversial matter from the script stage through the final print so as to avoid the exploitative and sensational feature films initially produced by others for theatrical release are screened prior to acquisition by ABC to determine, in the first instance, the acceptability of the overall theme and tenor of the films and, if appropriate, in the second instance, the nature and extent of editing which we will require to assure compliance with our policies. After acquisition the films are screened again to review prior judgments, and as an additional measure, the edited version is viewed prior to telecast to insure compliance with broadcast standards and practices directives. In the event a film which is proposed to televise was originally rated "R" we require that it be resubmitted to the Motion Picture Association of America for classification in terms of their judgment and on the basis of our rating. If the MPAA feels that the edits would have made the picture presentable theatrically with a higher rating than "R," e.g., "PG" or "G," we will then accept it for telecast.

As a matter of practice ABC follows the following procedures:

1. Advisory announcements, when made, are commonly telecast in the following form:

"This film deals with mature subject matter. Parental judgment and discretion are advised."

2. All affiliates are furnished Advance Program Advisory bulletins detailing content.

3. Closed circuit previews of prime time programs are presented on a regularly scheduled rotational basis.

4. Advance descriptive program information is made available to the NAB Code Authority and the NAB Code Authority Director is accorded an opportunity to request screenings prior to broadcast. All pilot programs are prescreened for the NAB Code Authority Director.

5. Our independent outside consultants (Dr. Melvin Heller and Dr. Samuel Polsky) review all pilots and other programming from time to time as requested by the Standards and Practices Department.

The foregoing policies will continue to be implemented by our Department of Broadcast Standards and Practices in consultation with ABC's independent professional consultants.

APPENDIX D

AMENDMENT TO THE NAB CODE ADOPTED BY THE NAB TELEVISION CODE BOARD

FEBRUARY 4, 1975.

Additionally, entertainment programming inappropriate for viewing by a general family audience should not be broadcast during the first hour of network entertainment programming in prime time and in the immediately preceeding hour. In the occasional case when an entertainment program in this time period is deemed to be inappropriate for such an audience, advisories should be used to alert viewers. Advisories should also be used when programs in later prime time periods contain material that might be disturbing to significant segments of the audience.

These advisories should be presented in audio and video form at the beginning of the program and when deemed appropriate at a later point in the program. Advisories should also be used responsibly in promotion material in advance of the program. When using an advisory, the broadcaster should attempt to notify publishers of television program listings.

[FR Doc.75-5933 Filed 3-7-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MARKET SHARES QUESTIONNAIRES

Notice of Availability

The Federal Energy Administration announces the implementation of a survey of market shares of propane, distillate fuel oil, and residual fuel oil. The survey questionnaire, Form FEA P308-S-0 (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumers), was announced previously by the General Accounting Office in 39 FR 251 (December 30, 1974).

The survey questionnaire will collect (1) market share information pursuant to the requirements of section 4(c)(2)(A) of Pub. L. 93-159 (Emergency Petroleum Allocation Act of 1973) and (2) other data relating to product distribution as authorized by sections 5 and 13 of Pub. L. 93-275 (Federal Energy Administration Act of 1974).

Form FEA P308-S-0 is a one-time questionnaire which will be mailed on

or about March 7, 1975, to refiners, importers, independent gas processing plant operators, and retailers/resellers to ultimate consumers who market propane and/or No. 2 Heating Oil as a principal line of business (Standard Industrial Codes 5982, 5983 and/or 5984). Form FEA P308–S–0 will collect sales volume information, State-by-State, on a monthly basis from the period January 1972 through December 1974. A monthly form will be distributed beginning in April 1975 to collect monthly information for January 1975 and succeeding months.

Refiners and Importers who have been mailed Form FEA P305–S–0 (Refiner/Importer Historical Report of Petroleum Product Distribution) will be mailed information explaining the relationship of information collected by Form FEA P305–S–0 to Form FEA P308–S–0.

Firms which are required to report may obtain additional copies of the questionnaires from the Federal Energy Administration, Code 3000, Washington, D.C. 20461. It is requested that all inquiries be held until after March 20, 1975, to allow for mailing and receipt of the questionnaire by firms currently on the mailing list.

Dated: March 4, 1975.

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

[FR Doc.75–6084 Filed 3–7–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

FEBRUARY 28, 1975.

Pursant to section 10(a) of Pub. L. 92–463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, March 17; Tuesday, March 18; and Wednesday, March 19, 1975. The meeting will commence at 9 a.m. on March 17, 18, 19, 1975 at the Madison Hotel, 15th and M Streets NW., Washington, D.C. in the Arlington Room.

MONDAY, MARCH 17

9–11 a.m.—General discussion.
2:30 p.m.—Trust Services.
Authorization of Insured Associations as Depository for Tax Loan Accounts.
Investments in Other Savings and Loans Counting as Liquidity.
Savings and Loan Investments in Conjunction with State Housing Finance Agencies.
Make Available to Single Persons Insurance of Accounts Branching.

TUESDAY, MARCH 18

Conflict of Interest.
Collateral Pledged on Advances.
Revise section 5(c) of Home Owners Loan Act.
Moratorium on Deferral of Loan Fees for 1975.
Construction Lending.
Modify Delinquent Loans.
Change in Asset Requirements for Loans.
Impact of Inflation on Savings and Loan Industry (Part 5).
FHLB Borrowing and Advances Policy and Long Term Debentures.
Raise Insurance Limit on Keogh Self-Employed Retirement Plans and Investment Policy.
Balloon Loans on Other Than One-to-Four Family.

WEDNESDAY, MARCH 19

9–11 a.m.—General discussion.

The meeting will be open to the public on March 17 from 9–5, on March 18 from 9–5, and on March 19 from 9–1.

THOMAS R. BOMAR,
Chairman,
Federal Home Loan Bank Board.

[FR Doc.75–6072 Filed 3–7–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9262]

ALABAMA POWER CO.

Tariff Change

MARCH 3, 1975.

Take notice that on February 13, 1975, Alabama Power Company tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed change to the tariff gives notice that the Company intends to convert all delivery points of The Utilities Board of the City of Sylacauga served by the Company under Rate Schedule FPC No. 118 to the tariff on March 18, 1975.

After conversion to the tariff on March 18, 1975, the applicable rate for the delivery points of the City of Sylacauga will be Revision No. 1—Rate Schedule MUN–1 incorporated in FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company as allowed to become effective, subject to refund, by Commission order dated September 12, 1974 in FPC Docket No. E–8851.

Copies of the filing were served upon the City of Sylacauga and its attorneys of record in FPC Docket No. E–8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6124 Filed 3–7–75;8:45 am]

[Docket No. RP74–4]

CITIES SERVICE GAS CO.

Postponement of Hearing and Scheduling of Prehearing Conference

MARCH 3, 1975.

On February 25, 1975, Cities Service Gas Company filed a motion to modify procedural dates fixed by order issued January 23, 1975, as most recently modified by notice issued January 28, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing conference	Apr. 8, 1975.
Hearing	May 6, 1975 (10 am. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6125 Filed 3–7–75;8:45 am]

[Docket No. CP74–227; Docket Nos. CP73–135, CP74–212]

DISTRIGAS CORP.

Withdrawal and Rescheduling Hearing Date

FEBRUARY 28, 1975.

On January 14, 1975, Distrigas Corporation and Distrigas of Massachusetts Corporation jointly filed a withdrawal of their application for temporary certificates filed March 4, 1974, and a request for rescheduling of the hearing in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application for temporary certificates relating to future sales became effective February 13, 1975. The issues related to past sales in the above matter are rescheduled for hearing on March 11, 1975, at 10 a.m. (e.d.t.). The direct case of the applicants and all intervenors in support thereof shall be filed on or before March 6, 1975.

The Presiding Administrative Law Judge shall upon the completion of cross-examination of the direct case, fix dates for the filing of answering testimony.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6126 Filed 3–7–75;8:45 am]

[Docket No. E–9285]

GULF STATES UTILITIES CO.

Filing of Agreement

MARCH 4, 1975.

Take notice that Gulf States Utilities Company (GSUC), tendered for filing on February 24, 1975, an agreement for Wholesale Electric Service with the City of Newton, Texas, FPC schedule No. 85, made on November 15, 1974 to begin on February 1, 1975. GSUC states that the

contract is for a three year period to continue thereafter on a year to year basis. GSUC states that the rate schedule included in this agreement are the schedules currently being considered in FPC Docket No. E–8121 and thus are subject to change as a result of that proceeding. GSUC states that the rate schedules incontains the same language as the agreement with Kirbyville Light and Power Company (FPC Schedule 110 according to GSUC) which GSUC states was accepted for filing by FPC's letter dated July 1, 1974 under Docket No. E–8817.

GSUC requests that the present agreement dated December 19, 1963, be cancelled concurrently with the acceptance of the new agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6127 Filed 3–7–75;8:45 am]

[Docket No. RP73–91; PGA 75–2]

McCULLOCH INTERSTATE GAS CORP.

Filing of Tariff Sheets

MARCH 3, 1975.

Take notice that on February 18, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing Fourth Revised Sheet No. 32 to its FPC Gas Tariff, First Revised Volume No. 1. McCulloch states that this sheet provides for a purchased gas adjustment (PGA) increase of 27.55¢/Mcf to be effective April 1, 1975, and that this increase is necessary to recover the balance in McCulloch's unrecovered purchased gas cost account as of December 31, 1973, and to provide for a current gas cost adjustment to permit McCulloch to recover the higher cost of gas purchase.

According to McCulloch, the unusual size of this increase is due: (1) to the prospective increase in the price for both "old" and "new" gas pursuant to Opinion No. 699–H issued December 5, 1974; and (2) to the recovery through a special surcharge of the one-time retroactive effect of the Opinion No. 699 increase for the period June 21, 1974 through December 31, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6129 Filed 3–7–75;8:45 am]

[Docket No. CP75–236]

MOUNTAIN FUEL SUPPLY CO.

Application

MARCH 4, 1975.

Take notice that on February 14, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75–236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that CIG has a supply of gas which is available, or which may become available, from acreage which CIG controls in the Spearhead Ranch Area, Converse County, Wyoming. Applicant proposes pursuant to the terms of a gas purchase and exchange agreement with CIG dated January 15, to transport average volumes of 2,000 Mcf of gas per day to be delivered by CIG into Applicant's Spearhead Ranch gathering system in Converse County. The application indicates that Applicant will transport volumes of gas so delivered by means of its 10-inch line to a point of interconnection with the facilities of McCulloch Gas Transmission Company (McCulloch) located in Converse County. Applicant states that McCulloch will thereafter transport and deliver the gas by means of its 16-inch transmission line to an existing point of interconnection with CIG's 16-inch Powder River lateral, also located within Converse County. Applicant indicates that under its January 15, 1975, agreement with CIG Applicant has a continuing option to purchase 25 percent of the gas tendered by CIG and such gas will be redelivered to Applicant at an existing delivery point between CIG and Applicant near Green River, Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.75–6130 Filed 3–7–75;8:45 am]

[Docket Nos. CI72–530, CI72–578]

MOBIL OIL CORP.

Petition To Amend

MARCH 3, 1975.

Take notice that on February 18, 1975, Mobil Oil Corporation (Petitioner), 800 Three Greenway Plaza East, Houston, Texas 77046, filed in Docket Nos. CI72–530 and CI72–578 petitions to amend the order issued August 4, 1972 (48 FPC 252) in the subject dockets pursuant to section 7 of the Natural Gas Act to reflect reserve determination agreements between Petitioner and Texas Eastern Transmission Corporation (Texas Eastern) relating to the sale and exchange of gas produced from the East Cameron Block 257, 270, 286 and 287 Fields, offshore Louisiana, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

By order issued August 4, 1972, the Commission authorized the sale of a portion of the natural gas underlying Blocks 257, 270, 286 and 287 produced by Petitioner to Texas Eastern and the transportation and exchange by Texas Eastern

of Petitioner's reserved volumes.[1] The petitions state that by agreements dated December 17, 1974, Petitioner and Texas Eastern amended their gas purchase contracts, related to the sale of gas from the above described blocks, dated February 18, 1972, as amended, which are on file as Petitioner's FPC Gas Rate Schedule Nos. 486 and 487 for the sales authorized in Docket No. CI72-578 and Docket No. CI72-530, respectively, pursuant to the reserve redetermination provisions of said contracts. Petitioner states that by reason of this reserve determination the quantities of gas reserves attributable to Petitioner that are sold under its FPC Gas Rate Schedule Nos. 486 and 487 are 60 percent and 40 percent respectively, effective January 1, 1975. Petitioner requests that the Commission accept its filing of the December 17, 1974, agreements as Supplement No. 5 to Petitioner's FPC Gas Rate Schedule No. 486 and Supplement No. 4 to its FPC Gas Rate Schedule No. 487 and amend the order issuing the certificates of public convenience and necessity in the instant dockets.

Any person desiring to be heard or to make an protest with reference to said petitions should on or before March 13, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6131 Filed 3-7-75;8:45 am]

[Docket Nos. RP73-36, etc.]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

MARCH 4, 1975.

Take notice that on February 14, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Substitute Alternate Twelfth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1. The proposed effective date is February 1, 1975, for one day only.

The company states that, in accordance with Paragraph (B) of the Commission's order issued January 31, 1975 in the above referenced dockets, this filing revises Panhandle's filing of December 13, 1974 to reflect (1) increased producer purchased gas costs other than those increased producer purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H; (2) the advance payments in the filing other than those listed in Appendix A of the Commission's January 31, 1975 Order; and (3) the impact of increased costs made effective by Trunkline as of February 1, 1975, pursuant to the Commission's Order issued January 31, 1975.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6132 Filed 3-7-75;8:45 am]

[Docket No. CI70-1014]

PRODUCTION OPERATORS, INC.

Petition Requesting Disclaimer of Jurisdiction, Vacation of Certificate of Public Convenience and Necessity, and Cancellation of Rate Schedule

MARCH 3, 1975.

Take notice that on February 11, 1975, Production Operators, Inc. (Petitioner), P.O. Box 36528, Houston, Texas 77036, filed in Docket No. CI70-1014 a petition requesting that the Commission vacate Petitioner's certificate of public convenience and necessity issued in Docket No. CI70-1014 by finding Petitioner is engaged in exempt activities within the contemplation of section 1(b) of the Natural Gas Act and cancel Petitioner's FPC gas rate schedule as erroneously accepted, all as more fully set forth in the petition in this proceeding which is on file with the Commission and open to public inspection.

Petitioner states that on April 10, 1970, Mississippi River Transmission Corporation (MRT) sold Petitioner certain field compression units and that Petitioner agreed to perform certain compression and gathering operations in the Woodlawn Field and to deliver gas into MRT's West Supply Line. The petition indicates that gas produced in the Woodlawn Field is delivered with the aid of compression units through a network of small-diameter, low pressure lines to MRT's West Supply Line which transports the gas to the San Jacinto Gas Processing Corporation's Woodlawn Plant where natural gas liquids are removed and pipeline quality gas is delivered into the MRT mainline transmission facilities. Petitioner alleges that the performance of its field compression and gathering service is necessary for and incidental to the production and delivery of natural gas from the Woodlawn Field and that Petitioner makes no sale of natural gas.

The petition indicates that on May 13, 1970, MRT filed in Docket No. CP70-274 an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon its field compressor units by sale to Petitioner. The petition alleges that acting on information that it too was required to apply to the Commission, Petitioner concurrently filed in Docket No. CI70-1014 an application for a certificate of public convenience and necessity authorizing its compression, gathering and delivery activities.

Petitioner states that on August 10, 1970, the Commission issued orders in Docket Nos. CP70-274 and CI70-1014 granting permission and approval to MRT to abandon and issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Petitioner and accepting Petitioners' rate schedule for filing. Petitioner alleges that with respect to the order issued in the instant docket the Commission did not find that Petitioner was involved in either the transportation or sale of gas in interstate commerce, but that, "Applicant, Production Operators, Inc., will be engaged in the compression, gathering, and delivery of natural gas in interstate commerce subject to the jurisdiction of the Commission and, therefore, will be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service authorized herein. Petitioner contends that none of the cited activities, compression, gathering and delivery, are subject to the jurisdiction of the Commission and that the Commission incorrectly found Petitioner to be a "natural-gas company."

The petition recites various articulations of the concept of gathering and concludes that,

(1) Inasmuch as all of Petitioner's activities take place behind the central point in the field at which gas is delivered to a single line for transportation by MRT to the processing plant that under the "central point" test, Petitioner provides a non-jurisdictional gathering and compression service;

(2) The primary function of Petitioner's compression and gathering activities is to provide services incidental to the production of natural gas and therefore these operations involve only those "physical activities, facilities, and properties used in the production and gathering of

[1] Texas Eastern and Petitioner entered into three interrelated agreements dated February 18, 1972. One of these agreements is a long-term gas purchase contract under which Petitioner has dedicated to Texas Eastern the production from 50 percent of its undivided interest in Blocks 257, 270 and 286, and 287 Fields down to specified depths for 20 years. The second agreement provides for the transportation of Petitioner's gas onshore and the delivery of equal quantities to Petitioner in Jefferson County, Texas. The third agreement provides for a limited-term sale by Petitioner to Texas Eastern, subject to pregranted abandonment authorization, of the volumes of Petitioner's uncommitted gas which Petitioner has for sale, but not less than 98 percent during calendar year 1972, 70 percent during 1973, 50 percent during 1974, and 20 percent during 1975.

natural gas" [1] and are outside the regulatory authority of the Commission; and

(3) The operations of Petitioner are covered by the production and gathering exemption in section 1(b) of the Natural Gas Act because the facilities which Petitioner operates are located behind a processing plant.

Petitioner submits that its operations have been and are within the "production and gathering" exemption contained in section 1(b) of the Natural Gas Act and requests that the Commission issue an order disclaiming jurisdiction over Petitioner's compression and gathering operations in the Woodlawn Field. Petitioner further requests that such order vacate its certificate of public convenience and necessity issued in Docket No. C170–1014 and cancel Petitioner's FPO Gas Rate Schedule No. 1.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 18, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–6133 Filed 3–7–75;8:45 am]

[Docket No. CS74–294]

REGINALD F. HYER

Petition To Amend and for Waiver of Regulations

MARCH 4, 1975.

Take notice that on February 13, 1975, Reginald F. Hyer (Petitioner), P.O. Box 1830, Big Spring, Texas 79720, filed in Docket No. CS74–294 a petition for waiver in part of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale under his small producer certificate of natural gas from reserves acquired in place from a large producer, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On August 8, 1974, Petitioner filed a supplement to his application, filed March 22, 1974, for a small producer certificate pursuant to section 7(c) of the Natural Gas Act. By that supplement Petitioner requests authorization to sell gas under his small producer certificate from reserves in the Fowler Gas Unit No. 3, Simsboro Field, Lincoln Parish, Louisiana, which were purchased in place from Skelly Oil Company, a large producer. A temporary small producer certificate was issued to Petitioner on September 20, 1974, without waiver of § 157.40(c) applicable to the subject reserves.

Paragraph (c) of § 157.40 provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner seeks waiver of said proscription and amendment of the September 20, 1974, order so that he might sell gas to Arkansas Louisiana Gas Company from the Fowler Gas Unit No. 3 under his small producer certificate. Petitioner also expresses his willingness to accept a condition to such authorization limiting the price of gas sales from said reserves to the applicable area ceiling rate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 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). 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.75–6128 Filed 3–7–75;8:45 am]

[Docket No. RP73–89 (PGA75–2)]

SEA ROBIN PIPELINE CO.

Change in Rates

MARCH 3, 1975.

Take notice that on February 21, 1975, Sea Robin Pipeline Company (Sea Robin) tendered for filing copies of Fifth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. Sea Robin states that its filing is made pursuant to FPC Opinion No. 699–H at Docket No. R–389–B, issued December 4, 1974, in which the Commission authorized pipeline companies to make a one-time special PGA filing on or before March 3, 1975 to track increases in purchased gas costs attributable to producer rate increases under Opinion No. 699–H. The company states that no other costs have been included in its filing. Sea Robin requests an effective date of March 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 14, 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.75–6134 Filed 3–7–75;8:45 am]

[Docket No. RP72–156]

TEXAS GAS TRANSMISSION CORP.

Special One-Time PGA Filing To Track Gas Cost Increases

MARCH 3, 1975.

Take notice that on February 18, 1975, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Sixth Substitute Tenth Revised Sheet No. 7.

Texas Gas states the purpose of this filing is to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion No. 699–H at Docket No. R389–B, to track increases in purchase gas costs attributable to the national rate.

The proposed effective date of the above tariff sheet is March 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protest 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.75–6135 Filed 3–7–75;8:45 am]

[Dockets No. E–8621, E–8023, E–7904, E–8004, E–8688, E–8689, E–8767, E–8779, E–7907, E–8019, E–8620, E–7905]

ARIZONA PUBLIC SERVICE CO.

Late Petition To Intervene

MARCH 4, 1975.

On August 23, 1974, Tucson Gas & Electric Company (Tucson) filed a petition to intervene out of time in the above-captioned proceeding. Notice of the filing in this docket was issued on February 27, 1974, with protests and petitions to intervene due on or before March 5, 1974.

In support of its petition, Tucson states that it is a purchaser of transmission capacity pursuant to APS Rate Schedule No. 32, one of the rate sched-

[1] "Phillips Petroleum Co. v. Wisconsin," 347 U.S. 672, 678 (1954).

ules which is subject to the investigation initiated by the Commission's order of July 15, 1974; that it did not become aware that issues potentially vital to its interest had been raised until after the issuance of the July 15, 1974 order; and that since Tucson does not request any change or deferral of the established procedural schedule set forth above, Tucson's participation herein will cause no delay in any procedural schedule.

The Commission finds. Participation by Tucson Gas in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders. (A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6094 Filed 3-7-75;8:45 am]

[Docket No. RI74-259]

AZTEC GAS SYSTEMS, INC.

Granting Petition for Special Relief

FEBRUARY 24, 1975.

In an order issued October 8, 1974, Aztec Gas Systems, Inc.'s (Aztec) petition for special relief was granted but was unduly restricted. In actuality, Aztec sought relief for two wells (Shannon "P" No. 1 and "T" No. 1) pursuant to a June 20, 1974 amendment to a June 7, 1954 base contract and for a third well (Shannon Estate) pursuant to a May 29, 1974 amendment to a June 11, 1971 base contract. Aztec did not file its May 29, 1974 amendment until November 21, 1974, after the order granting relief was issued. On February 5, 1975, Aztec filed the June 11, 1971 base contract.

Pursuant to section 16 of the Natural Gas Act, the Commission herewith amends its order issued October 8, 1974, granting the June 13, 1974 petition for special relief filed by Aztec.

The Commission finds. (1) Good cause exists to amend the order of October 8, 1974, in Docket No. RI74-259, as hereinafter ordered.

(2) Good cause exists to waive the requirements of § 157.40(e) of the Commission's regulations.

The Commission orders. The order of October 8, 1974, in Docket No. RI74-259 is hereby amended by deleting the ordering paragraph in its entirety and substituting in lieu thereof the following:

(A) Aztec's petition for special relief filed June 13, 1974 is hereby granted. Aztec is allowed to collect 35 cents per Mcf at 14.65 psia for all gas to be sold from the Shannon "P" No. 1, Shannon "T" No. 1, and Shannon Estate wells all located in the N. E. Todd Field, Crockett County, Texas, pursuant to the aforementioned June 20, 1974, and May 29, 1974 contract amendments with El Paso Natural Gas Company. Said rate is to be effective as of October 8, 1974.

(B) Aztec is granted waiver in part of § 157.40(e) of the Commission's regulations under the Natural Gas Act permitting this sale of natural gas under its small producer certificate.

(C) The aforementioned June 20, 1974, and May 29, 1974 contract amendments are to be filed with Aztec's Small Producer Certificate in Docket No. CS70-20.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6095 Filed 3-7-75;8:45 am]

[Docket No. CP75-231]

COLORADO INTERSTATE GAS CO.

Application

MARCH 4, 1975.

Take notice that on February 11, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery on an exchange basis of natural gas to Mountain Fuel Supply Company (Mountain Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a Gas Purchase and Exchange Agreement dated January 2, 1975, Applicant proposes to deliver approximately 3,400 Mcf (at 14.65 psia) of gas per day from the Hiawatha Field in Wyoming to Mountain Fuel at an existing 3-inch line tap on Mountain Fuel's 20-inch pipeline located in Moffat County, Colorado. The application indicates that Mountain Fuel may purchase up to 25 percent of the volumes received at Applicant's purchase cost (65.5 cents per Mcf subject to Btu adjustment) plus 2 cents per Mcf to reflect Applicant's gathering, compression and dehydration costs. Applicant states that the balance of the gas will be delivered to Applicant on a thermal basis from Mountain Fuel's Spearhead Ranch and Antelope area supplies which are connected to Applicant's transmission system. The application indicates that the parties will attempt to balance the exchange gas monthly, with imbalances carried forward and adjusted insofar as practicable the following month. Applicant points out that if gas available from the Spearhead Ranch and Antelope areas of Wyoming is insufficient to meet the volumes due Applicant, additional volumes will be made available at additional delivery points.

To effect the exchange, Applicant states that it intends to construct approximately 3 miles of 4-inch pipeline and appurtenant facilities under the budget type certification requested in Docket No. CP75-204.[1]

Applicant states that it proposes the subject exchange because the gas available to Applicant in the Hiawatha Field is proximate to Mountain Fuel's system and relatively distant from Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 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.75-6096 Filed 3-7-75;8:45 am]

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[1] Notice of the application in Docket No. CP75-204 was published in the FEDERAL REGISTER on January 29, 1975 (40 FR 4343).

[Docket No. CP74-286]

NATURAL GAS PIPELINE CO. OF AMERICA

Hearing and Granting Interventions and Granting Temporary Certificate

FEBRUARY 24, 1975.

On March 13, 1974, Natural Gas Pipeline Company of America (Natural) filed with the Commission an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act requesting authorization to develop and operate an underground storage field in the Rodessa-Young reservoir in the North Lansing Field in Harrison County, Texas. The storage project is proposed as a means of ameliorating winter heating season curtailments of Natural's customers who are served by Natural's Gulf Coast Line. Natural asserts that because of declining gas supplies currently available to it through its Gulf Coast Line it will require storage gas from the North Lansing Field to meet emergency shortages during the 1975–76 heating season and beyond.

Essentially, Natural proposes to construct and operate lines connecting the field with its transmission line, to construct field and gathering lines and to connect the first 19 of the proposed 52 injection-withdrawal and observation wells. In addition, compression and measurement facilities are proposed.

Natural proposes to spread the development of the storage field over a period of 7 years. Initial inventory after injections scheduled for the spring and summer of 1975 will be 25,594 Bcf of which 23,094 Bcf will be cushion gas and 2.5 Bcf working gas. At full development, the commensurate figures are expected to be 132.5 Bcf total with 75 Bcf as cushion gas and 57.5 Bcf as working gas.

The costs, financing, and operating expenses are included in the application and enumerated fully therein. The gas supply for this storage field will primarily be drawn from fields connected to Natural's Gulf Coast system. Natural does not anticipate additional curtailments for the injection of the necessary gas requirements for this project and indicates that its supply after initial injection allocations will be sufficient to allow deliveries to its customers at the same level during the first year of operation. Natural estimates that future supply additions will be sufficient for operation of the field in subsequent years. The project is designed to serve as an emergency source of supply to meet existing winter peak needs which Natural's historical sources of supply can no longer meet.

On June 13, 1974, June 21, 1974, and June 24, 1974, intervention petitions were filed herein by Illinois Power Company (Illinois Power), Mississippi River Transmission Corporation (MRT), and Arkansas Louisiana Gas Company (Arkla), respectively. Illinois Power and MRT allege sufficient interest in the proceedings because of their status as customers of Natural who may be affected by the disposition of the instant application. Arkla's interest rests on their allegation that certain quantities of gas are currently being sold to them by Natural from the North Lansing field and that development of that field will result in termination of the sale. However, as part of Natural's overall proposal, it will continue to serve Arkla with certain volumes from its transmission system supply to compensate for the termination of the field sale. As a result, Arkla has demonstrated sufficient interest in the proceeding to warrant a grant of intervention. On January 27, 1975, Natural filed in this docket a Motion to Expedite Decision of the Commission, or, in the alternative, an application for a Temporary Certificate. Its request for a temporary certificate of public convenience and necessity is predicated on Natural's assertion that to make the North Lansing Field operational for the 1975–76 heating season, it must commence preparations for injections this coming summer. Otherwise, according to Natural, it will experience extensive service interruptions next winter. Based on the allegations presented in their request for temporary certification, the Commission is of the opinion that an emergency exists on Natural's system, within the purview of Section 7 of the Natural Gas Act, which warrants the issuance of a temporary certificate for construction of the facilities only. However, the issuance of this certification is not to be construed as a predisposition on the merits of the permanent application nor should it prejudice in any manner the ultimate disposition of the permanent application.

The Commission finds. (1) Good cause exists to set for hearing and disposition the matters involved in the proceedings in Docket No. CP74-286.

(2) Good cause exists to grant the interventions previously cited since the participation of those intervenors may be in the public interest.

(3) An emergency exists on Northern's system to an extent sufficient to justify the issuance of a temporary certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter I], a public hearing shall be held commencing April 1, 1975 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426 concerning the propriety of issuing a permanent certificate of public convenience and necessity for the project proposed herein.

(B) On or before March 11, 1975, Natural and all supporting intervenors shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Pursuant to section 7(c) of the Natural Gas Act and based upon the Commission's finding that an emergency exists on Natural's system by virtue of winter heating season gas supply deficiencies, a temporary certificate is hereby issued for the construction of facilities only and is to be so issued without prejudice to such ultimate disposition of the application for certificate as the record compiled herein may require.

(E) The petitioners hereinabove set forth are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, Provided, further, that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6097 Filed 3-7-75;8:45 am]

[Docket No. RP72-127, and R & D 75-1]

NORTHERN NATURAL GAS CO.

Extension of Procedural Dates

MARCH 4, 1975.

On February 27, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 26, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony	May 6, 1975.
Service of intervenor's testimony.	May 27, 1975.
Service of company rebuttal	June 17, 1975.
Hearing	July 1, 1975. (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6098 Filed 3-7-75;8:45 am]

[Docket No. RP73-36, PGA75-3]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

MARCH 4, 1975.

Take notice that on February 27, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Thirteenth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1. An effective date of April 1, 1975 is proposed.

The company states that, in accordance with paragraph (D) of the Commission's Opinion No. 699-H issued December 4, 1974, this filing reflects all increases in purchase gas costs attributable to the national rate which are in

effect pursuant to filings made by natural gas producers on or before January 31, 1975 under § 2.56a(j) of the Commission's rules of practice and procedure. No other increases in purchase gas costs are included in the filing.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6099 Filed 3-7-75;8:45 am]

[Docket No. RP75-66]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Petition for Relief

MARCH 4, 1975.

Take notice that on January 29, 1975, Mr. Grady Allen, El Campo, Texas 77437, filed in Docket No. RP75-66 a petition for relief from the cessation of deliveries of natural gas needed to provide fuel to power the irrigation systems of certain rice farmers in South Texas.

In order to power two 225 HP engines Mr. Allen states that he uses approximately 100 Mcf per day of gas from April to September and from 5,000 to 6,000 Mcf per year. Mr. Allen submits a memorandum written to the Texas Railroad Commission by a hearing examiner, which memorandum states that according to Mr. Clinton Fawcett, vice-president of Lo-Vaca Gathering Company (Lo-Vaca), Mr. Allen purchased gas from South Texas Natural Gas Company (South Texas) beginning in 1965 and that Lo-Vaca did the billing. The memorandum further states that the subject gas was transported by Transcontinental Gas Pipe Line Corporation (Transco), since Transco's line is closest to Mr. Allen's facilities. The memorandum states, as justification for the cessation of deliveries to Mr. Allen that Mr. Allen's contract terminated on December 31, 1974, and was not renewed because South Texas' surplus gas, which was used to supply Mr. Allen, was dedicated to Transco. The memorandum states that the surplus gas dried up in 1973, but that for the year 1974, Mr. Allen was able to receive gas because South Texas had 18,000 Mcf due from Transco.

Mr. Allen states that, if the rice farmers do not receive the needed gas, 400 acres of rice per year will be put out of production. He is filing the petition in the instant docket so as to comply with any provisions of the Commission's Rules necessary to obtain gas for the rice production. Mr. Allen further states that he cannot obtain butane to power his engines and cannot use diesel or electricity to power his present engines.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 17, 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.75-6100 Filed 3-7-75;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Report of Refunds

MARCH 4, 1975.

Take notice that on February 18, 1975 Southwest Gas Corporation (Southwest) tendered for filing its report of payment of refunds pursuant to Article I of the settlement agreement accepted by the Commission on December 31, 1974. Southwest states that the refunds cover the period ending February 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6101 Filed 3-7-75;8:45 am]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK CORP.

Order Approving Acquisition of Bank

Associated Bank Corporation, Iowa City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Community State Bank of Clear Lake, Clear Lake, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 8th largest multi-bank holding company in Iowa, controls 5 banks with aggregate deposits of approximately $74 million, representing less than 1 percent of total commercial bank deposits in Iowa.[1] Acquisition of Bank ($11.5 million in deposits) would have no appreciable effect upon the concentration of banking resources in Iowa.

Bank is the 4th largest banking organization in the Mason City banking market and controls 5.9 percent of total market deposits.[2] Applicant's closest subsidiary bank is located in another banking market 90 miles west-northwest of Bank's office in Ventura. No significant competition exists between Bank and any of Applicant's subsidiaries, and it is unlikely that any will develop in the future due, in part, to the distances involved. Prospects for de novo entry into the relevant banking market do not appear favorable. Accordingly, on the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval. Affiliation with Applicant should enable Bank to expand and improve banking services presently being offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

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[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through January 31, 1975.

[2] The Mason City banking market is approximated by Cerro Gordo County and the towns of Sheffield, Nora Springs, and Manly.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2]

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

[FR Doc.75-6142 Filed 3-7-75;8:45 am]

COUNTRY AGENCIES & INVESTMENTS, INC.

Acquisition of Bank

Country Agencies & Investments, Inc., Odessa, Missouri, has applied for the Board's approval in two separate applications under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 26.5 percent of the voting shares of La Monte Community Bank, La Monte, Missouri, which would result in the ownership by Applicant of a total of 50.15 percent of such voting shares; and to acquire an additional 25.33 percent of the voting shares of Bank of Odessa, Odessa, Missouri, which would result in the ownership by Applicant of 50.23 percent of such voting shares. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 21, 1975.

Board of Governors of the Federal Reserve System, February 27, 1975.

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

[FR Doc.75-6143 Filed 3-7-75;8:45 am]

FOREST PARK NATIONAL CORP.

Formation of Bank Holding Company

Forest Park National Corporation, Forest Park, Illinois, 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)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Forest Park National Bank, Forest Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 1, 1975.

Board of Governors of the Federal Reserve System, February 27, 1975.

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

[FR Doc. 75-6144 Filed 3-7-75; 8:45 am]

GREENE BANCORP.

Order Approving Formation of Bank Holding Company

Greene Bancorporation, Greene, Iowa, 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 86 percent of the voting shares of First State Bank, Greene, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company recently organized for the purpose of becoming a bank holding company with respect to Bank. Bank (deposits of $9 million)[1] is the third largest of eight banks in Butler County, Iowa, and controls 15.9 percent of commercial bank deposits in the county. Upon acquisition of Bank, Applicant would control approximately 0.09 percent of the deposits of commercial banks in the State. Two principals of Bank also have interests in Allison Corporation, Hampton, Iowa, a one-bank-holding company, which owns 80 percent of the stock of State Bank of Allison, Allison, Iowa, with deposits of $9.7 million. Since this proposal contemplates only the acquisition of Bank, and the transfer of the ownership of Bank to a corporation controlled by Bank's present shareholders, it appears that consummation of the transaction would eliminate neither existing nor potential competition, nor would it increase the concentration of banking resources in any relevant area. Therefore, it is concluded that competitive considerations are consistent with the approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon these same factors in Bank and are regarded as generally satisfactory and consistent with approval of the application. Principals of Applicant have recently installed a night depository and security system in response to local business customers' needs. Applicant has proposed no other major changes, but does plan to further computerize some of Bank's accounts. Considerations relating to the convenience and needs of the community to be served are, therefore, consistent with approval of the application. It has been determined that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective February 27, 1975.

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

[FR Doc.75-6145 Filed 3-7-75;8:45 am]

NATIONAL CITY CORP.

Order Approving Acquisition of Bank

National City Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 82 percent or more of the voting shares of Third National Bank of Sandusky, Sandusky, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments receive in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Ohio, controls one bank with aggregate deposits of approximately $1.4 billion, representing about 5 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among other banking organizations in Ohio.

Bank holds deposits of approximately $48 million, representing slightly less than 21 percent of total deposits in the Sandusky banking market, and thereby ranks as the third largest bank operating in that market.[2] Bank operates a total of three offices.[3] The office of Applicant's subsidiary bank closest to an office

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich and Coldwell.
effective February 26, 1975.

[1] All banking data are as of June 30, 1974.

[1] All deposit data are as of June 30, 1974, and reflect holding company formations and acquisitions approved by the Board through January 31, 1975.

of Bank is located 49 miles away in Cuyahoga County. No meaningful competition presently exists between Applicant's banking subsidiary and Bank, nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Ohio's restrictive branching laws. Furthermore, it appears unlikely that Applicant would enter the market de novo in view of the fact that the market's population per banking office ratio is below that of the State. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its present subsidiary bank and Bank are satisfactory. Although Applicant will incur debt of approximately $4.5 million through the acquisition of Bank, it appears that Applicant will be able to service this debt through the strong earnings of its subsidiary bank. Moreover, it is noted that Applicant's subsidiary bank appears to have adequate capital and therefore the proposal herein does not involve an inappropriate expansion by a holding company that should more appropriately be directing its financial resources towards strengthening its subsidiary bank(s). Accordingly, the banking factors are consistent with approval of the application. Although Applicant does not propose to make any immediate changes in the services offered by Bank, the considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[4] effective February 28, 1975.

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

[FR Doc.75-6146 Filed 3-7-75;8:45 am]

[2] The Sandusky banking market is approximated by Erie County, Ohio, excepting therefrom the City of Vermilion.

[3] Bank has received approval to open an additional branch office in Sandusky County.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Coldwell. Absent and not voting: Governors Bucher and Wallich.

TOPEKA BANK SHARES, INC.

Order Approving Formation of Bank Holding Company

Topeka Bank Shares, Inc., Topeka, Kansas, 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 80 percent or more of the voting shares of Topeka State Bank and Trust Company, Topeka, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank ($18.9 million in deposits)[1] controls approximately 3.7 percent of the total deposits held by commercial banks in the Topeka banking market, approximated by Shawnee County, and ranks as eighth largest of the 15 banks in the market. Upon acquisition of Bank, Applicant would control approximately 0.3 of one percent of total commercial bank deposits in the State. Since the Applicant has no present subsidiaries and the purpose of the proposed transaction is essentially a reorganization to effect a transfer of 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 potential competition in the relevant area. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank. The financial and managerial resources and future prospects of Bank are regarded as generally satisfactory and, based upon Bank's past earnings, the projected dividends from Bank appear sufficient to provide the necessary funds for retirement of the debt that Applicant would incur as a result of this proposal without adverse effect on Bank's capital position. Considerations relating to the banking factors are consistant 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 made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 26, 1975.

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

[FR Doc.75-6147 Filed 3-7-75;8:45 am]

[1] Banking data are as of June 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich and Coldwell.

WINNER BANSHARES, INC.

Formation of Bank Holding Company

Winner Banshares, Inc., Winner, South Dakota, 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)) to become a bank holding company through acquisition of an additional 94.4 percent or more of the voting shares of Farmers State Bank, Winner, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 31, 1975.

Board of Governors of the Federal Reserve System, February 26, 1975.

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

[FR Doc.75-6148 Filed 3-7-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 4, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received, the name of the agency sponsoring the proposed collection of information, the agency form number, and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 28, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtanied from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of an extension without change of Annual Report Form F-2 (formerly F-b), required to be filed by 29 Class B freight forwarders, pursuant to section 412 of the Interstate Commerce Act. Data are used for economic regulatory purposes. No change has been made in the data requirements. Reporting burden for respondents is estimated to average 6 hours per report. Reports are mandatory and available for use of the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-6157 Filed 3-7-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BUCHANAN COUNTY COAL CORP.

Applications for Renewal Permits

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:

(1) ICP Docket No. 4373-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 7, Mine ID No. 44 03471 0, Big Rock, Virginia, ICP Permit No. 4373-002-R-1 (Mescher HD-12 Tractor, I.D. No. D-1).

(2) ICP Docket No. 4374-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 8, Mine ID No. 44 01743 0, Big Rock, Virginia, ICP Permit No. 4374-002-R-1 (Mescher HD-12 Tractor, I.D. No. L4-1).

(3) ICP Docket No. 4375-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 9A and 9C, Mine ID No. 44 00403 0, Big Rock, Virginia, ICP Permit No. 4375-003-R-1 (Mescher HD-12 Tractor, I.D. No. B7-2), ICP Permit No. 4375-005-R-1 (Paul's Roof Bolt Machine, I.D. No. B7-1), ICP Permit No. 4375-008-R-1 (Mescher HD-12 Tractor, I.D. No. B7-6), ICP Permit No. 4375-009-R-1 (Mescher HD-12 Tractor, I.D. No. B7-5).

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 March 25, 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.

MARCH 3, 1975.

[FR Doc.75-6088 Filed 3-7-75;8:45 am]

LONG BRANCH COAL CO.

Applications for Renewal Permits

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:

(1) ICP Docket No. 4079-000, LONG BRANCH COAL COMPANY, Mine No. 2, Mine ID No. 15 02805 0, Partridge, Kentucky, ICP Permit No. 4079-003-R-1 (Davis Wagon Coal Drill, I.D. No. 2).

(2) ICP Docket No. 4307-000, DARBY B COAL COMPANY, Mine No. 6, Mine ID No. 15 02794 0, Cumberland, Kentucky, ICP Permit No. 4307-001-R-1 (S&S 90 Battery Tractor Motor, I.D. No. 04), ICP Permit No. 4307-002-R-1 (Kersey 445 Battery Tractor Motor, I.D. No. 05), ICP Permit No. 4307-003-R-1 (Owens Coal Wagon Drill, I.D. No. 01), ICP Permit No. 4307-004-R-1 (Owens Coal Wagon Drill, I.D. No 02).

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 March 25, 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.

MARCH 4, 1975.

[FR Doc.75-6090 Filed 3-7-75;8:45 am]

M & C COAL CO., INC.

Applications for Renewal Permits

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:

(1) ICP Docket No. 4061-000, M & C COAL COMPANY, INC., Mine No. 1, Mine ID No. 46 01973 0, Northfork, West Virginia, ICP Permit No. 4061-001-R-2 (Kersey 944 Rubber Tired Tractor, Ser. No. 100).

(2) ICP Docket No. 4335-000, SHERMAN COAL COMPANY, Mine No. 2, MINE ID No. 46 01721 0, Iaeger, West Virginia 24844, ICP Permit No. 4335-003-R-1 (S&S 80 4-Wheel Battery Tractor, Ser. No. 427), ICP Permit No. 4335-004-R-1 (S&S 80 4-Wheel Tractor, Ser. No. 283).

(3) ICP Docket No. 4336-000, DEBBIE COAL COMPANY, Mine No. 4, Mine ID No. 46 01703 0, Iaeger, West Virginia, ICP Permit No. 4336-005-R-1 (Mescher 3-Wheel Battery Tractor, Ser. No. 3901).

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 March 25, 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.

MARCH 3, 1975.

[FR Doc.75-6089 Filed 3-7-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-40]

ELECTRONIC FLASH DEVICES

Termination of Investigation

On March 5, 1975, the Commission ordered the termination of investigation No. 337-40. This termination is based on the submissions of the parties to this investigation and on the existence of licensing agreements covering the patents in issue between Honeywell, Inc. and Metz Apparatewerke of the Federal Republic of Germany and between Honeywell, Inc. and Rollei Werke, Franke & Heidecke of the Federal Republic of Germany. Metz Apparatewerke and Rollei Werke are the foreign manufacturers of electronic flash devices imported by Ehrenreich Photo-Optical Industries, Inc. and Rollei of America, Inc., respectively.

By order of the Commission.

Issued: March 5, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-6163 Filed 3-7-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

PARTIALLY CLOSED MEETING

Amended Notice

MARCH 6, 1975.

The Tuesday afternoon session, March 18, 1975, of the regular NACOA meeting announced in the FEDERAL REGISTER on February 12, 1975, has been cancelled. The other sessions will be held as scheduled. The Monday, March 17 session will be held in room 6802 of the Commerce Department Building, 15th and Constitution Avenue NW., Washington, D.C. from 9 a.m. until 5 p.m. and is open to the public. The Tuesday morning session will be held in the Hoffman Building No. 2, conference room 8S11, 200 Stovall Street, Alexandria, Virginia, beginning at 9 a.m. and is closed to the public as previously announced in the original February 12 notice.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Room 5225, U.S. Department of Commerce Building, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-6242 Filed 3-7-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-18]

RANGER ELECTRONICS CORP.

Intent To Grant Exclusive Patent License

Notice is hereby given that consideration is being given to the grant to Ranger Electronics Corporation, Alva, Oklahoma, of an exclusive, revocable license to practice the invention described in U.S. Patent No. 3,781,562 for "Mossbauer Spectrometer Radiation Detector", issued on December 25, 1973, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will negotiate the final terms and conditions and grant the exclusive license unless within 30 days of this notice, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C., 20546, receives in writing any of the following, together with supporting documentation: (i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: March 5, 1975.

S. NEIL HOSENBALL,
Acting General Counsel.

[FR Doc.75-6122 Filed 3-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

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 ECCS will hold a meeting on March 25, 1975 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss safety research and confirmatory programs for emergency core cooling systems.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, MARCH 25, 1975, 9 A.M.-3:30 P.M.

Discussion with representatives of the NRC Staff, the Electric Power Research Institute, and the Edison Electric Institute to discuss safety research and confirmatory programs pertaining to ECCS.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussions of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with 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.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 18, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the 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 p.m. and 3 p.m. on the day of the meeting.

(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 March 24, 1975 to Thomas G. McCreless (telephone 202–634–1374) between 8:15 a.m. and 5 p.m. e.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) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 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.

(i) On requests, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after June 25, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

MARCH 4, 1975.

[FR Doc.75–6081 Filed 3–7–75;8:45 am]

[Docket Nos. 50–440, 50–441]

CLEVELAND ELECTRIC ILLUMINATING CO., ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Evidentiary Session Cancelled

By agreement of all parties, approved by the Board, the Evidentiary Session in the above-captioned proceeding scheduled to commence on March 13, 1975, in the Lake County Courthouse, Painesville, Ohio, is hereby canceled.

It will be rescheduled and notice thereof given at a later date.

Dated at Bethesda, Maryland, this 6th day of March 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75–6332 Filed 3–7–75;9:45 am]

[Docket No. P–531–A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

FEBRUARY 7, 1975.

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. 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 portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 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 and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102, Docket No. P–531–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 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Directorate of Licensing.

[FR Doc.75–1355 Filed 1–16–75;8:45 am]

[Docket Nos. 50–460 and 50–513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Availability of Final Environmental Statement for the WPPSS Nuclear Projects No. 1 and No. 4

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Division of Reactor Licensing, related to the proposed WPPSS Nuclear Projects No. 1 and No. 4 to be constructed by Washington Public Power Supply System in Benton County, Washington, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. The Final Environmental Statement is also being made available at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

The notice of availability of the Draft Environmental Statement for the WPPSS Nuclear Projects No. 1 and No. 4 and requests for comments from interested persons was published in the FEDERAL REGISTER on December 5, 1974 (39 FR 42410). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–75/012) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland this 5th day of March 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75–6234 Filed 3–7–75;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

REGIONAL SELECTION

Meetings

Pursuant to Pub. L. 92–463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellowships will be held in each of the eleven U.S. Civil Service regions beginning March 14, 1975. The date and place of each meeting is as follows:

Friday, March 14, 10 a.m.
Ideal Basic Industries
(Board Room)
821–17th Street
Denver, Colorado

Monday, March 17, 8:30 a.m.
Number Two Turtle Creek Village
Suite 1605
(Corner of Turtle Creek and Blackburn Streets)
Dallas, Texas

Monday, March 17, 9 a.m.
U.S. Civil Service Commission
John W. McCormack Post Office and Courthouse Building
Room 1036
Boston, Massachusetts

Monday, March 17, 8:30 a.m.
U.S. Civil Service Commission
Federal Building
450 Golden Gate Avenue
San Francisco, California

Monday, March 17, 8 a.m.
U.S. Civil Service Commission
Federal Office Building
915 2nd Avenue
Room 2590
Seattle, Washington

Tuesday, March 18, 8:30 a.m.
U.S. Civil Service Commission
Federal Building
450 Golden Gate Avenue
San Francisco, California

Tuesday, March 18, 8:30 a.m.
U.S. Civil Service Commission
William J. Green, Jr., Federal Building
Room 3400
600 Arch Street
Philadelphia, Pennsylvania

Thursday, March 20, 8:15 a.m.
Jewel Companies, Inc.
O'Hare Plaza
5725 East River Road
10th floor
Chicago, Illinois

Thursday, March 20, 9 a.m.
Hill & Knowlton, Inc.
1425 K Street, NW.
Suite 1000
Washington, D.C.

Thursday, March 20, 9 a.m.
McKinsey & Co., Inc.
245 Park Avenue
19th floor
New York, New York

Friday, March 21, 7:30 a.m.
Library of the Saint Louis Club
Pierre Laclede Building
14th floor
7701 Forsyth Boulevard
Clayton, Missouri

Saturday, March 22, 9 a.m.
Alston, Miller & Gaines
Citizens & Southern National Bank Building
35 Broad Street
Atlanta, Georgia

These selection meetings are part of the screening process of the White House Fellowships program. In these meetings, selected applicants to the program are interviewed by a panel of six to eight outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of section 552(b)(6) of Title 5 of the United States Code and that these meetings will be closed to the public.

BRUCE H. HASENKAMP,
Director.

[FR Doc.75-6136 Filed 3-7-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this fourth day of March 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Feb. 28, 1975

Name of applicant	Location of enterprise	Principal product or activity
Tempstat Corp.	Hinsdale, N.H.	Energy control devices for industrial use.
Restaurant Associates of West Virginia, Inc.	Clarksburg, W. Va.	Restaurant specializing in the sale of pizza and beef items.
Energy Development Corp.	Mingo County, W. Va.	Deep-mine coal production operation.
Mountain Development Corp.	Slaty Fork, W. Va.	Provide housing for snowshoe resort.
Scott Glass Products, Inc.	McMurray, Pa.	Manufacturing of rolled colored sheet glass.
Marvin B. & Mare' K. Enix	New Tazewell, Tenn.	Retail sale of furniture, appliances, service, and accessories.
Industrial Tape and Labor, Inc.	Easley, S.C.	Manufacturing and printing of labels.
Southeastern Chemical Corp.	Bishopville, S.C.	Manufacturing and sale of agricultural chemicals.
Smithfield Lumber Co., Inc.	Smithfield, N.C.	Timber for manufacturing of lumber and loan consolidation.
Walden Corp.	Booneville, Miss.	Manufacturing of truck bodies and trailers for the beverage industry.
Buford D. Tubbs, Jr.	Greenwood, Miss.	Sell new and used automobiles and trucks.
Hale's Restaurant	Grand Tower, Ill.	Restaurant with emphasis on family style meals.
Heisel Metallurgical, Inc.	Campbellsburg, Ind.	Parts produced by the powder metallurgy process.
Absorbent Clay Products, Inc.	Mounds, Ill.	Fuller's earth packaged as cat litter.
The Wm. Brooks Shoe Co.	Nelsonville, Ohio	Manufacturing of Men's and boys' welt and cement footwear, also women's cement footwear.
General Fiberglass Corp.	Giddings, Tex.	Fiberglass, livestock feeders, liquid and dry, pleasure and fishing boats and accessories.
L & T Steel Fabricators, Inc.	St. Helena, La.	Structural and miscellaneous steel fabrication.
Acorn Corp.	Sinton, Tex.	Trees and various landscaping plants.
SFI Inc.	Zachary, La.	Continuation of present industrial repair service.
Franklin Guest Home, Inc.	Winnsboro, La.	Providing 24-hr nursing care to the aged.
Delhi Guest Home, Inc.	Delhi, La.	Providing 24-hr nursing care to the aged.
Ravenna Cheese Co.	Ravenna, Neb.	Ravenna cheese stirred curd to colby, cheddar, or jack cheese.
Missouri Fruit Growers Exchange, Inc.	Campbell, Mo.	Cooling, storage, packing, and sale of fruit and vegetable products.
Central Park	Price, Utah	Mobile home park lot rentals.

[FR Doc. 75-6028 Filed 3-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 293 (Sub-No. 4)]

ACQUISITIONS OF RAIL PROPERTIES

Proposal by U.S. Railway Association In Preliminary System Plan

By initial notice in the FEDERAL REGISTER, Volume 40, Number 38—Tuesday, February 25, 1975, pages 8152 and 8153, the Interstate Commerce Commission gave public notice of the commencement of its considerations under section 206(d)(3) of the Regional Rail Reorganization Act of 1973. In that notice the Commission requested that all interested parties submit to it comments on the coordination projects and market extensions proposed by the United States Railway Association in its preliminary system plan, which was released on February 26, 1975.

Section 206(d)(3) of the Regional Rail Reorganization Act of 1973 requires that the Interstate Commerce Commission make the following determination: That each acquisition of rail properties by a profitable railroad operating in the region which is proposed by the United States Railway Association in its preliminary system plan "will be in full accord and comply with the provisions and standards of section 5 of part I of the Interstate Commerce Act."

The initial Commission notice requesting comments and information stated that numerical designations would be given to the United States Railway Association's proposals in a later publication. The Commission hereby requests that any comments be filed separately with reference to each proposal. Each comment should make reference to the overall Commission docket, Ex Parte 293 (Sub-No. 4), and should include the particular numerical designation and location given each proposal by the United States Railway Association in Appendix D, pages 259–275, of the preliminary system plan. Clear reference should be made on the envelope containing such comments to "Ex Parte No. 293 (Sub-No. 4)."

As the Commission's consideration must be completed on or before May 27, 1975, all comments should be filed with the Secretary of the Commission on or before March 28, 1975.

Dated: March 3, 1975.

By the Commission, Commissioner Tuggle.

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

[FR Doc.75-6173 Filed 3-7-75;8:45 am]

[Notice No. 716]

ASSIGNMENT OF HEARINGS

MARCH 5, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 118142 Sub-81, M. Bruenger and Co., Inc., now assigned April 14, 1975, at Dallas, Tex., will be held in Room 5A, 15–17 Federal Office Building, 1100 Commerce Street.

MC 119789 Sub-216, Caravan Refrigerated Cargo, Inc., now assigned April 15, 1975, at Dallas, Tex., will be held in Room 5A, 15–17 Federal Office Building, 1100 Commerce Street.

MC 103993 Sub-35, Morgan Drive-Way, Inc., MC 106398 Sub-710, National Trailer Convoy, Inc., MC 107295 Sub-731, Pre-Fab Transit Co., MC 113459 Sub-88, H. J. Jefferies Truck Lines, Inc., MC 119774 Sub-80, Eagle Trucking Company and MC 120430 Sub-8, Coastal Transport Co., Inc., now assigned April 17, 1975, at Dallas, Tex., will be held in Room 5A, 15–17 Federal Office Building, 1100 Commerce Street.

MC 531 Sub-299, Younger Brothers, Inc., MC 102567 Sub-177, McNair Transport, Inc., MC 107064 Sub-105, Steere Tank Lines, Inc., and MC 107403 Sub-899, Matlack, Inc., now assigned April 21, 1975, at Dallas, Tex., will be held in Room 5A, 15–17 Federal Office Building, 1100 Commerce Street.

MC 139934 Sub-1, Walker Contract Carrier, Inc., now being assigned May 14, 1975 (3 days), at Tallahassee, Florida, in a hearing room to be designated later.

MC-F-12190, National Freight, Inc.—Purchase—Northeastern Trucking Company, now being assigned April 15, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121540 Sub-3, East Nebraska Motor Freight, Inc., now being assigned May 1, 1975 (2 days), at Omaha, Nebraska, in a hearing room to be designated later.

MC-F-12319, Werner Enterprises—Purchase—Kinnison Truck Lines, Inc., now being assigned May 5, 1975 (2 days), at Omaha, Nebr., in a hearing room to be designated later.

AB-6 Sub-19, Burlington Northern, Inc., Abandonment Between Corydon and Humeston, In Wayne County, Iowa, now being assigned May 8, 1975 (2 days), at Corydon, Iowa, in a hearing room to be designated later.

MC 121607 Sub-3, Columbia-Pacific Transport Co., a corporation, now being assigned May 28, 1975, at Seattle, Wash., in a hearing room to be later designated.

MC 118987 Sub-7, Mercury Produce Express Ltd., now being assigned June 2, 1975, at Seattle, Wash., in a hearing room to be later designated.

MC 138875 Sub-21, Shoemaker Trucking Company, now being assigned June 5, 1975, at Portland, Oregon, in a hearing room to be later designated.

MC 140247, Allstate Charter Lines, Inc., now being assigned June 9, 1975, at San Francisco, Calif., in a hearing room to be later designated.

MC 2229 Sub-180, Red Ball Motor Freight, Inc., now being assigned continued hearing May 5, 1975 (2 weeks) at San Antonio, Texas, in the St. Anthony Hotel, 300 East Travis.

MC 119493 Sub 116, Monkem Company, Inc., now assigned April 4, 1975 (1 day) at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC113678 Sub-546, Curtis, Inc., now assigned April 7, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 113678 Sub-546, Curtis, Inc., now assigned April 7, 1975, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC 135678 Sub-3, Midwestern Transportation, Inc., now assigned April 7, 1975, at Oklahoma City, Okla., will be held in Room 3011B, U.S. Courthouse & Office Bldg., 200 N.W. 4th St.

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

[FR Doc.75-6169 Filed 3-7-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MARCH 5, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 20, 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 2368 (Sub-No. E32) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland (except those south of U.S. Highway 50 on the Eastern Shore), to points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to correct the "E" number, previously published as E37.

No. MC 11207 (Sub-No. E10), filed May 27, 1974. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in North Carolina and South Carolina to points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 18088 (Sub-No. E2) (Correction), filed May 13, 1974, published in the

FEDERAL REGISTER February 12, 1975. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, and machinery, machinery parts, equipment, materials, and supplies* used in or in connection with the operation of textile mills and warehouse (except commodities the transportation of which, because of size or weight, require the use of special equipment for the transportation thereof), restricted to the transportation of shipments originating at or destined to sites of mills or plants for the production of textiles or textile products, or of warehouses operated in connection with such mills or plants, (b) between points in Oconee County, S.C., on the one hand, and, on the other, points in that part of Tennessee in and west of Giles, Lewis, Hickman, Dickson, and Montgomery Counties. The purpose of this filing is to eliminate the gateway of the plant site of Vulcan Binder and Cover, division of Ebsco Industries, Inc., at Vincent, Ala. The purpose of this partial correction is to include (b) above. The remainder of this letter-notice remains as previously published.

No. MC 21170 (Sub-No. E59), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs, dressed poultry and live poultry*, from points in that part of Kansas on the east of U.S. Highway 81, and in that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63, to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Fairfield, Iowa.

No. MC 21170 (Sub-No. E65), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *groceries*, from points in that part of Missouri within the area bounded by a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Iowa State line, thence along Missouri-Iowa State line to point of beginning to Norfolk, Nebr. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E61), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rejected shipments of eggs, derssed poultry, and live poultry*, from Chicago, Ill., to points in Kansas east of U.S. Highway 81, and in Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Fairfield, Iowa.

No. MC 21170 (Sub-No. E66), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat-by-products*, and *articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the facilities of Snyder Packing Co., Adams County, Nebr., to Kenosha, La Crosse, Madison, Milwaukee, and Racin, Wis., restricted to traffic originating at the facilities of Snyder Packing Co., in Adams County, Nebr. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 21170 (Sub-No. E67), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), restricted to the transportation of such commodities as are dealt in by wholesale, retail or chain grocery stores, and shipments originating at the plant site of Wilson & Company at Monmouth, Ill., from the plant site of Wilson & Company at Monmouth, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 21170 (Sub-No. E70), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Minden Beef Company at or near Minden, Nebr., to points in that part of Minnesota on and east of a line beginning at the United States-Canada International Boundary line and extending along Minnesota Highway 89 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63.

No. MC 21170 (Sub-No. E71), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, from Omaha, Nebr., to Kenosha, La Crosse, Madison, Milwaukee, and Racine, Wis. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 21170 (Sub-No. E73), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage containers*, from points in that part of Kansas on the east of U.S. Highway 81, and points in that part of Missouri on and north of U.S. Highway 50 (except Jefferson City), and on the west of U.S. Highway 63 to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 22254 (Sub-No. E1), filed May 14, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Fort Worth, Tex. 76116. Applicant's representative: Elliott Bunce, Suite 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pianos, uncrated*, between points in Alabama, Delaware, Florida, Georgia, Maryland, North Carolina, and the District of Columbia, on the one hand, and, on the other, points in Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming (Chicago, Ill.*); (2) *pianos, uncrated*, between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Texas, and Wisconsin (Chicago, Ill.*); (3) *pianos, uncrated*, between points in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, on the one hand, and, on the other, points in Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (Chicago, Ill.*); (4) *pianos, uncrated*, between points in Alabama, Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina,

Virginia, and the District of Columbia, on the one hand, and, on the other, points in Idaho, Oregon, and Washington (Chicago, Ill.*); (5) *pianos, uncrated,* between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, (Chicago, Ill.*); (6) *pianos, uncrated,* between points in Delaware, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, on the one hand, and, on the other, points in California, Idaho, Nevada, Oregon, and Washington (Chicago, Ill., and the facilities of the Wurlitzer Company, at or near Logan, Utah*); (7) *new self-propelled passenger or property carrying golf buggies, or commercial adaptions thereof, uncrated,* weighing not more than 1,000 pounds each, between Lincoln, Nebraska, on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Washington, D.C. (Chicago, Ill.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61396 (Sub-No. E1), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from points in Iowa to points in Nebraska. The purpose of this filing is to eliminate the gateways of Sioux City and Council Bluffs, Iowa, and points in Iowa within 10 miles of Sioux City and Council Bluffs.

No. MC 61396 (Sub-No. E2), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas,* in bulk, in tank vehicles, from the site of the pipeline terminal of Hydrocarbon Transportation, Inc., at or near Des Moines, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Harrison County, Mo.

No. MC 61396 (Sub-No. E6), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from all refining and distributing points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to the Kansas-Oklahoma State line, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC 61396 (Sub-No. E7), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from points in that part of Iowa on, south, and west of a line beginning at the Iowa-Illinois State line, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in South Dakota, and points in that part of North Dakota on, north, and west of a line beginning at the North Dakota-Minnesota State line, thence along U.S. Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateways of (1) Sioux City, Iowa; (2) Council Bluffs, Iowa; and (3) Norfolk, Nebr.

No. MC 61396 (Sub-No. E8), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt and road oils,* from all refining and distributing points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 61396 (Sub-No. E9), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, (except those requiring heat in transit), in bulk, in tank vehicles, from Council Bluffs, Iowa, and points in Iowa within 10 miles thereof, to points in that part of Missouri on, east and south of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Harrison County, Mo.

No. MC 61396 (Sub-No. E10), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Council Bluffs, Iowa, and points in Iowa within 10 miles thereof to points in South Dakota and North Dakota. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC 61396 (Sub-No. E11), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from Sioux City, Iowa, and points in Iowa within 10 miles thereof, to points in North Dakota and points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC 61396 (Sub-No. E12), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* as defined in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, from all refining and distributing points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to the Kansas-Oklahoma State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of the Kaneb Pipeline Terminal at or near Fairmont, Nebr.

No. MC 61396 (Sub-No. E13), filed May 10, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, Nebr. 68105. Applicant's representative: J. Raymond Chesney (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas,* in bulk, in tank vehicles, from the site of the pipeline terminal of Hydro-carbon Transportation, Inc., at or near Rockford, Ill., to points in Iowa. The purpose of this filing is to eliminate the gateways of Dubuque, Clinton, and Jackson Counties, Iowa.

No. MC 106398 (Sub-No. E80) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER November 5, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, assembled, partially assembled,* or *unassembled,* from points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, and Virginia, to points in California, Nevada and Arizona, restricted against the transportation of trailers or mobile homes designed to be drawn by passenger automobiles and oil field and industrial buildings. The purpose of this filing is to eliminate the gateways of (1) Des Moines, Iowa, and (2) any point in New Mexico. The purpose of this correction is to reflect the destination points.

No. MC 106674 (Sub-No. E7), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, in bulk (except liquid fertilizers, in bulk, in tank vehicles), from Lockland, Ohio to points in Illinois on and south of Illinois Highway 33 beginning at the Illinois-Indiana State line extending along to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of New Albany, Ind.

No. MC 106674 (Sub-No. E8), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate fertilizer*, and *urea fertilizer dry*, in bulk, from Lockland, Ohio, to points in Arkansas, points in Missouri, on and south of U.S. Highway 40 and points in Tennessee starting at the Tennessee-Kentucky State line on and west of U.S. Highway 641, south to junction U.S. Highway 641 and Tennessee Highway 69, thence Tennessee Highway 69 to junction Tennessee Highway 69 and Tennessee Highway 77, thence Tennessee Highway 77 to junction of Tennessee Highway 77 and Tennessee Highway 22 to the Tennessee-Mississippi State line, (2) *ammonium nitrate fertilizer*, and *urea fertilizer dry*, in bulk from New Albany, Indiana to points in Arkansas, Missouri and points in Tennessee starting at the Tennessee-Kentucky State line on and west of U.S. Highway 641 and Tennessee Highway 69, thence Tennessee Highway 69 to junction Tennessee Highway 69 and Tennessee Highway 77, thence Tennessee Highway 77 to junction of Tennessee Highway 77 and Tennessee Highway 22, thence over Tennessee Highway 22 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of West Henderson, Ky.

No. MC 106674 (Sub-No. E39), filed June 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, dry, in bags, from the plant site of Central Nitrogen Inc., approximately 4.5 miles north of the city limits of Terre Haute, Indiana, to points in Alabama, Arkansas, and Tennessee. The purpose of this filing is to eliminate the gateway of West Henderson, Ky.

No. MC 107107 (Sub-No. E9), filed June 4, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* and *confectionery*, and *related advertising* and *promotional materials* from New Orleans, La., to points in South Carolina on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 107107 (Sub-No. E10), filed June 4, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as defined by the Commission, (1) from those points in Florida on and south of Florida Highway 50 to those points in North Carolina west of U.S. Highway 15, and (2) from those points in Florida west of U.S. Highway 331 to points in Colorado, Kentucky, Michigan, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Sylvester, Ga.

No. MC 107295 (Sub-No. E37), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down or in sections, (1) from points in that part of North Carolina in and east of Rockingham, Guilford, Randolph, Montgomery, and Ansen Counties to points in Alabama; (2) from points in North Carolina to points in Arizona, California, New Mexico, Oregon and Washington; (3) from points in North Carolina to points in Arkansas; (4) from points in North Carolina to points in Colorado, Idaho, Montana, Nevada, North Dakota, South Dakota, Utah and Wyoming; (5) from points in North Carolina to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (6) from points in North Carolina to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin; (7) from points in North Carolina to points in Kansas; (8) from points in North Carolina to points in Minnesota: (9) from points in North Carolina to points in Nebraska. The purpose of this filing is to eliminate the gateway of (1) Lumberton, N.C., and Atlanta, Ga., (2) Pine Bluff, Ark., and points in Tennessee; (3) points in Tennessee; (4) Washington Court House, Ohio; (5) Baltimore, Md.; (6) points in Tennessee; (7) points in Tennessee and points in Illinois; (8) points in Tennessee and points in Illinois; and (9) points in Tennessee and points in Illinois.

No. MC 107295 (Sub-No. E38), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and *all component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same, (1) from points in Delaware to points in Arizona, California, and Oregon; (2) from points in Delaware to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, and Wisconsin; (3) from points in Delaware to points in Colorado, Idaho, Montana, Nevada, New Mexico, South Dakota, North Dakota, and Wyoming; (4) from points in Delaware to points in Florida, Georgia, and South Carolina; (5) from points in Delaware to points in Kansas and Oklahoma; (6) from points in Delaware to points in Louisiana and Mississippi; (7) from points in that part of Delaware in and south of Kent County, to points in that part of New Hampshire in and north of Grafton and Carroll Counties and to points in that part of Vermont in and north of Addison and Orange Counties; (8) from points in Delaware to points in Michigan; (9) from points in Delaware to points in Minnesota; (10) from points in Delaware to points in Nebraska; (11) from points in Delaware to points in Texas; and (12) from points in Delaware to points in Utah. The purpose of this filing is to eliminate the gateways of (1) points in Ohio and Pine Bluff, Ark.; (2) points in Ohio; (3) points in Ohio and Wapello County, Iowa; (4) Lumberton, N.C., (5) points in Ohio and Illinois; (6) Washington Court House, Ohio; (7) Baltimore, Md.; (8) points in Ohio; (9) points in

Ohio and Illinois; (10) points in Ohio and Illinois; (11) points in Ohio and Illinois; and (12) Washington Court House, Ohio.

No. MC 107295 (Sub-No. E39), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and *all component parts* necessary to the construction, erection, or completion of such buildings or houses, (1) from points in New York to points in Arizona and California; (2) from points in New York to points in Colorado, New Mexico, and Wyoming; (3) from points in New York to points in Idaho, Montana, Nevada, North Dakota, South Dakota, and Utah; (4) from points in New York to points in Indiana, Iowa, Michigan, and Missouri; (5) from points in New York to points in Kansas and Oklahoma; (6) from points in New York to points in Kentucky; (7) from points in New York to points in Louisiana; (8) from points in New York to points in Minnesota; (9) from points in New York to points in Mississippi; (10) from points in New York to points in Nebraska; and (11) from points in New York to points in Texas. The purpose of this filing is to eliminate the gateways of (1) Pine Bluff, Ark., (2) Washington Court House, Ohio; (3) points in Ohio and Wapello County, Iowa; (4) points in Ohio; (5) points in Ohio and Illinois; (6) points in Ohio; (7) points in Ohio and Illinois; (8) points in Ohio and Illinois; (9) points in Washington Court House, Ohio; (10) points in Ohio and Illinois; and (11) points in Ohio and Illinois.

No. MC 107295 (Sub-No. E40), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, (1) from points in Arkansas to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington; (2) from points in that part of Arkansas in and east of Fulton, Izard, Stone, Cleburne, Faulkner, Pulaski, Grant, Dallas, Quachita, and Columbia Counties to points in Colorado, New Mexico, Utah, and Wyoming; (3) from points in Arkansas to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) from points in Arkansas to points in Delaware, Maryland, West Virginia, and the District of Columbia; (5) from points in Arkansas to points in New Jersey; (6) from points in Arkansas to points in North Carolina and Virginia; (7) from points in Arkansas to points in North Dakota and South Dakota; (8) from points in that part of Arkansas in and west of Marion, Searey, Van Buren, Faulkner, Pulaski, Jefferson, Lincoln, Drew, and Chicot Counties to points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) Pine Bluff, Ark., (2) Pine Bluff, Ark., (3) Washington Court House, Ohio, (4) points in Ohio, (5) points in Ohio, (6) points in Tennessee, (7) points in Wapello County, Iowa, and (8) Pine Bluff, Ark.

No. MC 107295 (Sub-No. E42), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections, and all *component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same; (1) from points in Maryland to points in Arkansas, Illinois, Indiana, Iowa, Missouri, and Wisconsin; (2) from points in Maryland to points in Michigan; (3) from points in Maryland to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine; (4) from points in Maryland to points in Louisiana and Mississippi; (5) from points in Maryland to points in Kansas and Oklahoma; (6) from points in Maryland to points in Minnesota; (7) from points in Maryland to points in Nebraska; (8) from points in Maryland to points in Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; (9) from points in Maryland to points in Arizona, California, and Oregon; and (10) from points in Maryland to points in Texas. The purpose of this filing is to eliminate the gateways of (1) points in Ohio; (2) points in Ohio; (3) Baltimore, Md.; (4) Washington Court House, Ohio; (5) points in Ohio and Illinois; (6) points in Ohio and Illinois; (7) points in Ohio and Illinois; (8) Washington Court House, Ohio; (9) points in Ohio and Pine Bluff, Ark.; and (10) points in Ohio and Illinois.

No. MC 107295 (Sub-No. E43), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof; (1) from points in Michigan to points in Alabama, Florida, Louisiana, and Mississippi; (2) from points in the Lower Peninsula of Michigan to points in Montana, North Dakota, and South Dakota; (3) from points in Michigan to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island; (4) from points in Michigan to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (5) from points in Michigan to points in Kansas and Oklahoma; (6) from points in the Lower Peninsula of Michigan to points in Minnesota and Nebraska; (7) from points in Michigan to points in South Carolina; (8) from points in Michigan to points in Texas; and (9) from points in the Upper Peninsula of Michigan to points in Minnesota and Nebraska. The purpose of this filing is to eliminate the gateways of (1) points in Illinois; (2) points in Wapello County, Iowa; (3) points in Ohio and Baltimore, Md.; (4) points in Ohio; (5) points in Illinois; (6) points in Illinois; (7) points in Ohio and Lumberton, N.C.; (8) points in Illinois; and (9) points in Wisconsin.

No. MC 107295 (Sub-No. E44), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection and construction, and completion thereof; (1) from points in Missouri to points in Alabama, Florida, and Georgia; (2) from points in Missouri to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) from points in Missouri to points in Delaware, the District of Columbia, Maryland, New Jersey, New York, and Pennsylvania; (4) from points in Missouri to points in Mississippi; and (5) from points in that part of Missouri located in, south, and east of St. Louis, St. Charles, Franklin, Osage, Maries, Pulaski, Laclede, Webster, Greene, Lawrence, and Barry Counties to points in Arizona; (6) from points in that part of Missouri located in, east, and south of St. Louis, St. Charles, Franklin, Gasconade, Phelps, Texas, and Howell Counties to points in New Mexico; and (7) from points in Missouri to points in Louisiana. The purpose of this filing is to eliminate the gateways of (1) points in Illinois; (2) Terre Haute, Ind.; (3) points in Ohio; (4) points in Arkansas; (5) Pine Bluff, Ark.; (6) Pine Bluff, Ark.; and (7) points in Arkansas.

No. MC 107295 (Sub-No. E51), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof; (1) from points in Kentucky to points in Arizona, California, New Mexico, Oregon, and Washington; (2) from points in Kentucky, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) from points in Kentucky to points in Kansas

and Oklahoma; (4) from points in Kentucky to points in Minnesota; (5) from points in Kentucky to points in Nebraska; (6) from points in that part of Kentucky located in and west of Campbell, Pendleton, Harrison, Nicholas, Bath, Menifee, Morgan, Magoffin, Floyd, and Pike Counties to points in North Carolina; and (7) from points in Kentucky to points in Texas. The purpose of this filing is to eliminate the gateways of (1) Pine Bluff, Ark.; (2) Washington Court House, Ohio; (3) points in Illinois; (4) points in Illinois; (5) points in Illinois; (6) points in Tennessee; and (7) points in Arkansas.

No. MC 107295 (Sub-No. E53), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing with accessories*, used in connection therewith (except commodities in bulk), from the plant site of Philip Carey Company at Lockland, Ohio, to points in Arizona, Arkansas, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC 107295 (Sub-No. E54), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate a as *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard;* (1) from Chesapeake, Va., to points in Kansas and Oklahoma; (2) from Chesapeake, Va., to points in North Dakota, South Dakota, and Nebraska; (3) from Chesapeake, Va., to points in Texas; and (4) from Chesapeake, Va., to points in Nevada, Utah, and New Mexico. The purpose of this filing is to eliminate the gateways of (1) Union, Mo., (2) Fort Dodge, Iowa, (3) Henry County Tenn., and (4) Pulaski County, Ark.

No. MC 107295 (Sub-No. E62), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricted buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts thereof* and *equipment* and *materials* incidental to the erection and completion of such buildings; (1) from points in Pennsylvania to points in Arizona and California; (2) from points in that part of Pennsylvania located in and east of Franklin, Juniata, Snyder, Union, Montour, Columbia, Sullivan, and Bradford Counties to points in Oregon; (3) from points in Pennsylvania to points in Colorado, Idaho, Nevada, New Mexico, South Dakota, Utah, and Wyoming; (4) from points in that part of Pennsylvania located in, east, and south of Mercer, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, and Franklin Counties to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; (5) from points in that part of Pennsylvania located in, east, and south of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Mifflin, Juniata, Perry, Dauphin, and Lancaster Counties to points in Maine; (6) from points in Pennsylvania to points in Indiana, Iowa, and Missouri; (7) from points in Pennsylvania to points in Kansas, Oklahoma; (8) from points in Pennsylvania to points in Kentucky; (9) from points in Pennsylvania to points in Michigan; (10) from points in Pennsylvania to points in Minnesota; (11) from points in Pennsylvania to points in Montana and North Dakota; (12) from points in Pennsylvania to points in Nebraska; and (13) from points in Pennsylvania to points in Texas. The purpose of this filing is to eliminate the gateways of (1) Pine Bluff, Ark.; (2) Pine Bluff, Ark.; (3) Washington Court House, Ohio; (4) Baltimore, Md.; (5) Baltimore, Md.; (6) points in Ohio; (7) points in Ohio and Illinois; (8) points in Ohio; (9) points in Ohio; (10) points in Ohio and Ilinois; (11) points in Ohio and Wapello County, Iowa; (12) points in Ohio and Illinois; and (13) points in Ohio and Illinois.

No. MC 107295 (Sub-No. E63), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections; (1) from points in Oklahoma to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont; (2) from points in Oklahoma to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (3) from points in Oklahoma to points in Indiana, Michigan, and Ohio; (4) from points in Oklahoma to points in Kentucky; (5) from points in Oklahoma to points in Tennessee; and (6) from points in Oklahoma to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of (1) points in Illinois and Washington Court House, Ohio; (2) points in Illinois and Ohio; (3) points in Illinois; (4) points in Arkansas; (5) points in Arkansas; and (6) points in Arkansas and Tennessee.

No. MC 107295 (Sub-No. E104), filed May 8, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from the plant site of Philip Carey Company, at Lockland, Ohio, (1) to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and to points in that part of Mississippi in and west of DeSoto, Tate, Panola, Tallahatchie, LeFlore, Holmes, Madison, Rankin, Simpson, Jefferson Davis, and Marion Counties, (2) to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (3) to points in Colorado, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of (1) points in Henry County, Tenn., and Trumann, Ark., (2) points in Henry County, Tenn., and (3) Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E107), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Marrero, La., to points in that part of Nebraska in and north of Kimball, Cheyenne, Deuel, Keith, Lincoln, Dawson, Buffalo, Hall, Hamilton, York, Seward, Lancaster, and Otoe Counties and to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E108), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, (1) from Chicago Heights, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, and to points in that part of Oklahoma located in and west of Woods, Major, Blaine, Caddo, Comanche, and Cotton Counties, (2) from Chicago Heights, Ill., to points in Louisiana, and to points in that part of New Mexico located in and south of McKinley, Valencia, Bernadillo, Torrance, Lincoln, De Baca, and Roosevelt Counties, and to points in that part of Texas located in and south of Bailey Lamb, Hale, Floyd, Motley, Cottle, Ford, Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin, Lamar, Red River, and Bowie Counties. The purpose of this filing is to eliminate the gateways of (1) Fort Dodge, Iowa, and (2) Henry County, Tenn.

No. MC 107295 (Sub-No. E109), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flooring*, from Dollar Bay, Mich., to points in that part of Arizona located in and south of Yuma, Maricopa, Gila, Graham, and Greenlee Counties, and to points in that part of California located in and south of Los Angeles, Orange, and Riverside Counties, and to points in that part of New Mexico

located in and south of Catron, Socorro, Lincoln, Chaves, and Lea Counties. The purpose of this filing is to eliminate the gateway of the facilities of Wilson Oak Flooring, Inc., and Sykes Flooring Company, Inc., located at or near Warren, Ark.

No. MC 107295 (Sub-No. E110), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Silsbee, Tex., to points in Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Trumann, Ark.

No. MC 107295 (Sub-No. E112), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flooring*, from the plant sites and warehouse facilities of Connor Forest Industries at Laona, Wis., to points in Arizona, and to points in that part of California located in and north of San Luis Obispo, Kern, and San Bernardino Counties, and to points in that part of New Mexico located in and south of McKinley, Valencia, Bernalillo, Torrance, Guadalupe, De Baca, Roosevelt, and Curry Counties. The purpose of this filing is to eliminate the gateway of the facilities of Wilson Dale Flooring, Ind., and Sykes Flooring Company, Inc., located at or near Warren, Ark.

No. MC 107295 (Sub-No. E114), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, (1) from Brookville, Ind., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and to points in that part of Tennessee located in and west of Henry, Carroll, Henderson, and Hardin Counties; and (2) from Brookville, Ind., to points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and to points in that part of Maryland located in and east of Washington and Berkeley Counties, and to points in that part of Virginia located in and east of of Frederick, Warren, Rappahannock, Culpeper, Orange, Louisa, Goochland, Powhatan, Chesterfield, Dinwiddie, and Greensville Counties. The purpose of this filing is to eliminate the gateways of (1) Paris, Ill., and (2) Port Clinton, Ohio.

No. MC 107295 (Sub-No. E115), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Building board;* (1) from Lockport, N.Y., to points in New Mexico, Oklahoma, and Texas; (2) from Lockport, N.Y., to points in Arizona, California, Louisiana, Nevada, Oregon, Utah, and Washington; and (3) from Lockport, N.Y., to points in Arizona, Nebraska, North Dakota, South Dakota, and to points in that part of Kansas located in, north, and west of Miami, Anderson, Woodson, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Henry County, Tenn.

No. MC 107295 (Sub-No. E116), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal siding;* (1) from Milwaukee, Wis., to points in Arizona, New Mexico, and to points in that part of Arkansas located in and west of Fulton, Izard, Independence, White Prairie, Arkansas, and Desha Counties, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Lumaside, Inc., at Milwaukee, Wis.; and (2) from Milwaukee, Wis., to points in California, Colorado, Florida, Georgia, Nebraska, Nevada, New Mexico, Utah, and to points in that part of Illinois located in Hancock, McDonough, Fulton, Mason, Menard, Sangamon, Christian, Montgomery, Fayette, Randolph, Clinton, Washington, Perry, Jackson, Union, Alexander, Pulaski, Massac, Adams, Brown, Cass, Scott, Morgan, Greene, Pike, Calhoun, Jersey, Madison, Bond, St. Clair, and Monroe Counties, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Lumaside, Inc., at Milwaukee, Wis. The purpose of this filing is to eliminate the gateways of (1) Sedalia, Mo., and (2) Galesburg, Ill.

No. MC 107295 (Sub-No. E117), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard*, from the plant site of Cardinal Industries, at or near Wheaton, Ill., (1) to points in that part of Alabama located in and south of Washington, Clarke, Monroe, Butler, Crenshaw, Pike, and Barbour Counties, (2) to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and (3) to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateways of (1) Trumaun, Ark., (2) Port Clinton, Ohio, and (3) Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E119), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, (1) from Kansas City, Mo., to points in North Dakota and to points in that part of South Dakota located in and west of Charles, Douglas, Davison, Hanson, Miner, Kingsbury, and Brookings Counties, and (2) from Kansas City, Mo., to points in Ohio and West Virginia. The purpose of this filing is to eliminate the gateways of (1) Fort Dodge, Iowa, and (2) Brookville, Ind.

No. MC 107295 (Sub-No. E120), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from L'Anse, Mich., to points in Arizona and to points in that part of California located in and south of San Luis Obispo, Kern, and San Bernardino Counties. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC 107295 (Sub-No. E121), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Insulation materials, from Sunbury, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and to points in that part of Florida located in and west of Jefferson, Taylor, Dixie, Levy, Marion, Sumter, Polk, Okeechobee, and Martin Counties, and to points in that part of Georgia located in and west of Union, Lumpkin, Hall, Gwinnett, Rockdale, Henry, Britts, Monroe, Crawford, Peach, Macon, Sumter, Lee, Dougherty, Mitchell, and Grady Counties. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Clark Grove Vault Co., located at or near Columbus, Ohio.

No. MC 107295 (Sub-No. E122), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof deck*, (1) from Kansas City, Mo., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachu-

setts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and to points in that part of North Carolina located in and east of Person, Orange, Chatham, Moore, and Richmond Counties, (2) from Kansas City, Mo., to points in that part of Michigan located in and east of Chippewa, Mackinac, Emmet, Charlevoix, Otsego, Crawford, Roscommon, Clare, Isabella, Gratiot, Clinton, Eaton, Calhoun, and Branch Counties. The purpose of this filing is to eliminate the gateway of (1) Oregon, Ohio, and (2) the plant site and warehouse facilities of Metal Deck, Inc., at Oregon, Ohio.

No. MC 107295 (Sub-No. E128), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron or steel), from the plant site of the Orangeburg Manufacturing Co., Division of Flintkote Co., in Rootstown Township, Portage County, Ohio, to points in Arkansas, Colorado, Kentucky, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Wyoming, and to points in that part of Illinois located in and south of Adams, Brown, Cass, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, and to points in that part of Iowa located in and west of Kossuth, Humbolt, Webster, Hamilton, Story, Jasper, Wabaska, Wapello, Jefferson, and Lee Counties. The purpose of this filing is to eliminate the gateway of Glendale, W. Va.

No. MC 107295 (Sub-No. E153), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard*, from the plant site and warehouse facilities of the Upson Company at Bristol, Ind., (1) to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia and West Virginia, (2) to points in Louisiana, Texas, and to points in that part of Oklahoma located in and south of Beckham, Washita, Caddo, Grady, McClain, Cleveland, Pottawatomie, Seminole, Hughes, Pittsburg, Latimer, and Le Flore Counties, and (3) to points in Minnesota and Montana. The purpose of this filing is to eliminate the gateway of (1) Port Clinton, Ohio, (2) Henry County, Tenn., (3) the plant site and warehouse facilities of the Keene Corporation at Kalamazoo, Mich.

No. MC 107295 (Sub-No. E159), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Deposit, N.Y., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and to points in that part of Florida located in and west of Madison, Suwannee, Gilchrist, Alachua, Marion, Lake, Orange, Osceola, Okeechobee, and St. Lucie Counties, and to points in that part of Georgia located in and west of Union, Lumpkin, Hall, Jackson, Barrow, Walton, Newton, Jasper, Jones, Twiggs, Bleckley, Pulaski, Wilcox, Ben Hill, Irwin, Berrien, and Lowndes Counties. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Clark Grave Valut Co., located at or near Columbus, Ohio.

No. MC 107295 (Sub-No. E164), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Bemidji, Minn., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E171), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, from the plant site of Philip Carey Company at Lockland, Ohio, (1) to points in Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Wyoming, and to points in that part of Montana located in and west of Blaine Fergus, Petroleum, Rosebud, Powder, and Carter Counties, and (2) to points in Colorado, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of (1) points in Henry County, Tenn., and (2) Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E173), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from the plantsite and warehouse facilities of the Elpson Company at Bristol, Ind., (1) to points in Alabama, California, Idaho, Minnesota, Montana, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming; (2) to points in Arizona, Mississippi, New Mexico, and Texas; (3) to points in Connecticut, Delaware, the District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and to points in that part of Virginia located north of U.S. Highway 460 and west of U.S. Highway 301; and (4) to points in Louisiana. The purpose of this filing is to eliminate the gateways of (1) the plantsite and warehouse facilities of the Keene Corporation at Kalamazoo, Mich., (2) Trumaun, Ariz., (3) points in Lucas County, Ohio, and (4) points in Henry County, Tenn.

No. MC 107295 (Sub-No. E174), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit*, from Niles, Ohio, to points in Arizona, California, Louisiana, Texas, and to points in that part of Mississippi located in and south of Warren, Hinds, Rankin, Simpson, Covington, Forrest, Perry, and George Counties, and to points in that part of Nevada located in and south of Humboldt, Lander, Eureka, and White Pine Counties, and to points in that part of Utah located in and south of Juab, Sanpete, Emery, and Grand Counties. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.

No. MC 107295 (Sub-No. E192), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, (1) from Lockport, N.Y., to points in Alabama, California, Idaho, Kansas, Louisiana, Minnesota, Montana, North Dakota, Oregon, Utah, Washington, and Wyoming; (2) from Lockport, N.Y., to points in Arizona, Mississippi, and New Mexico; (3) from Lockport, N.Y., to points in Colorado, Nebraska, and South Dakota; and (4) from Lockport, N.Y., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of (1) the plantsites and warehouse facilities of the Keene Corporation at Kalamazoo, Mich., (2) Trumann, Ark., (3) Fort Dodge, Iowa, and (4) points in Henry County, Tenn.

No. MC 107403 (Sub-No. E418), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro. N.C.

No. MC 107403 (Sub-No. E429), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except

liquefied petroleum gases and anhydrous ammonia), in bulk, in tank vehicles, from the facilities of Kaiser Aluminum and Chemical Corp., at or near Gramercy, La., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, and Virginia (except the counties of Buchanan, Dickenson, Russell, Scott, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateways of Norco, La., and Greensboro, N.C.

No. MC 107403 (Sub-No. E432), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of Kaiser Aluminum and Chemical Corp., at or near Gramercy, La., to points in Michigan (except those points west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction Michigan Highway 89, thence along Michigan Highway 89 to Lake Michigan). The purpose of this filing is to eliminate the gateways of Baton Rouge, La., and Ashland, Ky.

No. MC 107403 (Sub-No. E433), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the facilities of Kaiser Aluminum at or near Gramercy, La., to points in Minnesota and Iowa (except west of U.S. Highway 71). The purpose of this filing is to eliminate the gateway of Baton Rouge, La., and the facilities of Baird Chemicals at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E435), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore, Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Good Hope, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E443), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquified petroleum gases), in bulk, in tank vehicles, from the facilities of Allied Chemicals Corp., at Baton Rouge, La., to points in Minnesota and Iowa (except those west of U.S. Highway 71). The purpose of this filing is to eliminate the gateway of the facilities of Baird Chemicals at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E449), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of American Cyanamid at Avondale, La., to points in Michigan (except those west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 131 to junction Michigan Highway 89, thence along Michigan Highway 89 to Lake Michigan). The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 107403 (Sub-No. E450), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E509), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitro paraffines and derivatives*, thereof, in bulk, in tank vehicles, from Sterlington, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Russell, Scott, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E519), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lake Charles, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Russell, Scott, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E521), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural gas odorants*, in bulk, in tank vehicles, from Oak Point, La., to points in Alabama, Arkansas, Florida, Indiana, Mississippi (except points south of U.S. Highway 80), North Carolina, South Carolina, Tennessee, and Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of American Cyanamid at Avondale, La.

No. MC 107403 (Sub-No. E559), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene, toluene, xylene*, and *naphtha* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette, La., to points in Colorado, Illinois, Indiana, Missouri, Wyoming, Texas, Utah, Washington, Oklahoma, Tennessee (except Kingsport, and Mississippi (except points south of U.S. Highway 80). The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E560), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* and *phosphate fertilizer solutions*, in bulk, in tank vehicles, from the facilities of Freeport Chemical Co. near Uncle Sam, La., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Baton Rouge, La., and Greensboro, N.C.

No. MC 107403 (Sub-No. E564), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid muriatic acid* and *liquid anhydrous ammonia*, from Freeport, Tex., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C., Baton Rouge, La.

No. MC 107403 (Sub-No. E565), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and liquid muriatic*

acid, in bulk, in tank vehicles, from Freeport, Tex., to points in Minnesota (except those points west of U.S. Highway 71). The purpose of this filing is to eliminate the gateways of Baton Rouge, La., and the facilities of Bavid Chemicals at Mapleton, Ill.

No. MC 107403 (Sub-No. E567), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* and *phosphate fertilizer solutions* (except liquefied petroleum gases), in bulk, in tank vehicles, from the facilities of Freeport Chemical Co. near Uncle Sam, La., to points in Minnesota and Iowa (except those points west of U.S. Highway 71). The purpose of this filing is to eliminate the gateway of Baton Rouge, La., Mapleton, Ill.

No. MC 107403 (Sub-No. E570), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene, toluene, xylene* and *naphtha*, in bulk, in tank vehicles, from Chalmette, La., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 1C7403 (Sub-No. E577), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from Point Comfort, Tex., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia (except the counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Baton Rouge, La., Greensboro, N.C.

No. MC 107515 (Sub-No. E195), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, (1) from Phillips, Wis., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; and (2) from Phillips, Wis., to points in Mississippi. The purpose of this filing is to eliminate the gateways of (1) points in Lucas County, Ohio, and (2) Trumaun, Ark.

No. MC 107515 (Sub-No. E221), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits-Packing House Products*, 48 M.C.C. 628, between all points in Louisiana and Mississippi, on the one hand, and, on the other, all points in North Carolina and South Carolina, and between points in Alabama, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of the Atlanta, Ga., commercial zone.

No. MC 107515 (Sub-No. E273), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles, from the plant site of Pruden Packing Co., at Suffolk, Va., to points in Oklahoma, Texas, and Arkansas (except points in Mississippi County). The purpose of this filing is to eliminate the gateways of Goldsboro, N.C., and Montgomery, Ala.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6172 Filed 3-7-75;8:45 am]

[Notice No. 246]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 31, 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.

Finance Docket No. 27846. By order entered February 28, 1975, the Motor Carrier Board approved the transfer to Cross-Sound Ferry Services, Inc., New London, Conn., of a portion of Third Amended Certificate No. W-939 issued August 17, 1955, to New London Freight Lines, Inc., New York, N.Y., evidencing a right to engage in transportation in interstate or foreign commerce as a common carrier by water, transporting (1) general commodities, automobiles with passengers, and tractors, trailers, and trucks, loaded and empty, between New London, Conn., on the one hand, and, on the other, Orient Point, Long Island, N.Y., and (2) passengers between New London, Conn., and Orient Point, N.Y. Peter A. Greene, 1625 K St., NW., Washington, D.C., 20006, Attorney for applicants.

No. MC FC 75347. By order of February 25, 1975, the Motor Carrier Board approved the transfer to Prescott Enterprises, Inc., Chelsea, Mass., of the operating rights in Certificate No. MC 98032 (Sub-No. 1) issued January 16, 1961, to Frank Gerrin, doing business as Frank's Trucking Co., Chelsea, Mass., authorizing the transportation of lumber between Boston, Mass., on the one hand, and, on the other, Providence, Pawtucket, and Westerly, R.I., points in New Hampshire, and those in Massachusetts within 50 miles of Boston. Norman I. Jacobs, 75 Federal St., Boston, Mass. 02110, Attorney for applicants.

No. MC FC 75673. By order of February 27, 1975, the Motor Carrier Board approved the transfer to Loh International Movers, Inc., Oakland, Calif., of the operating rights in Certificate No. MC 135716 (Sub-No. 1) issued August 31, 1973, to Stan's Vans, Inc., Oakland, Calif., authorizing the transportation of used household goods between points in Alameda, Contra Costa, Napa, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Yuba, Yolo, Fresno, Merced, Monterey, San Benito, and Santa Cruz Counties, Calif., subject to certain restrictions. Leigh B. Morris, 100 Bush St., San Francisco, Calif. 94104, Attorney for applicants.

No. MC FC 75678. By order of February 25, 1975, the Motor Carrier Board approved the transfer to The Tri-State Transit Authority, Huntington, W. Va., of the operating rights in Certificates Nos. MC 50008 and MC 50008 (Sub-No. 10) issued December 12, 1955, and April 16, 1962, respectively, to Ohio Valley Bus Company, a corporation, Huntington, W. Va., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Ashland, Ky., and Huntington, W. Va., and between other specified pairs of points in Ohio, West Virginia, and Kentucky, serving all intermediate points. Richard J. Bolen, P.O. Box 2185, Huntington, W. Va. 25722, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6170 Filed 3-7-75;8:45 am]

[Notice No. 247]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

No. MC FC 75725. By application filed February 26, 1975, A. WILEY SANDERS, INC., 212 Oak St., Troy, AL 36801, seeks temporary authority to lease the operating rights of JOHN SEPHTON PRODUCE COMPANY, INC., 417 One Office Park, Mobile, AL 36609, under section 210a(b). The transfer to WILEY SANDERS, INC., of the operating rights of JOHN SEPHTON PRODUCE COMPANY, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6171 Filed 3-7-75;8:45 am]