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PART I

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

reminders

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

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The following bill was vetoed by the President:

H.R. 1767, oil imports, Presidential authority to impose fees, ninety-day suspension; increase of public debt limit. Message dated March 4, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 10

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show a change in the headnote to reflect the change in the title of the U.S. Tariff Commission to the U.S. International Trade Commission. This section is further amended to show that one position of Staff Assistant to each of two Commissioners is excepted under Schedule C.

Effective on March 7, 1975, § 213.3339 headnote is changed and (f) is added as set out below.

§ 213.3339 U.S. International Trade Commission.

* * * * *

(f) One Staff Assistant to each of two Commissioners.

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

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

[FR Doc.75-6051 Filed 3-6-75;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 682]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 9–15, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.982 Lemon Regulation 682.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active on all, except for the small sizes of fruit. Average f.o.b. price was $4.99 per carton the week ended March 1, 1975 compared to $5.08 per carton the previous week. Track and rolling supplies at 155 cars were up 7 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for section; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 4, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 9, 1975, through March 15, 1975, is hereby fixed at 235,000 cartons.

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

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

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

[FR Doc.75-6141 Filed 3-6-75;11:41 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975–2]

CLASS OF PURCHASER

Application of Term Under Petroleum Price Regulations

In Rulings 1974–17 and 1974–18 (39 FR 21042, June 18, 1974), the Federal Energy Administration set forth guidelines with respect to the meaning of the terms "class of purchaser" and "customary price differential" as defined in 10 CFR 212.31 and used in FEA's pricing regulations, 10 CFR, Chapter II, Part 212. While those rulings helped to clarify the application of the "class of purchaser" concept, it has subsequently come to FEA's attention that those rulings did not resolve all outstanding questions and that to some extent the rulings themselves have been misconstrued. This ruling is intended, therefore, to clarify further the application of the class of purchaser concept by supplementing Rulings 1974–17 and 1974–18. To the extent that there is any inconsistency between this ruling and those earlier rulings, this ruling will be controlling. Because of the complexity of this issue, this

ruling will first discuss the general principles involved, and then illustrate some of those principles with factual examples.

DISCUSSION

A. *Background.* FEA price regulations provide generally that sellers may charge prices for covered products that reflect their May 15, 1973 lawful selling prices and a dollar-for-dollar pass-through of the amount by which their product costs have increased since that time. Thus, each selling price determined under FEA price regulations has at least two components: that portion which represents a May 15, 1973 lawful selling price and that portion which represents a pass-through of increased product costs. In addition, a further increment to some selling prices is permitted, subject to certain conditions, to reflect increased non-product costs.

The portion of the selling price that represents a May 15, 1973 selling price is, with respect to each product sold to each buyer "• • • the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973 • • •" (§ 212.82(b); § 212.93(a)).

In making the computation of this "weighted average price • • • in transactions with the class of purchaser concerned on May 15, 1973," a firm "• • • may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973." (§ 212.82(b); § 212.93(b)).

Since increased product costs are generally required to be applied equally among classes of purchasers of a particular covered product, differences in weighted average, May 15, 1973, selling prices among classes of purchaser are generally reflected in like differences in current lawful selling prices for that product among those classes of purchaser, and a principal function of the class of purchaser concept is to preserve the price distinctions among purchasers that customarily existed under free market conditions. To achieve the objective of making covered products available at equitable prices, FEA regulations require sellers to group together customers that are similarly situated and to compute a weighted average of their May 15, 1973 selling prices in sales to those customers. Sellers are thus required to maintain a single lawful price for a product to all customers that fall into a particular class, rather than having to establish individual maximum lawful prices to individual customers.

As noted above, sellers must compute for each product a single weighted average May 15, 1973 price for each class of purchaser of that product. From the standpoint of the seller, the number of different classes of purchaser for which it computes separate weighted average May 15, 1973 prices will in most cases have no direct bearing on the amount of cost recovery or profits realized. The principal function of the doctrine is to maintain the price differentials that existed on May 15, 1973 between groups of purchasers which were not similarly situated then and are not now similarly situated.

That the maintenance or elimination of separate classes of purchaser will ordinarily have no bearing on the cost recovery or profits of the seller can be shown in a simplified example, as follows: A firm sold gasoline on May 15, 1973, with 50 percent of its sales at retail, at a weighted average retail price of 25 cents per gallon, and 50 percent of its sales at wholesale, at a weighted average wholesale price of 17 cents per gallon. That firm, if it were to disregard the distinctions between its classes of wholesale and retail purchasers entirely, would calculate a single weighted average May 15, 1973 selling price of 21 cents per gallon for all of its gasoline sales, as to which it would then apply its increased product costs. In such a case, the firm would not recoup any greater amount of increased product costs or realize any greater profits than if it had treated its retail and wholesale customers as separate classes of purchaser, with separate weighted average May 15, 1973 selling prices, assuming that its ratio between wholesale and retail sales remained at 50–50. Only if the ratio between its total wholesale and retail sales changed would the firm's revenues (and, potentially, its profits) be affected by whether or not separate classes of purchaser had been established for wholesale and retail sales.

The significance of the application of the class of purchaser concept is, therefore, principally to be found in its impact on the relative prices among buyers from a particular seller, rather than in any impact on the increased product cost recovery or profits of a seller.

B. *Guidelines for determining classes of purchaser.* This ruling is intended to provide further guidance to sellers in making price distinctions between different purchasers, by reviewing some of the pertinent factors which must be considered in making class of purchaser determinations. This ruling also is to provide guidance concerning certain specific kinds of circumstances which involve Robinson-Patman Act considerations, and which are known to be the source of particular difficulty with respect to this issue.

The basic guidelines for class of purchaser determinations are set forth in § 212.31, where the term "class of purchaser" is defined as:

> Purchasers or lessees to whom a person has charged a comparable price for a comparable property or service pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

The term "customary price differential" is defined in the same section as including:

> A price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

Both of these definitions were carried over virtually verbatim from the Economic Stabilization Regulations; 6 CFR 150.31, 38 FR 21592 (1973) (and 6 CFR 150.352, 38 FR 22536) which were applicable generally to all sellers of goods and services, including petroleum products.

In order to clarify the application of these definitions, FEA issued, on June 12, 1974, Rulings 1974–17 and 1974–18. Ruling 1974–17 stated that it was unlawful currently to charge different prices to individual purchasers which were members of the same class, even though those individual purchasers paid different prices on May 15, 1973. In that ruling, FEA made it clear that:

> A class of purchaser is • • • the smallest unit for which a uniform selling price may be computed because, by definition, no customary price differentials exist within a class of purchaser. It should be noted, however, that a class of purchaser may consist of only a single customer, if that particular customer alone was charged a comparable price for a comparable property or service pursuant to a customary price differential between the customer and all other customers.

Thus, Ruling 1974–17 dealt only with a single class of purchaser, and described the proper means of determining a single weighted average May 15, 1973 price to that class of purchaser.

Ruling 1974–18 dealt principally with the issue of whether certain discounts constitute a "customary price differential" for purposes of determining whether separate classes of purchaser exist. In that ruling, FEA stated that a discount off the published dealer tank-wagon price for gasoline given on January 1, 1973 to "Company A," a "high volume retail outlet in a favorable location," as a "competitive inducement" of indefinite duration for it to continue to purchase gasoline from the supplier, and in effect on May 15, 1973, was "customary," but that a discount in effect on May 15, 1973, given to Company B on April 15, 1973 as "a form of subsidy" to be effective only so long as a "price war" situation lasted, was not "customary." Thus, Ruling 1974–18 stated that, with respect to the described types of discounts, FEA would look to whether the parties intended the discount to be temporary or customary. In order to assist in making that determination, Ruling 1974–18 created the following presumption:

> [FEA] will generally regard any discount that was in effect on May 15, 1973, and that had either been in effect or had been granted for a period of six months or more, to be a customary discount. This presumption may be rebutted in particular situations by appropriate factual showing.

Ruling 1974–18 also made it clear that even though the supplier was not required to maintain a separate class of purchaser with respect to its temporary discount sales, it nevertheless had to take that lower price into account in computing its May 15, 1973 weighted average lawful selling price with respect to all customers in the class of purchaser concerned. As noted above, §§ 212.82(b) and 212.93(d) require that in determining that weighted average May 15, 1973 price, all temporary special sales, deals or allowances have to be taken into account.

Thus, Rulings 1974–17 and 1974–18 serve to make clear that, as to any particular class of purchaser, only a single price can be charged and that, for purposes of distinguishing between "customary" price differentials and "temporary" price differentials, there would be a presumption that discounts that had been in effect for at least six months on May 15, 1973, or which were in effect on May 15, 1973 and had been granted for a period of at least six months, represented customary price differentials.

The existence of a discount on May 15, 1973, is, however, only one of several key elements which must be considered with respect to making class of purchaser determinations. The purpose of this ruling is to set out more explicitly the other key elements that must be taken into account in determining the existence of separate and distinct classes of purchaser.

The determination of what constitutes a "comparable price" charged pursuant to a "customary price differential" should begin with the § 212.31 definition of "customary price differential," which, as indicated above, lists illustrative factors to be taken into account, to include:

> A price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

The principal significance of the first portion of this definition, which refers to "a discount, allowance, add-on, premium, and an extra," is to indicate that a "price distinction" may exist not only because of different selling prices for a product, but may, in fact, exist even though selling prices are equal. Thus, although two purchasers may have purchased the same product at the same price on May 15, 1973, one price may have reflected a particular type of "allowance," whereas the other price may not have, so that the two purchasers could not appropriately be placed in the same class of purchaser.

The second portion of the definition, which adverts to the illustrative factors which may account for price distinctions, however they are expressed, is of particular significance in determining the classes of purchaser of each seller. For purposes of this ruling, the important factors aside from grade or quality, which do not require extended discussion herein, are differences in:

(1) Location;
(2) Type of purchaser;
(3) Volume; and
(4) Term or condition of sale or delivery.

These factors, in the order listed above, provide a logical sequence for making class of purchaser determinations.

Although price differentials may reflect differences in location both of the seller's outlet or distribution point and of the buyer's place of business, location should be considered first as it relates to the seller. To the extent that a seller has multiple locations from which it distributes products, it should make its class of purchaser determinations on a location-by-location basis. Only to the extent that it can ultimately be determined that no customary price differentials were reflected between a seller's prices at two or more locations would it be possible for a seller to treat sales from such locations as being to the same class of purchaser.

In evaluating its sales from a particular location, a seller should next look to the types of customers it had, on May 15, 1973, for purposes of making price determinations. There are certain readily apparent distinctions to be made in this regard, such as those relating to recognized levels of distribution (e.g., wholesale, retail, end-user, etc.), those relating to methods of sale (e.g., branded, non-branded), and those relating to types of use (e.g., re-sale, industrial, commercial, residential, etc.). It should be noted in this regard that although certain industry-wide practices have existed in regard to certain "customer types," as to which customary price differentials existed, other practices as to price distinctions based on customer types may have varied from seller to seller, depending on circumstances.

Having determined those types of customers which were treated differently from other types of customers for pricing purposes on May 15, 1973, a firm must next determine, as to each such type of customer, the extent to which prices of product were differentiated according to volumes purchased (e.g., sales in cargo lots, barge sales, pipeline sales, tankwagon sales, sales made pursuant to a sliding volumetric discount scale, etc.).

Finally, a firm must determine, as to sales to each group of purchasers identified under the foregoing criteria (those purchasers which bought at a price reflecting the seller's location, the type of purchaser involved, and the volume of product involved), the extent to which customary price differentials reflected differences in terms or conditions of sale or delivery on May 15, 1973. Such differences in terms or conditions may, of course, simply reflect purchaser delineations already made under other criteria, such as, for example, those respecting sales to branded and to non-branded dealers. Differing terms or conditions of sale or delivery may, however, also serve to delineate still further classes of purchaser which are not distinguishable under the other criteria.

A firm may, for example, make its product available to some customers on a delivered basis and to others at its terminal. Such a difference in the terms of sale to otherwise indistinguishable purchasers would serve as the basis for a customary price differential between groups of purchasers, and thereby establish separate classes of purchaser.

It is in this area of differing terms and conditions of sale, and particularly where such terms and conditions, including price terms, were established by written contract on May 15, 1973, that class of purchaser determinations become most difficult.

In some instances, the fact that sales were made pursuant to contractual terms and conditions may serve to distinguish those purchasers from purchasers that did not buy under contract, and in others it may not. For example, if a seller sold a product to both contract and non-contract purchasers on identical terms and conditions, there would be no basis for establishing separate classes of purchaser. If, however, a firm's contract purchasers were generally those purchasers that bought all of their requirements from the firm over a given time period, whereas the firm's non-contract purchasers bought from the firm only on an occasional and unpredictable basis, and if this difference in methods of purchaser were reflected in a customary price differential, it would not be proper for the selling firm to place its contract and non-contract purchasers in the same class.

In cases where all of the foregoing analysis has been made, and a firm's purchasers have been grouped into appropriate categories, there may nevertheless exist differences in prices charged to purchasers within those groups. Such differences might simply reflect the varying competitive situations at the various times when contractual prices were agreed to, or they may, upon closer examination, represent customary price differentials that have resulted from factors which may not even have been consciously adverted to at the time, but which nevertheless can be objectively verified.

It is in this area, where purchasers are ostensibly similarly situated, that price distinctions become potentially at odds with the policies intended to be furthered by the Robinson-Patman Act.

Pricing structures in the petroleum industry, and particularly discount practices, reflect the requirements of the Robinson-Patman Act amendments to the Clayton Act, 15 U.S.C. 13, and the numerous Federal Trade Commission and federal court decisions which have applied that Act to the petroleum industry. Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act, provides in pertinent part:

> It shall be unlawful for any person engaged in commerce * * * to discriminate in price between different purchasers of commodities of like grade and quality * * * where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them * * * 15 U.S.C. 13(a).

Thus, a seller is prohibited from discriminating in price between two of its customers if the effect of such discrimination may be substantially to lessen competition or to injure, destroy or prevent competition with any person who either (i) grants the discrimination (so-called primary line injury); (ii) knowingly receives the benefit of the discrimination (secondary line injury); or (iii) is a customer of the person receiving the

benefit of the discrimination (tertiary line injury).

The Robinson-Patman Act recognizes two principal types of exceptions to the general policy against discrimination between two customers. The first, commonly referred to as the "cost justification" defense, is:

> That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered • • • Id.

A second, and much narrower, exception, referred to as the "meeting competition" defense, provides:

> Upon proof being made • • • that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section, • • • *Provided, however,* that nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. Clayton Act, § 2(b), 15 U.S.C. 13(b).

Thus, despite common use of the term "competitive discount" to include discounts such as volume discounts, a true "competitive" or "meeting competition" discount within the meaning of the Robinson-Patman Act is only (a) one which is extended in good faith to meet an actual lower offer made to the purchaser by the supplier's competitor in an individual competitive situation, FTC v. A. E. Staley Mfg. Co., 324 U.S. 746, 753 (1945); cf. Callaway Mills Co. v. FTC, 362 F. 2d 435 (5th Cir. 1966), or (b) one by which the supplier subsidizes a dealer in order that the dealer can compete effectively in a local price war situation, provided that the dealer's competitors are also being subsidized by their suppliers. See FTC v. Sun Oil Co., 371 U.S. 505, 512 n. 7 (1963). Since the burden of proving the competitive discount justification under section 2(b) is on the defendant, many sellers, including many oil companies, have historically provided such a discount only where the customer executed an affidavit to the effect that it had received an offer of an equally low price from its supplier's competitor. A seller which extends a competitive discount is under an obligation to determine from time to time whether the competitive situation which created the justification for the discount continues to exist, especially where intervening economic conditions should put the seller on notice that there has been a restructuring of competitive conditions in the marketplace. See in re Beatrice Foods Co., 68 F.T.C. 286, 350–51 (1965).

Thus, price differentials between different purchasers which tend substantially to lessen competition are consistent with the Robinson-Patman Act if they (1) are cost justified; or (2) are necessary in good faith to meet competition. For purposes of applying its pricing regulations, FEA will assume that all discounts and price differentials in effect on May 15, 1973, were permissible under the Robinson-Patman Act.

FEA's class of purchaser requirements are intended to be and should be construed as being consistent with requirements of the Robinson-Patman Act. Thus, in determining whether a price differential in effect on May 15, 1973, was a customary differential which shall be maintained with respect to a class of purchaser, FEA will take into account whether the differential in question falls into one of the categories of differentials justified under the Robinson-Patman Act.

If a price differential was justified under that Act because it reflected cost savings to the supplier and that differential is otherwise determined pursuant to FEA regulations to represent a "customary" price differential, FEA will generally require that a class of purchaser be established to reflect that differential, since presumably the justifications under the Robinson-Patman Act are as valid currently as they were on May 15, 1973.

If, however, a price differential can be justified only as a competitive discount under section 2(b) (i.e., made in good faith to meet an actual lower bona fide offer or to offset a price war subsidy of a competitor), FEA will not require that a separate class of purchaser be established to reflect that differential. This is so because such dramatic changes in the pricing and competitive structure of the petroleum industry took place during the summer and fall of 1973 that it is unlikely, at least in the absence of FEA price controls, that a supplier could, at any time after September 1, 1973, justify in a Robinson-Patman Act suit a competitive discount if it existed exclusively on the basis that it was necessary to meet a lower offer made by a competitor on or before May 15, 1973. Moreover, a true competitive discount does not fall within any of the factors listed in § 212.31 to be taken into account in determining a customary price differential.

The foregoing policy of allowing suppliers to eliminate price differentials originally given in response to local competitive conditions is consistent with the general policy of the class of purchaser doctrine to require sellers to give similar prices to purchasers which are similarly situated, and not to require that random price differentials be maintained. This policy will be followed both at the reseller-retailer level, where potential conflict with the Robinson-Patman Act is readily apparent, and at the end-user level, where there is less likely to be actual competition between purchasers and therefore less possibility of conflict with the Robinson-Patman Act. Even though there is less likelihood of conflict with the Robinson-Patman Act at the end-user level, maintenance of price differentials at the end-user level might still, in particular circumstances, result in a lessening of competition, particularly at the primary line level, as well as frustrate the general policy of allowing random price differentials to be eliminated.

It is important to point out, however, that certain discounts may have been "competitive discounts" in form, having ostensibly been granted to meet a lower offer and with an affidavit having been executed by the buyer to that effect, but may nevertheless also be cost justified under the Robinson-Patman Act. For example, a retail gasoline dealer that owns its retail facility may have been able to obtain a discount from its supplier that was made in good faith to meet a lower bona fide offer. But the willingness of sellers on May 15, 1973, to afford such discounts also reflected cost savings to such sellers, by virtue of the fact that other sales by such sellers were to customers that operated retail facilities owned by and leased from the sellers, and the rental for the facilities was reflected, in part, in the purchase price of gasoline. Similarly, "competitive" discounts on May 15, 1973, may have reflected cost savings attributable volumes purchased or to the fact that the sales were to non-branded rather than branded buyers, since in sales to non-branded customers sellers ordinarily do not incur certain expenses or do not provide certain services (such as a trademark license) that are incurred or provided in connection with sales to branded customers.

Thus, as a general rule the FEA will not require classes of purchaser to be established to maintain price differentials which on May 15, 1973, were in effect only to meet an equally low offer of a competitor. But the FEA will look behind broad assertions that a particular differential was a "competitive" discount and will determine whether in fact the differential was extended to meet a competitive offer and, even if it was, whether it was equally justifiable on a cost basis. Where there is an equally strong cost justification for a "competitive" discount, FEA will require it to be continued.

The position taken herein obviates most of the need for the presumption in Ruling 1974–18, noted above, to the effect that a discount on May 15, 1973, that had been or was expected to be in effect for six months or more is "customary." The presumption was intended to provide guidance primarily on the issue of whether a truly transitory competitive discount was "customary." Since this Ruling concludes that competitive discounts in effect on May 15, 1973, may generally be weight averaged to determine a single price for all purchasers in a class, regardless of the length of time they were intended to be in effect, the presumption is no longer necessary, with respect to such discounts. Cost justified discounts, on the other hand, are generally to be considered "customary" regardless of the length of time they had been or were intended to be in effect as of May 15, 1973. Ruling 1974–18 continues to have viability, however, insofar as it provides a means of distinguishing special, short-term sales and other temporary allowances that were

neither cost justified nor given in response to competitive conditions, and which represented random price differentials, from longer-term discounts, which are more likely to reflect differences in location, volume, type of purchaser, etc., and therefore to represent "customary" price differentials.

C. *Class of purchaser membership.* Rulings 1974–17 and 1974–18 have been incorrectly construed by some persons as requiring a supplier generally to maintain certain discounts in effect on May 15, 1973, to the same purchasers which received them on that date, possibly because the rulings were stated as hypothetical examples involving particular purchasers. No such construction was intended, however. Rather, a supplier must maintain the applicable customary price differential to the same class of purchaser. The membership of the class is to be determined by the same objective standards applied by the seller on May 15, 1973. Thus, for example, if a particular customer was receiving a volume discount on May 15, 1973, because its purchases exceeded a certain prescribed volume, the seller does not have to continue to offer the applicable price differential to the same purchaser if that purchaser's volumes decline below that level. On the other hand, a seller is required currently to offer such a price differential to a purchaser which now meets the minimum prescribed volume, even though it may not have done so on May 15, 1973.

While membership in a particular class of purchaser is to be determined by objective standards in effect on May 15, 1973, FEA reiterates the position taken in Ruling 1974–17 that a class of purchaser may have only one member, particularly at the end-user level, where a price to a very large volume end-user was often determined on an individually-negotiated basis and reflected a customary price differential between that end-user and all other end-users.

D. *Application of this ruling.* The class of purchaser concepts described in this ruling will be applied by FEA in determining the lawfulness of all prices charged by sellers of covered products since August 19, 1973, the effective date of Phase IV of the Cost of Living Council's price regulations applicable to the petroleum industry. In other words, sellers which have failed, at any time after August 19, 1973, to maintain distinct classes of purchaser and to reflect customary price differentials, as described herein, will be subject to appropriate remedial action, including appropriate refunds. The remedial actions to be taken or sanctions to be imposed with respect to departures from the class of purchaser requirements as expressed in this ruling will be determined on a case-by-case basis, taking into account the extent to which sellers can establish, with respect to past class of purchaser determinations, a good faith basis under the regulations for the manner in which those determinations were made and the extent to which these matters were resolved in prior compliance proceedings.

FEA recognizes that the general rules stated herein for determining what constitutes a separate and distinct class of purchaser for purposes of FEA pricing regulations may not be easily applicable to all of the myriad types of price differentials that existed in May 15, 1973, and that the strict application of these rules might in fact achieve a result contrary to the general goal that purchasers which for all practical purposes are similarly situated should be grouped in the same class of purchaser. Therefore, to the extent that strict application of the class of purchaser doctrine, as interpreted herein, does not achieve the desired result or is impractical, both purchasers and sellers adversely affected should, pursuant to Subpart D of 10 CFR, Part 205, promptly apply to the FEA for an exception from the class of purchaser rule. Similarly, any seller which finds the application of this ruling to its business to be unclear should promptly submit to FEA the relevant facts together with a request for interpretation of those aspects of the ruling applicable to its particular factual situation.

Illustrative Examples

The foregoing general principles are illustrated by the following examples, which are equally applicable to all sellers, including refiners, resellers, reseller-retailers and retailers.

Example 1. On May 15, 1973, Firm A, a refiner, had in effect posted dealer tankwagon prices for gasoline at terminals in City A and in City B. The price in City A was 13.2 cents per gallon and in City B was 13.9 cents per gallon. All sales of gasoline by Firm A at these terminals to gasoline retailers were made at posted prices on May 15, 1973.

The difference in price between those retailers which purchased from Firm A in City A and those retailers which purchased from Firm A in City B is a "customary price differential," which reflects a difference in location of the seller, and which must be preserved by establishing separate classes of purchaser for the respective terminals. The maintenance of price distinctions between City A and City B is ordinarily not objectionable under the Robinson-Patman Act, except in rare instances, because buyers from one terminal are presumably not in competition with buyers from another terminal and/or because such differentials reflect cost savings, such as those relating to Firm A's differing costs of transporting the product to different locations.

Example 2. On May 15, 1973, Firm B, a refiner, had in effect at a particular terminal posted prices for gasoline as follows: (a) a cargo buyer price of 12 cents per gallon, (b) a jobber tanker price of 13 cents per gallon, (c) a dealer tankwagon price of 15 cents per gallon, and (d) an end-user tankwagon price of 16.5 cents per gallon. All sales of gasoline by Firm B at this terminal were made at posted prices on May 15, 1973.

The differences in price between those buyers which bought pursuant to these postings are "customary price differentials" which reflect the different types of purchaser involved and which must be preserved by establishing separate classes of purchaser for each type. The maintenance of these price distinctions between types of purchaser is ordinarily not objectionable under the Robinson-Patman Act because purchasers in one category usually do not compete with purchasers in another category, and the price differentials involved are therefore not likely to lessen competition substantially or to injure a competitor.

Example 3. On May 15, 1973, Firm C, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. All sales of gasoline to branded retailers made by Firm C at this terminal on May 15, 1973, were at the posted price; whereas all sales of gasoline to non-branded retailers made by Firm C at this terminal on May 15, 1973, were at a discount of 1.0 cents per gallon from the posted price of 15 cents per gallon.

The price differential between branded retailers and non-branded retailers is a "customary price differential" which reflects the differences in services and benefits afforded to those respective types of purchasers by Firm C. This kind of price distinction between branded and non-branded retailers is ordinarily not objectionable under the Robinson-Patman Act and for FEA purposes will have been presumed to have been cost-justified on May 15, 1973; it will therefore continue to be so regarded.

Example 4. On May 15, 1973, Firm D, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. All sales of gasoline to retailers made by Firm D at this terminal on May 15, 1973, were at the posted price, except that Firm D, pursuant to a volume discount schedule, gave discounts from this price of 0.5 cents per gallon for purchases in excess of 50,000 gallons per month, 0.75 cents per gallon for purchases in excess of 75,000 gallons per month, and 1.0 cents per gallon for purchases in excess of 100,000 gallons per month.

Such "volume" discounts are "customary price differentials" reflecting differences in volume of product purchased, and must be maintained through establishment of separate classes of purchaser. The maintenance of these price distinctions according to volumes purchased is not objectionable under the Robinson-Patman Act because they were presumptively cost-justified on May 15, 1973, and will therefore continue to be so regarded.

Example 5. On May 15, 1973, Firm E, a refiner, had in effect at a particular terminal a posted end-user tankwagon price for gasoline of 16.5 cents per gallon. While Firm E had no generally applicable volume or other discount schedule available for end-users, it did make available to most of its very high volume end-users certain discounts from the end-user tankwagon price, the amounts of which were determined on an individually negotiated basis. Some such discounts were granted after an equally low offer had been made by a competitor, but others had no such apparent rationale.

In this situation, it is apparent, notwithstanding the fact that certain of the end-user discounts Firm E had in effect on May 15, 1973, were ostensibly granted to meet competition, that for pricing purposes Firm E distinguished its large and small volume end-user customers principally on the basis of volumes purchased. Therefore, Firm E is required to establish a separate class of purchaser for its low volume end-user purchasers and one or more other classes of purchaser for its high volume end-user purchasers. For each class Firm E is required to establish a separate base price by computing the weighted average price to all customers in the class on May 15, 1973, taking into account all temporary or permanent discounts and allowances. The maintenance of these price differentials between high and low volume

customers was presumptively valid under the Robinson-Patman Act on May 15, 1973, because they were cost-justified, and therefore they will continue to be so regarded.

Example 6. On May 15, 1973, Firm F, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon. From this terminal Firm F made sales to 100 branded independent dealers that leased their retail stations from Firm F and to 100 branded independent dealers that owned their own retail stations or that leased them from lessors other than Firm F. Those dealers that leased their stations from Firm F paid a nominal monthly rental charge to Firm F, but in an amount well below the market value of the property. Firm F extended to 10 of those dealers that did not lease from Firm F various "competitive" discounts off its dealer tankwagon price in order to meet actual lower bona fide offers of competitors. These 10 dealers were distinguishable from the other 90 dealers that did not lease their stations from Firm F only in that they had received competitive offers from suppliers other than Firm F. No competitive discounts were given to any dealers that did lease their stations from Firm F.

It is apparent that Firm F's prices to its dealers which leased their stations from it included an amount which partially compensated Firm F for its rental of real estate. Therefore, there was a sufficient cost-justified distinction between dealers that leased their stations from Firm F, and those that did not, for Firm F to have given the latter a discount consistent with the Robinson-Patman Act. As noted above, a significant distinction between two purchasers on the basis of volume, location, type of purchaser, etc., is sufficient to require that they be placed in separate classes of purchaser, notwithstanding that the seller gave them the same price on May 15, 1973. Thus, Firm F is required to place its dealers that lease their stations from it in a separate class of purchaser from those that do not.

Within the latter group, Firm F had given discounts to 10 dealers on May 15, 1973, to meet equally low offers of competitors. Since these are true "meeting competition" discounts, Firm F may eliminate them and must place these 10 dealers in the same class of purchaser as the other 90 dealers which do not lease their stations from Firm F. The base price for that class is determined based on the weighted average of the 15 cents per gallon charged 90 dealers on May 15, 1973, and the lower prices charged on that date to the 10 remaining dealers to meet competition. The base price for the class of purchaser which includes dealers which do lease from Firm F is determined based on a May 15, 1973, lawful selling price of 15 cents per gallon.

Example 7. On May 15, 1973, Firm G charged most of its 500 branded dealers a dealers tankwagon price of 15 cents per gallon for motor gasoline. Included in those dealers were 25 which sold gasoline in connection with car wash operations which they owned. Of the 25 car wash dealers, Firm G had given 20 of them various discounts, determined on an individual basis, to meet equally low offers of competitors. Similar competitive discounts were given to four of Firm G's non-car wash dealers. All of the 25 car wash dealers sold approximately equal volumes of gasoline, and all of them had substantially greater capital investments in their stations and sold higher volumes of gasoline than the rest of Firm G's dealers.

The application of the class of purchaser doctrine here should be similar to its application in Example 5. Firm G is required to treat all 25 of the car wash dealers as being in the same class of purchaser and in a distinct class of purchaser from its 475 non-car wash dealers. This is so because the higher volumes and the substantially greater investments in their stations of the car wash dealers are in themselves justifications under the Robinson-Patman Act for treating the car wash dealers differently. Firm G is not required, however, to maintain separate classes of purchaser for those car wash dealers that had competitive discounts in effect on May 15, 1973, and those car wash dealers that did not, since these car wash dealers that had discounts in effect are distinguishable from other car wash dealers only in that they had received lower offers from a competitor of Firm G. Similarly, with the non-car wash class, Firm G need not maintain a separate class of purchaser for four non-car wash dealers that received discounts given only to meet competition. The May 15, 1973, lawful selling price component of Firm G's base price for the non-car wash class is therefore the weighted average of 15 cents per gallon for 471 dealers and the lower May 15, 1973, prices afforded to four dealers; the May 15, 1973, lawful selling price component of its base price for the car wash class of purchaser is the weighted average of 15 cents per gallon for five dealers and the lower May 15, 1973 prices afforded to the other 20 members of the class.

Example 8. On May 15, 1973, Firm H, a refiner, had in effect at a particular terminal a posted dealer tankwagon price for gasoline of 15 cents per gallon, and all sales of gasoline to non-branded retailers were made by Firm H at this terminal on May 15, 1973, at a discount of 1 cent per gallon from the posted price of 15 cents per gallon, except that certain non-branded retailers received additional, "competitive" discounts of from 0.2 to 1.3 cents per gallon. These "competitive" discounts were extended by Firm H in order to meet actual lower bona fide offers to those retailers by competitors of Firm H and in each instance the retailer had executed an affidavit to that effect. All such discounts in effect on May 15, 1973, had been in effect for six months, or had been granted for a period of at least six months.

Firm H's branded and non-branded dealers are sufficiently distinguishable from each other on a "type of purchaser" and cost-justified basis that they must be treated as separate classes of purchaser. However, the non-branded retailers receiving competitive discounts were not distinguishable from the non-branded retailers who were not receiving such discounts on May 15, 1973, in terms of location, type of purchaser, volumes of product purchased, terms and conditions of sale (other than the "competitive" discount in question), or any other objective standard which would serve to differentiate the buyers which received discounts from those which did not, nor is there any cost-justification basis upon which a Robinson-Patman Act suit challenging the continuance of the price differentials resulting from such discounts could be defended.

The difference in price between those non-branded retailers that purchased from Firm H with competitive discounts and those which did not is not a "customary price differential" which must be preserved by establishing separate classes of purchaser. Although such discounts would have been treated as "customary" under Ruling 1974–18, they need not be maintained pursuant to this ruling because, in construing the intent of FEA regulations to be consistent with the policies of the Robinson-Patman Act, there is not now any objective justification for affording one competitor a price advantage over another. This ruling therefore supersedes Ruling 1974–18 in this respect. The competitive discounts in this example, although not requiring a separate class of purchaser to be established, must nevertheless be taken into account in determining the weighted average selling price to the class of purchaser concerned on May 15, 1973.

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

MARCH 3, 1975.

[FR Doc.75–5990 Filed 3–4–75;10:11 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

AUTHORIZATION FOR DOMESTIC OPEN MARKET OPERATIONS

Technical Revision

The Federal Open Market Committee has made a technical revision of its Authorization for Domestic Open Market Operations. The Authorization previously provided that Reserve Banks other than the New York Reserve Bank may purchase certificates of indebtedness directly from the Treasury only when the New York Reserve Bank is closed. It would be administratively more convenient for the Treasury if other Reserve Banks could purchase Treasury certificates of indebtedness under circumstances other than only when the New York Reserve Bank is closed. Accordingly, the Committee has approved of revisions which authorize Reserve Banks other than the New York Reserve Bank to purchase certificates of indebtedness directly from the Treasury under circumstances other than only when the New York Reserve Bank is closed.

Therefore in accordance with § 271.5 of its rules Regarding Availability of Information there is set forth below amended paragraph 2 of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations.

(1) Effective January 30, 1975, paragraph 2 of the Authorization for Domestic Open Market Operations is amended to read as follows:

(2) The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, or, under special circumstances, such as when the New York Reserve Bank is closed, any other Federal Reserve Bank, to purchase directly from the Treasury for its own account (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury; provided that the rate charged on such certificates shall be a rate ¼ of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases, and provided further that the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $1 billion.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-6066 Filed 3-6-75;8:45 am]

PART 270—OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS

Technical Revision

The Federal Open Market Committee has made a technical revision of its Regulation Relating to the Open Market Operations of Federal Reserve Banks. The Regulation previously provided that Reserve Banks other than the New York Reserve Bank may purchase certificates of indebtedness directly from the Treasury only when the New York Reserve Bank is closed. It would be administratively more convenient for the Treasury if other Reserve Banks could purchase Treasury certificates of indebtedness under circumstances other than only when the New York Reserve Bank is closed. Accordingly, the Committee has approved of revisions which authorize Reserve Banks other than the New York Reserve Bank to purchase certificates of indebtedness directly from the Treasury under circumstances other than only when the New York Reserve Bank is closed.

1. Effective January 30, 1975, § 270.4 of the Committee's regulation Relating to Open Market Operations of Federal Reserve Banks is revised to read as follows:

§ 270.4 Transactions in obligations.

* * * * *

(d) In accordance with such limitations, terms, and conditions as are prescribed by law and in authorizations and directives issued by the Committee, the Reserve Bank selected by the Committee (or, under special circumstances, such as when that Bank is closed, any other Federal Reserve Bank) is authorized and directed, for its own account or the System Open Market Account, to purchase directly from the United States such amounts of Government securities as may be necessary from time to time for the temporary accommodation of the Treasury Department.

* * * * *

2. a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-6065 Filed 3-6-75;8:45 am]

PART 272—RULES OF PROCEDURE

Organization Rules

The Federal Open Market Committee of the Federal Reserve System has approved a realignment of staff personnel who supervise System open market operations under the Committee's direction at the New York Reserve Bank. The following revisions of the Committee's rules are designed to reflect this staff personnel realignment.

(1) Effective February 19, 1975, section 5 of the Committee's rules of organization is amended to read as follows:

Section 5. Manager and Deputies. The Committee selects a Manager of the System Open Market Account, a Deputy Manager for Domestic Operations, and a Deputy Manager for Foreign Operations. All of the foregoing shall be satisfactory to the Federal Reserve Bank selected by the Committee to execute open market transactions for such Account, and all shall serve at the pleasure of the Committee. The Manager or his Deputies keep the Committee informed on market conditions and on transactions they have made and render such reports as the Committee may specify.

(2) Effective February 19, 1975, Part 272 is amended in the following respects:

(a) Section 272.3 (d) and (e) is amended to read as follows:

§ 272.3 Meetings.

* * * * *

(d) *Attendance at meetings.* Attendance at Committee meetings is restricted to members and alternate members of the Committee, the Presidents of Federal Reserve Banks who are not at the time members or alternates, staff officers of the Committee, the Manager and Deputy Managers, and such other advisers as the Committee may invite from time to time.

(e) *Meeting agendas.* The Secretary, in consultation with the Chairman, prepares an agenda of matters to be discussed at each meeting and the Secretary transmits the agenda to the members of the Committee within a reasonable time in advance of such meeting. In general, the agendas include approval of minutes of actions and acceptance of memoranda of discussion for previous meetings; reports by the Manager or Deputy Managers on open market operations since the previous meeting, and ratification by the Committee of such operations; reports by Economists on, and Committee discussion of, the economic and financial situation and outlook; Committee discussion of monetary policy and action with respect thereto; and such other matters as may be considered necessary.

(3) This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

(b) The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 26, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-6067 Filed 3-6-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Correction

Revision 2, Amendment 1 to this Part 114 as appeared in FEDERAL REGISTER on February 13, 1975 (40 FR 6640) should have appeared as "Revision 1, Amendment 1."

Dated: March 3, 1975.

ROBERT B. WEBBER,
Associate General Counsel.

[FR Doc.75-6007 Filed 3-6-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-SW-11; Amdt. 39-2122]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters

There has been a reported failure of one lower clevis in a main rotor blade pitch control link assembly that possibly resulted in loss of control of the main rotor blade on a Model 206A helicopter. The Models 206B, 206A-1, and 206B-1 helicopters may also be equipped with the same type of control pitch clevis. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require an immediate and a 50-hour interval repetitive inspection for possible cracks in the upper and lower clevis on each main rotor blade pitch link assembly, P/N 206-010-330 or 206-010-342, and an inspection of the outer swashplate ring horn bearings for excessive breakaway torque on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters.

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:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, certificated in all categories, equipped with pitch link assemblies, P/N 206-010-330 or 206-010-342.

Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter

at intervals not to exceed 50 hours' total time in service from the last inspection.

To detect possible fatigue cracks in each main rotor pitch link assembly, upper and lower clevis, accomplish the following.

a. Remove each main rotor blade pitch link assembly from the helicopter and measure the distance between the bolt holes. Remove the upper and lower clevis from each pitch link assembly in accordance with Bell Model 206A or 206B maintenance and overhaul instructions.

b. Inspect the threaded shank of each clevis using flourescent penetrant or an equivalent inspection method.

c. Replace each clevis that has a cracked shank before further flight.

d. Assemble the pitch link assemblies in accordance with the Model 206A or 206B maintenance and overhaul instructions and set the pitch link assembly to the appropriate length measured in paragraph (a) of this AD.

e. Determine that each bearing, P/N 206-010-469-1, installed in the swashplate outer ring horns has a breakaway force that does not exceed 10 pounds when measured as specified in the Mailgram dated February 15, 1975, from Bell Helicopter Company to all 206A, 206B, and TH57A operators or as specified in an FAA approved equivalent procedure.

f. Replace each swashplate outer ring horn bearing, P/N 206-010-469-1, that exceeds 10 pounds breakaway force measured in paragraph (e) of this AD, prior to further flight, in accordance with procedures specified in Section XIV of the Bell Model 206A or 206B maintenance and overhaul instructions dated November 1, 1972, or later revision, or as specified in an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

g. Install the pitch link assemblies in accordance with the Bell Model 206A or 206B maintenance and overhaul instructions.

h. This AD does not apply to the main rotor pitch link assemblies, P/N 206-010-355.

i. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, may adjust the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective March 12, 1975.

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

Issued in Fort Worth, Texas, on February 27, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5996 Filed 3-6-75;8:45 am]

[Docket No. 75-GL-2; Amdt. 39-2101]

PART 39—AIRWORTHINESS DIRECTIVES

Goodyear Main Wheel Assembly; Correction

In FR Doc. 75-4844, appearing on page 7900 in the issue of Monday, February 24, 1975, substitute the following:

1. In the first paragraph of the preamble, substitute P/N's "5000757-1 and -2" for "500757-1 and -2", and the name "McDonnell Douglas" for "McDonnell-Douglas Aircraft Company";

2. In the first paragraph of the body of the Airworthiness Directive, substitute P/N's "5000757-1 and -2" for "500757-1 and -2", and "McDonnell Douglas" for "McDonnell-Douglas Aircraft Company"; and

3. In the penultimate paragraph, substitute the date "March 26, 1975" for the date "February 28, 1975".

This correction becomes effective March 7, 1975.

Issued in Des Plaines, Illionis, on February 27, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-5993 Filed 3-6-75;8:45 am]

[Docket No. 75-EA-10; Amdt. 39-2121]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplane.

There had been reports of improper cable routing which resulted in the issuance of Piper Service Bulletin 379A. However, due to an incident of a failure of a rudder control cable, it appeared that the bulletin was not being implemented. Since the deficiency which led to the incident can develop or exist in airplanes of the same type design, an airworthiness directive is being issued which will require an inspection of the cable and guide and replacement when necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER. Applies to Model PA-31-350, Serial Nos. 31-5001 through 31-7405495 certificated in all categories. Compliance required within the next ten hours in service from the effective date of this AD unless previously accomplished, as indicated.

1. Inspect the forward rudder control cable installation as follows:

a. Remove the left pilot's seat and associated floor panels.

b. Inspect the left- and right-hand forward rudder control cables P/N 41947-03 for proper routing between the pulleys and cable guard pins.

c. Remove the forward rudder cable guard pins and inspect the pins for evidence of contact with the control cable.

d. If a forward rudder control cable is not properly routed or the cable guard pins show evidence of contact with the control cable, the control cable must be replaced with an acceptable part of the same part number, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repairs can be made. (Piper Service Bulletin No. 379A refers to this subject.)

This amendment is effective March 13, 1975, and was effective for all recipients of the airmail dispatch of February 11, 1975, upon receipt.

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

Issued in Jamaica, N.Y., on February 26, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-5994 Filed 3-6-75;8:45 am]

[Airspace Docket No. 74-SO-70]

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

Alteration of Transition Area; Correction

On February 10, 1975, FR Doc. 75-3687 was published in the FEDERAL REGISTER (40 FR 6203), amending Part 71 of the Federal Aviation Regulations by altering the Knoxville, Tenn., transition area.

In the amendment, the latitude for Monroe County Airport, Madisonville, Tenn., was cited as "35°42'45'' N." in lieu of "35°32'45'' N." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. 75-3687 is amended as follows:

In line five of the description change "• • • 42' • • •" is deleted and "• • • 32' • • •" is substituted therefor.

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

Issued in East Point, Ga., on February 27, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-5995 Filed 3-6-75;8:45 am]

[Airspace Docket No. 74-SW-44]

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

Designation of Transition Area; Correction

On February 10, 1975, Document No. 75-3686 was published in the FEDERAL REGISTER (40 FR 6202). This document described the designation of a transition area for La Paloma Ranch Airport at La Pryor, Tex., effective 0901 G.m.t., June 19, 1975.

The FEDERAL REGISTER Compilation of Regulations (40 FR 525) publishes a transition area for the Chaparrosa Ranch Airport at La Pryor, Tex.

This amendment merely clarifies the captions under which transition areas are described near the city of La Pryor. Since it is editorial in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately upon publication in the FEDERAL REGISTER, as follows:

(1) In § 71.181 (40 FR 6202), Document No. 75-3686 is amended to read "La Pryor, Tex. (La Paloma Ranch Airport)."

(2) In § 71.181 (40 FR 525), the caption of the transition area servicing Chaparrosa Ranch Airport is amended to read "La Pryor, Tex. (Chaparrosa Ranch Airport)."

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

Issued in Fort Worth, Tex., on February 25, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-5997 Filed 3-6-75;8:45 am]

[Airspace Docket No. 74-SW-51]

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

Designation of Transition Area; Correction

On December 20, 1974, and on February 11, 1975, FR Docs. 74-29635 and 75-3723, respectively, were published in the FEDERAL REGISTER (39 FR 44036 and 40 FR 6347). These documents contained the designation of the Batesville, Ark., transition area effective 0901 G.m.t., April 24, 1975. Subsequent to the issuance of the final rule (Document No. 75-3723), it was noted that the designation of the Batesville transition area should have been an alteration of the existing transition area. This amendment of the FEDERAL REGISTER documents alters the existing Batesville transition area rather than designates the transition area.

Since this amendment is editorial in nature and imposes no undue burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, effective immediately, the heading of FR Docs. 74-29635 and 75-3723 is amended to read "Alteration of Transition Area" in lieu of "Designation of Transition Area."

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

Issued in Fort Worth, Tex., on February 25, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-5998 Filed 3-6-75;8:45 am]

[Airspace Docket No. 74-SO-81]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

Correction

In FR Doc. 75-4950, appearing at page 8070 in the issue of Tuesday, February 25, make the following corrections:

1. In the ninth line of the second column on page 8071, the number of degrees latitude, now reading "43", should read "34".

2. In the third line of the third column on page 8071, the number "531A" should read "5311A".

3. In the eighth line of the third column on page 8071, the number "1359" should read "2359".

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-896, Amdt. 36]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Correction

In FR Doc. 75-4923, appearing at page 8073 in the issue of Tuesday, February 25, 1975, the words "per revenue plane" should follow the two words "Round trip" in the fourth from last line of column one.

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Regulation PR-143, Amdt. 7]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 3, 1975.

On November 21, 1974, the Freedom of Information Act (5 U.S.C. 552) was amended in several respects. Although the present Board regulations are in substantial compliance with the majority of requirements set forth in the new amendment, a few differences exist with respect to time limitations for processing requests for access to agency records, and the circumstances justifying enlargement of the time allowed. The amendment herein brings Part 310 of the Board's Procedural Regulations into conformity with the Freedom of Information Act amendment in these respects.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 310 of the procedural regulations (14 CFR 310) effective March 3, 1975, as follows:

1. Amend the table of contents to add a new caption § 310.10, as follows:

* * * * *

§ 310.10 Extension of time limits for processing requests for records.

* * * * *

2. Amend § 310.7 to read as follows:

§ 310.7 Production of Board records.

Every effort will be made to serve requests with reasonable dispatch. Requests for the same record will be filed on a "first come, first served" basis, but use of a document by the Board or its staff will be given precedence. A request for records will be granted or denied within 10 working days of its receipt. If the appropriate Board unit does not respond to a request within the 10-day period, the requester may treat such nonaction as a denial and appeal to the Managing Director as in the case of a denial.

3. Amend § 310.9 to read as follows:

§ 310.9 Refusal to make record available.

(a) Where the material requested is currently in use by another member of the public or an employee of the Board, the person making the request will be so informed by the office at which the request was made, and will be advised when the material will be available.

(b) Where the material requested is not a record, is an exempted record, or is otherwise unavailable, the person making the request will be so informed by the office at which the request was made. The form of notification will be the same as that used for making the request. Whether notification is oral or in writing it shall include a reference to the specific exemption under this regulation and the Freedom of Information Act authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld and contain a description of the appeal procedure within the agency and of the ultimate availability of judicial review as set forth in paragraph (e) of this section. A copy of all denial letters and all written statements explaining why exempt records have been withheld will be collected and maintained for public inspection in the Public Reference Room.

(c) Not more than 10 days after a request for a record is denied pursuant to paragraph (b) of this section, the person making the request may appeal the denial to the Managing Director, who has

been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, and shall identify the materials requested and denied in the same manner as it was identified to the Board office receiving and denying the request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter of appeal shall state briefly and succinctly the reasons why the record should be made available.

(d) The Managing Director may consult with other members of the staff in making his determination, and shall either rule on the appeal or, at his discretion, pass the matter to the Board for its determination. If the Managing Director rules on the appeal, he shall by letter inform the requester within twenty working days after receipt of the letter of appeal whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated and no further administrative appeal will be permitted. If the appeal is not ruled upon by the Managing Director but instead is referred to the Board, the Managing Director shall so notify the requester by letter. An appeal passed to the Board shall be acted upon by the Board within twenty working days from the date the letter of appeal was received by the Managing Director.

(e) A decision by either the Managing Director or the Board pursuant to paragraph (d) of this section is final and will not be subject to petitions for reconsideration. It is subject to judicial review in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the Board records are situated.

4. Amend Part 310 by adding a new § 310.10, as follows:

§ 310.10 Extension of time limits for processing requests for records.

In unusual circumstances as specified in this section, the time limits prescribed in § 310.7 and § 310.9 for responding to any request for records or appeal from a denial therefrom may be extended by written notice to the person making such request or appeal setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this section, "unusual circumstances" means, but only to extent reasonably necessary to the proper processing of the particular request: (a) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (b) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (c) the need for consultation which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Board's staff having substantial subject-matter interest therein.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 49 U.S.C. 1324(a); Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140); and 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561)

By the Civil Aeronautics Board:

Effective: March 3, 1975.

Adopted: March 3, 1975.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-6046 Filed 3-6-75;8:45 am]

[Regulation PR-144, Amdt. 1]

PART 311—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 3, 1975.

On November 21, 1974, the Freedom of Information Act was amended to prescribe administrative time limits for processing requests for access to agency records. The amendment herein to Part 311 of the Board's Procedural Regulations conforms the Board's procedures for processing requests for declassification of national security information with the new requirements of the Freedom of Information Act Amendment.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 311 of the Procedural Regulations (14 CFR 311) effective March 3, 1975, as follows:

1. Amend § 311.43 to read as follows:

§ 311.43 Review of classified material for declassification.

* * * * *

(b) Members of the public or agencies may direct requests for mandatory review for declassification to the Security Officer, at the offices of the Board, at 1825 Connecticut Ave., NW., Washington, D.C. 20428, who shall in turn assign the request to the appropriate office for action. In addition, the office which has been assigned shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to Title 5 of the Independent Office Appropriations Act, 1952, 65 Stat. 290 (31 U.S.C. 483a) the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 10 working days of receipt. If at the end of the 10-day period no determination on the request has been made, the requester may apply to the Intra-agency Committee (established by the Chairman and chaired by the Managing Director) for a determination.

(c) The Intra-agency Committee shall establish procedures to review and act within 20 working days from receipt upon all applications and appeals regarding requests for declassification. The Chairman, acting through the Intra-agency Committee, is authorized to overrule previous determinations in whole or in part when, in his judgment, continued protection is no longer required. If the Intra-agency Committee determines that continued classification is required it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee, established pursuant to E.O. 11652.

(d) In unusual circumstances as specified in this paragraph, the time limits prescribed in paragraphs (b) and (c) of this section for responding to any request for declassification or appeal from a denial therefrom may be extended by written notice to the person making such request or appeal setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request: (a) the need to search for and collect the subject records from field facilities or other establishments that are separate from the office processing the request; (b) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (c) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Board's staff having substantial subject-matter interest therein.

(e) A request by a member of the public or by an agency to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Achives, the Archivist shall, together with the Chairman, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Chairman makes at that time the personal determination that continued classification is required. The Archivist shall promptly notify the requester for such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) For purposes of administrative determinations, the burden of proof is on the Chairman to show that continued classification is warranted within the terms of the Executive Order.

(g) Upon a determination that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of law.

(h) A request for classification review must describe the document with sufficient particularity to enable it to be identified and to be obtained with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

(Section 204(a) of the Federal Aviation Act of 1958, as amended 72 Stat. 743, 49 U.S.C. 1324(a); Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140); and 5 U.S.C. 552, as amended by Pub. L. 93-502, 88 Stat. 1561)

By the Civil Aeronautics Board.

Effective: March 3, 1975.

Adopted: March 3, 1975.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[FR Doc.75-6045 Filed 3-6-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8834]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Holiday Magic, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages or connections;* 13.15-5 Advertising and promotional services; 13.15-20 Business methods and policies; 13.15-30 Connections or arrangements with others; § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.142 *Operation;* § 13.143 *Opportunities;* § 13.160 *Promotional sales plans;* § 13.195 *Safety;* § 13.195-30 Investment; § 13.280 *Unique nature or advantages;* § 13.285 Value. Subpart—Coercing and intimidating; § 13.358 *Distributors.* Subpart—Combining or conspiring: § 13.388 *To control allocations and solicitation of customers;* § 13.395 *To control marketing practices and conditions;* § 13.430 *To enhance, maintain or unify prices;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-20 Disclosures; § 13.533-55 Refunds, rebates, and/or credits. Subpart—Discriminating between customers; § 13.685 *Discriminating between customers.* Subpart—Discriminating in price under Section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.785 *Terms and conditions;* § 13.790 *Trade areas.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price schedules and announcements.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practices;* § 13.1397 *Customer connection.*—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1725 *Refunds;* § 13.1730 *Results;* § 13.1770 *Unique nature or advantages;* § 13.1775 *Value.*—Promotional sales plans; § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1889 *Risk of loss;* § 13.1892 *Sales contract, right-to-cancel provision.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.2015 *Opportunities in product or service;* § 13.2090 *Undertakings, in general.* Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2132 *Exclusive territory.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) (Cease and desist order, Holiday Magic, Inc., et al., San Rafael, Calif., Docket 8834, Oct. 15, 1974)

In the Matter of Holiday Magic, Inc., a Corporation, and Sam Olivo, as Executor for the Decedent Respondent William Penn Patrick,[1] and Fred Pape and Janet Gillespie, Individually.

Order requiring a San Rafael, Calif., distributor of cosmetics, toiletries, cleaning products and associated items, among other things to cease engaging in illegal price fixing and price discrimination and imposing selling, purchasing and territorial restrictions on its distributors. Further, respondent is required to cease using its open-ended, multilevel marketing plan which the Commission found to be deceptive. Respondent is also ordered to make refunds to requesting distributors of monies unlawfully obtained in the event it ceases to be in compliance with an order of the District Court for the Northern District of California pertaining to repayment of funds to distributors.

The Final Order, including further order requiring report of compliance therewith, is as follows:[2]

This matter having been heard by the Commission upon the appeal of respondents' counsel from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having denied, in larger part, and granted, in lesser part, the appeal:

It is ordered, That the following Findings of Fact and Conclusions of Law of the Administrative Law Judge (as hereinafter modified by the appended listing of "Errata") are adopted as Findings of Fact and Conclusions of Law of the Commission: Pp. 1-6; Findings 1-483; pp. 292-311 (through 1st paragraph); pp. 326 (penultimate paragraph)-342; Paragraphs D(1)-(2) and E(6) on pp. 343-344; pp. 345-361; pp. 364-367 (through 3rd paragraph); p. 368 (last 6 paragraphs, except for second sentence of penultimate paragraph and substituting "higher" for "lower" in last paragraph); p. 369 (except for 2nd paragraph); p. 370 (except for 3rd and 4th full paragraphs); pp. 371-376.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order be, and it hereby is, entered:

ORDER

I. *It is ordered,* That respondent Holiday Magic, Inc., a corporation, its officers, agents, representatives, employees, successors, and assigns, respondent Fred Pape, individually, and respondent Janet Gillespie, individually, their agents, representatives and employees, directly or indirectly through any corporate or other device, in connection with the offering for sale, sale, or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist from:

1. Entering into, maintaining, promoting, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of such goods or commodities to do or perform or attempt to do or perform any of the following acts, practices, or things:

(a) Fix, establish, or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be resold: *Provided,* That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be resold: *Provided,* That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

[1] Order amending complaint by substituting party, issued Aug. 29, 1974.

[2] Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.

(c) Require or coerce any person to refrain from selling his or her merchandise in any quantity to or through any specified person, class of persons, business, class of business, or retail outlet of his or her choosing.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct or require, induce, coerce, or enter into any agreement with any distributor to refrain from selling any merchandise in any quantity to or through any specified person, class of persons, business, class of business, or retail outlet of his or her choosing.

(e) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any geographic area: *Provided, however,* That nothing contained herein shall prevent respondents from assigning routes to individual distributors as areas of primary responsibility.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the net price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the net price, or terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser at net prices, or upon terms or conditions of sale less favorable than the net prices or terms or conditions of sale upon which such products are sold to any other purchaser to the extent such other purchaser competes in the resale of any such products with the purchaser who is afforded less favorable net price or terms or conditions of sale, or with a customer of the purchaser afforded the less favorable net price or terms or conditions of sale.

3. Preventing distributors from entering into consignment agreements or selling their business to another individual.

4. Engaging, either as part of any contract, agreement, understanding, or course of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally in the practice of:

(a) Publishing or distributing, directly or indirectly, any resale price, product price list, order form, report form, or promotional material which employs resale prices for goods or commodities without stating clearly and visibly in conjunction therewith the following statement:

The prices quoted herein are suggested prices only. Distributors are free to determine for themselves their own resale prices.

(b) Publishing or distributing, directly or indirectly, any schedule of discounts, rebates, commissions, overrides or other bonuses to be paid by one distributor or class of distributors to any other distributors or class of distributors, without stating clearly and visibly in conjunction therewith the following:

The discounts [rebates, commissions, etc.] quoted herein are suggested only. Distributors are free to determine for themselves any amounts to be paid.

Provided, That in those state having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

5. Requiring any distributor or dealer or other participant in any merchandising program to obtain the prior aproval of respondents for any product advertising promotion, or proposed product advertising or promotion, unless any selling prices and names of any selling outlets are required to be deleted from such proposed advertising or promotion prior to submission for prior approval.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms, or corporations therefor, in connection with any marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Offering, operating or participating in, any marketing or sales plan or program wherein a participant gives or agrees to give a valuable consideration in return for (1) the opportunity to receive compensation in return for inducing other persons to become participants in the plan or program, or for (2) the opportunity to receive something of value when a person induced by the participant induces a new participant to give such valuable consideration: *Provided,* That the term "compensation" as used in this paragraph only does not mean any payment based on actually consummated sales of goods or services to persons who are not participants in the plan or program and who do not purchase such goods or services in order to participate in the plan or program.

2. Offering, operating or participating in, directly or indirectly, any marketing or sales plan or program wherein the financial gains to participants are represented to be based in any manner or to any degree upon their recruiting of other participants who obtain the right under the plan or program to recruit yet other participants whose function in the program includes during their first year of participation the recruitment of participants.

3. Requiring or suggesting that prospective participants or participants in any merchandising, marketing or sales promotion program purchase product or pay any other consideration, either to respondents or to any other person in order to participate in said program, other than payment for the actual cost of reasonably necessary sales materials, as determined by the purchaser, in order to participate in any manner therein.

III. *It is further ordered,* That the aforesaid respondents (Holiday Magic, Inc., Fred Pape, and Janet Gillespie) and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises, or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms or corporations in any marketing program or other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Representing, directly or by implication, or by use of hypothetical examples that participants in any marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, and the representation clearly indicates the amount of time required by said past participants to achieve the earnings represented, and failing to maintain adequate records which disclose the facts upon which any claims of the type discussed in this paragraph of the Order [III(1)] are based; and from which the validity of any claim of the type in this subparagraph of the Order can be determined.

2. Representing, directly or by implication, or by use of hypothetical examples, that a gross income figure is a net income, salary, earnings, or profit figure.

3. Misrepresenting the ease of recruiting or retaining participants in any merchandising, marketing or sales promotion programs, as distributors or sales personnel.

4. Representing, directly or by implication, that any participant in any merchandising, marketing or sale promotion program can attain financial success.

5. Misrepresenting the supply or availability of potential participants or customers in any merchandising, marketing or sales promotion program in any given community or geographical area.

6. Requiring that an individual pay a valuable consideration of any kind in return for the right to participate in any marketing or sales program without first disclosing to such prospective participant in writing the number of other participants already active in the market area in which such prospect plans to operate.

7. Misrepresenting that participants can expect to remain active in business

for any length of time, or misrepresenting in any manner the longevity or tenure of past or current participants, as, for example, by using a hypothetical illustration of how a marketing program operates, which implies that participants remain active for a given period, when in fact such period is more than the average length of time for which such participants do remain active.

8. Misrepresenting the reasonably necessary and anticipated costs of doing business for prospective distributors, dealers, sales personnel or franchisees.

9. Representing that once a man or woman understands any business, or marketing plan or program, he or she will not or cannot or should not fail to achieve success in it.

10. Misrepresenting that any business operation, merchandising or sales promotion plan can be the key to a person's financial future and security, or the answer to a person's financial dreams.

11. Representing that a business operation, merchandising or sales promotion plan is a once-in-a-lifetime opportunity.

12. Misrepresenting the amount or degree of the consuming public's acceptance of any products or representing that the public receives any products with great enthusiasm or that repeat business is high without making available at the same time market studies which in fact substantiate the representations.

13. Representing that it is not difficult to obtain a life-long income in connection with any merchandising, marketing or sales promotion program.

14. Misrepresenting that any merchandising, marketing or sales promotion program is sound, profitable, or distinguished.

15. Representing that persons who fail in any merchandising, marketing or sales promotion program are lazy, stupid or greedy, or any combination thereof.

16. Misrepresenting the relationship between profits and income at one functional level of a business to those at any other functional level of that or any other business.

17. Misrepresenting that wholesale sales actually reflect retail sales or consumer demand for products.

18. Using or encouraging the use of advertisements which offer or suggest employment when the purpose of such advertisement is to obtain non-employee participants in any merchandising, marketing or sales promotion program; or misrepresenting, in any manner, the kind or character of any position or job opportunity offered to prospective participants.

19. Representing, directly or by implication, that it is not difficult for participants to recruit or retain persons who will invest or participate in any marketing program or any other kind of merchandising, marketing or sales promotion program, either as distributors, franchisees, wholesalers or sales personnel, or that there is a very large number of prospective distributors or sales persons from whom to choose.

20. Representing, directly or by implication, that products will be or are advertised either locally or nationally, or in the geographic area in which such representations are made, without clearly and truthfully representing the manner, mode, extent and amount of the advertising.

21. Selling, or offering franchises or distributorships, to obtain which a participant is required to make monetary investment without furnishing to such participant at least seven (7) days prior to the time at which such investment must be made, a copy of the Federal Trade Commission Consumer Bulletin No. 4, "ADVICE FOR PERSONS WHO ARE CONSIDERING AN INVESTMENT IN A FRANCHISE BUSINESS."

22. Misrepresenting that respondents have applications pending for distributorships in a particular area; or that any person must act immediately to be considered for a franchise or distributorship, or that any person must act immediately to take advantage of a special deal, sale or event, or misrepresenting in any manner the nature and extent of interest of others in any particular franchise or distributorship.

23. Misrepresenting that persons risk losing little or nothing by investing in a franchise or distributorship.

24. Misrepresenting that franchises or distributorships increase in value over the years.

25. Using any payment check which purports to portray the satisfaction or success of franchisees or distributors, or any other document which misrepresents the satisfaction or success of franchisees or distributors.

26. Misrepresenting the earnings potential of franchises or distributorships, prospective franchisees or prospective distributors.

IV. *It is further ordered,* That the aforesaid respondents, their successors and assigns, incident to selling any franchise or distributorship shall:

1. Inform orally all persons to whom solicitations are made, and provide in writing in all applications and contracts, in at least ten-point gold [3] type, that the application or contract may be cancelled for any reason by notification to respondents in writing within at least seven (7) days from the date of execution.

2. Refund immediately all monies paid pursuant to any contract or application by all persons who request cancellation of the application or contract within at least seven (7) days from the execution thereof.

V. *It is further ordered,* That corporate respondent and respondent Sam Olivo, as executor for William Penn Patrick, their successors and assigns, within thirty (30) days after this order becomes final, shall make an offer to any participant of a refund of all sums of money to which the participant is entitled under this order, and within sixty (60) days after the aforesaid respondents, their successors and assigns, receive notification of the acceptance of such offer of refund from such participant, shall pay all sums of money to which the participant is entitled under this Order.

1. For the purposes of this order, the term "participant" shall mean any person who invested money to participate, in any manner, in marketing programs of respondents, their successors and assigns.

2. For the purposes of this order, the term "refund" means all sums of money paid by a participant to respondents or their successors and assigns, directly to or through a trust, parent or subsidiary corporation:

(a) Less any amount of money paid by respondents or their successors or assigns to participants, including any refund either made voluntarily or pursuant to court order, and

(b) Less the price paid for any products purchased by participant that participant does not return, and

(c) Plus interest at the rate of 6 percent per annum on the amount to be refunded to participant from the date participant entered into respondents' program to the date notification of the right to refund is received by participant.

3. For the purposes of this order, the term "offer" means a notification by certified mail, return receipt requested, to each participant with the following information and none other:

(a) On the front of the envelope, together with the name and address of the participant and the name and address of the sender, the following legend in 16-point, bold-face type: "IMPORTANT: REFUND NOTICE."

(b) On the letter, in 12-point, boldface type, the following language:

"IMPORTANT NOTICE

By order of the Federal Trade Commission, all persons who invested money to participate, in any manner, in [name of company] are hereby offered a refund of all sums of money so paid, less (1) any amount of money paid by [company of individual] to you, including any refund either made voluntarily or pursuant to court order, and (2) the price paid for any products purchased by you that you do not return to [company or individual], plus interest at the rate of 6 percent per annum on the amount to be refunded to you, from the date you entered into [name of company]'s program to the date this notification of the right to refund is received by you. A participant requesting refund pursuant to this order who has [name of company] product either credited to him in an account, or in his actual possession, shall be entitled to refund for such products on the basis of the price paid by participant for the products; provided, however, that any of said products in participant's possession for which participant requests refund under this order must be delivered to one of

[3] By order of the Commission, dated Nov. 19, 1974, the word "gold" was changed to "bold."

[company's or individual's] warehouses before refund is payable.

"If you accept this offer, then (1) send a letter to [name and address of company or individual] within 60 days of receipt of this notification stating the amount and basis of your claim, and (2) send any product in your possession to a [name of company or individual] warehouse, or (3) in the event product is credited in an account with [name of company], a statement that upon receiving a refund you relinquish any rights to such account.

"Within 60 days after the receipt of the said information, you will receive all sums of money to which you are entitled under the formula set forth above."

Provided, however,

(c) A participant requesting refund pursuant to this order who has product either credited in an account or in his or her actual possession, shall be entitled to refund for such products on the basis of the price paid by participant for the product, provided that any of said products in participant's possession for which participant requests refund under this Order must be delivered to one of the company's or individual's warehouses before payment is made, if the company or individual so elects.

(d) The obligations of this section (V) of the Order shall be stayed indefinitely with respect to corporate respondent for so long as it remains in compliance with the order entered *In the Matter of Securities and Exchange Commission* v. *Holiday Magic, Inc., et al.*, Civil Action No. C 73 1095 LHB (N.D. Cal. April 1, 1974) insofar as that order requires the payment by corporate respondent of monies to its Master and General Distributors.

(e) If respondents or their successors and assigns claim they do not have adequate funds to comply with this order provision, each may within sixty (60) days of the effective date as to him or it of the refund obligations of this order petition the Commission to reopen the proceedings to consider the claim. The petition shall set forth the list of distributors or franchisees to whom refunds are due under this order and the sum of money each such distributor or franchisee is to receive in accordance with this order, plus a notarized statement of all assets and liabilities.

Upon receipt of this petition, and any response thereto which complaint counsel shall make, the Commission will assign an administrative law judge for the purpose of making findings and recommendations with respect to the claim. The administrative law judge shall furnish petitioner with the Commission's Statement of Financial Status, shall require its prompt execution, and may conduct such interrogations of the petitioner or require the production of such documents as he deems necessary in order to make findings and recommendations as to any modification of this order which may be warranted on the issues raised by petitioner's claim. The findings and recommendations will be reported to the Commission for a final determination.

(f) If any dispute arises as to compliance with the refund provisions of this order which cannot be satisfactorily resolved by the parties, notice shall be given to respondents or to their successors and assigns of the extent to which they are regarded not to be in compliance and the facts respecting such alleged noncompliance. Within thirty (30) days after the receipt of such notice of noncompliance, they may petition the Commission for a hearing on such noncompliance, or for a modification of the order provision giving rise to the compliance dispute or for such other relief as is believed warranted, and the Commission may set the matter down for hearing before itself or before an administrative law judge, or shall either grant or deny such petition by order formally entered in the same manner and form as if it were an original order of this Commission.

VI. *It is further ordered*, That respondents Holiday Magic, Fred Pape, and Janet Gillespie, their successors and assigns shall forthwith deliver a copy of section III of this order to cease and desist to all present and future salespeople, franchisees, distributors or other persons engaged in the sale of franchises, distributorships, products, or services on behalf of respondents, and secure from each such person a signed statement acknowledging receipt of said section III of this order.

VII. *It is further ordered*, That respondent corporation and its successors and assigns shall forthwith distribute a copy of this order to each of its operating divisions.

VIII. *It is further ordered*, That the corporate respondent and its successors and assigns 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 this order.

IX. *It is further ordered*, That Fred Pape and Janet Gillespie promptly notify the Commission of the discontinuance of their present business or employment, and of their affiliation with any new business or employment. Such notice shall include the individual's current business address and a statement as to the nature of the business or employment in which he or she is engaged, as well as a description of his or her duties and responsibilities.

X. *It is further ordered*, That each of the respondents herein and their successors and assigns 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 provisions of this order. Thereafter, within two hundred and ten (210) days after service upon them of this order, corporate respondent, and respondent Sam Olivo as executor for William Penn Patrick, shall file with the Commission a second report, in writing, setting forth in detail the manner and form in which they have complied with Section V of the order.

Commissioner Nye not participating.

The Final Order was issued by the Commission, Oct. 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-5986 Filed 3-6-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Availability of TVA Records and Publications

Correction

In FR Doc. 75-4683, appearing at page 7325, in the issue for Wednesday, February 19, 1975, on page 7326, in the first column, the eighteenth line in the second paragraph should read "agency or intra-agency memorandums or".

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Freedom of Information Act Regulations

Correction

In FR Doc. 75-4576, appearing at page 7253, in the issue for Wednesday, February 19, 1975, on page 7255 the fifteenth line in the first column should read "402 New Walton Building, Atlanta, Georgia".

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7346]

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

Priority of Distributions in Redemption of Stock To Pay Death Taxes

On July 11, 1970, there was published in the FEDERAL REGISTER (35 FR 11184) a notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 303 of the Internal Revenue Code of 1954, relating to distributions in redemption of stock to pay death taxes. After consideration of all such relevant matters as were presented by interested persons regarding the rule proposed, the amendment as proposed is adopted by this document.

Under section 303 of the Code, a distribution by a corporation in redemption of all or part of its stock which is included in the gross estate of a decedent is treated as a distribution in full payment in exchange for the stock if certain conditions are met. The section applies only if more than 35 percent of the gross estate or more than 50 percent of the taxable estate consists of stock of the redeeming corporation. (In making

this determination, two or more corporations are considered as a single corporation if more than 75 percent of the outstanding stock of each corporation is included in the gross estate.) With respect to any decedent's estate, the total amount that may be treated under section 303 cannot exceed the sum of estate and inheritance taxes plus the funeral and administration expenses.

The amendment to the regulations provides that where there is more than one distribution in redemption of stock the distributions are to be applied against the total amount qualifying for treatment under section 303 in the order in which the distributions are made. For this purpose, all distributions in redemption of such stock are taken into account, including distributions which under another provision of the Code are treated as in part or full payment in exchange for the stock redeemed.

Adoption of amendment to the regulations. On July 11, 1970, there was published in the FEDERAL REGISTER (35 FR 11184) a notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 303 of the Internal Revenue Code of 1954, relating to distributions in redemption of stock to pay death taxes. After consideration of all such relevant matters as were presented by interested persons regarding the rule proposed, the amendment as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: March 3, 1975.

ERNEST S. CHRISTIAN, Jr.,
Deputy Assistant Secretary of the Treasury.

Section 1.303–2 of the Income Tax Regulations (26 CFR Part 1), relating to the requirements for distributions in redemption of stock to pay death taxes, is amended by revising paragraph (g) to read as follows:

§ 1.303–2 Requirements.

* * * * *

(g) (1) The total amount of the distributions to which section 303 may apply with respect to redemptions of stock included in the gross estate of a decedent may not exceed the sum of the estate, inheritance, legacy, and succession taxes (including any interest collected as a part of such taxes) imposed because of the decedent's death and the amount of funeral and administration expenses allowable as deductions to the estate. Where there is more than one distribution in redemption of stock described in section 303(b)(2) during the period of time prescribed in section 303(b)(1), the distributions shall be applied against the total amount which qualifies for treatment under section 303 in the order in which the distributions are made. For this purpose, all distributions in redemption of such stock shall be taken into account, including distributions which under another provision of the Code are treated as in part or full payment in exchange for the stock redeemed.

(2) Subparagraph (1) of this paragraph may be illustrated by the following example:

Example. (i) The gross estate of the decedent has a value of $800,000, the taxable estate is $500,000, and the sum of the death taxes and funeral and administrative expenses is $225,000. Included in determining the gross estate of the decedent is the stock of a corporation which for Federal estate tax purposes is valued at $450,000. During the first year of administration, one-third of such stock is distributed to a legatee and shortly thereafter this stock is redeemed by the corporation for $150,000. During the second year of administration, another one-third of such stock includible in the estate is redeemed for $150,000.

(ii) The first distribution of $150,000 is applied against the $225,000 amount that qualifies for treatment under section 303, regardless of whether the first distribution was treated as in payment in exchange for stock under section 302(a). Thus, only $75,000 of the second distribution may be treated as in full payment in exchange for stock under section 303. The tax treatment of the remaining $75,000 would be determined under other provisions of the Code.

* * * * *

[FR Doc.75–6068 Filed 3–6–75;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(m) in accordance with the requirements of § 1601.12 (i)(1).

The amended § 1602.12(m) sets forth all of those state and local agencies which have been formally designated as 706 Agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.19b(e).

Publication of this amendment to § 1601.12(m) effectuates the formal designation of the following agencies as 706 Agencies:

Maine Human Rights Commission.
Maryland Commission on Human Relations.
Minneapolis Department of Civil Rights.
Missouri Commission on Human Rights.
Rhode Island Commission for Human Rights.
Rockville (Maryland) Human Rights Commission.

Notice of the proposed designation of the foregoing agencies as 706 Agencies was published in the February 13, 1975, issue of the FEDERAL REGISTER, 40 FR 6676, with notice that written comments must be filed with the Commission on or before February 28, 1975.

With the addition of the foregoing agencies, § 1601.12(m) is amended to read as follows:

§ 1601.12 Deferrals to State and local authorities.

* * * * *

(m) The designated 706 Agencies are:

Alaska Commission for Human Rights.
Arizona Civil Rights Division.
Baltimore Community Relations Commission.
Bloomington Human Rights Commission.
California Fair Employment Practices Commission.
Colorado Civil Rights Commission.
Connecticut Commission on Human Rights and Opportunities.
Dade County Fair Housing and Employment Commission.
Delaware Department of Labor.
District of Columbia Office of Human Rights.
East Chicago Human Relations Commission.
Gary Human Relations Commission.
Idaho Commission on Human Rights.
Illinois Fair Employment Practices Commission.
Indiana Civil Rights Commission.
Iowa Commission on Civil Rights.
Kansas Commission on Civil Rights.
Kentucky Commission on Human Rights.
Maine Human Relations Commission.
Maryland Commission on Human Relations.
Massachusetts Commission Against Discrimination.
Michigan Civil Rights Commission.
Minneapolis Department of Civil Rights.
Minnesota Department on Human Rights.
Missouri Commission on Human Rights.
Montana Commission for Human Rights.
Nebraska Equal Opportunity Commission.
Nevada Commission on Equal Rights of Citizens.
New Hampshire Commission for Human Rights.
New Jersey Division on Civil Rights, Department of Law and Public Safety.
New York City Commission on Human Rights.
New York State Division of Human Rights.
Ohio Civil Rights Commission.
Oklahoma Human Rights Commission.
Omaha Human Relations Department.
Oregon Bureau of Labor.
Pennsylvania Human Relations Commission.
Philadelphia Commission on Human Relations.
Rhode Island Commission for Human Rights.
Rockville (*Maryland*) Human Rights Commission.
Seattle Human Rights Commission.
Springfield (*Ohio*) Human Relations Department.
South Dakota Human Relations Commission.
Tacoma Human Rights Commission.
Utah Industrial Commission.
Virgin Islands Department of Labor.
Washington State Human Rights Commission.
West Virginia Human Rights Commission.
Wichita Commission on Civil Rights.
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations.
Wyoming Fair Employment Practices Commission.

The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources.
Florida Commission on Human Relations.
Georgia Governor's Council on Human Relations.
Montana Department of Labor and Industry.
North Dakota Commission on Labor.
Ohio Director of Industrial Relations.
South Carolina Human Affairs Commission.

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. Sec. 2000e-12(a)))

This amendment is effective on March 7, 1975.

Signed at Washington, D.C. this 1st day of March 1975.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.75-6047 Filed 3-6-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Correction

In FR Doc. 75-4505, appearing at page 7304, in the issue for Wednesday, February 19, 1975, on page 7305, in the third column, § 2.11(b) should read as set out below:

"(b) Before invoking the formal procedures set out below, persons seeking information or records of the Department may find it useful to consult with officials of the bureau possessing the information or records or the Office of Communications, U.S. Department of the Interior, Washington, D.C. 20240."

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1213—ACTION COOPERATIVE VOLUNTEER PROGRAM

Proposed Regulations Adopted

On December 24, 1974, there was published in the FEDERAL REGISTER (39 FR 44457) a notice of proposed rulemaking to Chapter XII of Title 45. The proposed regulations provided for the terms and conditions of volunteers service under the ACTION Cooperative Volunteer Program. It provides full-time volunteer service opportunities for individuals on projects involving a broad range of human, social and environmental needs. Full-time volunteer service involves enrolling individuals in the program for at least a year. Volunteer sponsors enter into an agreement with ACTION to reimburse ACTION for the direct costs of volunteer support. This feature distinguishes ACV from other Title I volunteer programs such as VISTA and the Program for Local Service. Interested persons were given 30 days in which to submit comments. One written comment was received and considered and no changes were made in the proposed regulations.

The proposed regulations are hereby adopted without change and are set forth below.

Effective date: These regulations are effective April 7, 1975.

Approved: March 4, 1975.

JOHN L. GANLEY,
Deputy Director, ACTION.

Part 1213 is added as follows:

Subpart A—General

Sec.
1213.1-1 Introduction.

Subpart B—Description of Volunteer Service

Sec.
1213.2-1 Enrollment and duration of service.
1213.2-2 Provisional volunteers.
1213.2-3 Extension of service and reenrollment.
1213.2-4 Living conditions.
1213.2-5 Role of volunteer.

Subpart C—ACTION Provided Volunteer Support

1213.3-1 Financial support.
1213.3-2 Transportation.
1213.3-3 Health support.
1213.3-4 Legal support.
1213.3-5 Insurance.
1213.3-6 Leave.
1213.3-7 Federal service.
1213.3-8 Lost property.

Subpart D—Sponsor Provided Volunteer Support

1213.4-1 Training.
1213.4-2 Supervision.
1213.4-3 Job-related transportation.
1213.4-4 Supplies and equipment and office facilities.
1213.4-5 Emergencies.

Subpart E—Administrative Hold—Grievance, Removal, Resignation, Suspension, and Termination

1213.5-1 Administrative hold.
1213.5-2 Volunteer grievances.
1213.5-3 Resignation.
1213.5-4 Sponsor request for removal of volunteer.
1213.5-5 Suspension and termination.

Subpart F—Special Conditions Affecting Volunteer Service

1213.6-1 Sponsor's employment of volunteer.
1213.6-2 Nondisplacement of employees and impairment of contracts of service.
1213.6-3 Nonappropriate assignments.
1213.6-4 Political activities and limitation of unlawful activities.
1213.6-5 Nondiscrimination.
1213.6-6 Religious activities.
1213.6-7 Evaluation.
1213.6-8 Limitation on labor and anti-labor activity.
1213.6-9 Loans and debts.

Subpart G—Miscellaneous

1213.7-1 Student loan deferrals.
1213.7-2 Death benefits.
1213.7-3 Firearms.

AUTHORITY: Secs. 121, 122, 402 (12) and (14) and 420 of Pub. L. 93-113, 87 Stat. 395, 400, 401, 407 and 414.

Subpart A—General

§ 1213.1-1 Introduction.

(a) Section 122(a), Part C, of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93-113, 87 Stat. 401, authorizes the Director of ACTION to conduct and to make contracts for special volunteer programs to encourage wider volunteer participation on a full-time basis to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty. The ACTION Cooperative Volunteer Program (ACV) is one of these special volunteer programs. It provides full-time volunteer service opportunities for individuals in assignments with nonprofit and public agency sponsors involving a broad range of human, social, and environmental needs, particularly those related to poverty. Organizations wishing to become sponsors enter into an agreement with ACTION to share expenses associated with ACV volunteer assignments. The sponsor's share consists of reimbursing ACTION for the direct costs of volunteer support, i.e. allowances, stipend and other direct benefits.

(b) Section 122(b) requires that the assignment of ACV volunteers be on such terms and conditions as the Director shall determine.

(c) Section 122(c) provides that the Director may provide to persons serving as full-time volunteers in a program of at least one year's duration such allowances and stipends as he determines are necessary. The kinds and amount of such allowances and stipends may not exceed those authorized to be provided to VISTA volunteers (Part A, Title I, Pub. L. 93-113).

Subpart B—Description of Volunteer Service

§ 1213.2-1 Enrollment and duration of service.

ACTION enrolls an individual in ACV during the preservice processing it provides. Such enrollment is for a period comprising the time of such processing, ACTION preservice orientation, and a on-year assignment to a project.

§ 1213.2-2 Provisional volunteers.

Individuals are considered to be provisional volunteers during the period of pre-service processing and ACTION preservice orientation. They have all the rights and benefits and are subject to all the duties of volunteers, except as expressly provided in these regulations or where it would appear from the language of a section of the regulations to be inappropriate.

§ 1213.2-3 Extension of service and reenrollment.

In certain situations, a volunteer may have his period of volunteer service extended for not more than one year, at the request of a sponsor and the concurrence of the appropriate ACTION Regional Director.

A volunteer may only be reenrolled for a period of at least one year. A sponsor must request the reenrollment and it must be approved by the appropriate ACTION Regional Director. No volunteer may serve for more than a total of five years in full-time volunteer programs under Title I of Pub. L. 93-113.

Such extensions and reenrollments may be for the same or different projects and may include interregional and intraregional transfers.

§ 1213.2-4 Living conditions.

To the extent practicable volunteers are expected to make a personal commitment to live among and at the economic level of the people served by the project in which the volunteer works. The sponsor will insure that this commitment is observed.

§ 1213.2-5 Role of the volunteer.

The volunteer's assignments are carried out under the auspices of the sponsor. The volunteer assumes a "live-in" obligation carrying his work into all

facets of community life and social activity. He is available for service without regard to regular working hours seven days a week, except for periods of approved leave.

Subpart C—ACTION Provided Volunteer Support

§ 1213.3–1 Financial support.

(a) *Food and lodging.* Each ACV volunteer receives from ACTION a food and lodging allowance approximately commensurate with the actual standard of living of the residents of the community to which he is assigned. The amount of this allowance is determined by the Regional Office after consultation with the sponsor.

(b) *Personal living allowance.* ACTION also provides each volunteer a personal living allowance of $75 per month. It is intended to cover incidental expenses and local travel.

(c) *Adjustment allowance.* At the beginning of service, a volunteer may receive from ACTION an adjustment allowance when necessary to cover the initial cost of securing and setting up living quarters. Such an allowance is usually provided only to volunteers who serve outside their home area. It is not usually available to volunteers recruited locally for an assignment in their home or nearby communities.

(d) *Stipend.* At the conclusion of the term of service, each volunteer receives a stipend of $50 for each month of service on an ACV project. Volunteers may be authorized to make bi-weekly allotments from the stipend, not in excess of $12.50, in extraordinary circumstances. These may include allotments for obligations incurred prior to service for family support, insurance or loan payments and income taxes.

(e) *Provisional volunteers.* Provisional volunteers do not receive any allowances nor do they accrue stipends. During the period they are provisional volunteers their food and lodging is provided by ACTION and they receive a nominal amount of money for living expenses.

(f) *Emergencies.* In case of emergencies, ACTION may provide the volunteer with assistance and support to prevent injury or hardship to him, including a $500 advance against allowances and stipends due the volunteer or to be paid subsequently to him during his volunteer service.

(g) *No dependent support.* ACTION assumes no financial responsibility for a non-volunteer spouse, a volunteer's children or other dependents.

§ 1213.3–2 Transportation.

ACTION will be responsible for providing the volunteer with needed transportation for the following purposes:

(a) To, and when appropriate, from volunteer/sponsor staging;

(b) To the pre-service processing site, whether it is the ACTION Regional Office or any other designated facility;

(c) To the project site following completion of pre-service processing, and at the beginning of the volunteer's terms of service;

(d) For the return trip from the projects site to the volunteer's home of record following completion of service;

(e) Whenever necessary to enable the volunteer to travel outside the geographic area to which he has been assigned when he does so at the request of the Government;

(f) When approved in cases of emergency.

For the purpose of (d) of this section, the term "home of record" shall be either:

(1) The legal residence of the volunteer's parent or legal guardian if the volunteer had been residing with the parent or legal guardian immediately prior to entering ACTION service, or if the volunteer was a full-time student whose permanent residency was with the parent or legal guardian.

(2) The residence established by the volunteer while attending college immediately prior to entering ACTION.

(3) The residence established by the volunteer while employed immediately prior to entering ACTION.

(4) The legal residence established by the volunteer for purposes of voting and/or payment of state tax.

Each volunteer must specify a home of record at the time he is enrolled. Subsequent modification of the home of record may be authorized in certain circumstances at the discretion of the Regional Director.

§ 1213.3–3 Health support.

ACTION provides ACV volunteers with a health benefits program at no cost to the volunteers.

Coverage includes most medical and surgical costs, hospitalization, prescription drugs, and emergency dental care. ACTION reserves the right to alter the extent, or the method of providing health care for volunteers. In nonemergency situations, the Regional Office must clear hospitalization or other serious (in excess of $150) treatments.

§ 1213.3–4 Legal support.

ACTION will pay certain legal expenses where volunteers are involved in criminal or civil judicial or administrative proceedings to the extent provided in Part 1220.

§ 1213.3–5 Insurance.

(a) ACV volunteers are covered by the Federal Employees Compensation Act. This provides a broad-based workmen's compensation-type coverage for volunteer job-related accidents and occupational sickness.

(b) ACV volunteers are also Federal employees for the purpose of the Federal Tort Claims Act. Any third-party claims for injury or damage to property arising out of the volunteer's job-related activities will be treated as claims against the United States.

§ 1213.3–6 Leave.

(a) *Vacation leave.* Once on the job for four months, an ACV volunteer earns one day of leave for each full month of service up to a maximum of seven days, including one weekend. No leave is to be granted during the last month of service, except for emergencies. During leave, the volunteer's regular support allowances are continued. No leave may be taken without the approval of the sponsor.

(b) *Emergency leave.* Should a member of a volunteer's immediate family—spouse, mother, father, sister, brother, child or guardian—become critically ill or die, emergency leave may be granted by the sponsor for a period of up to one week. Any additional time requires the approval of the ACTION Regional Office. It does not count against vacation leave. The volunteer will be paid for transportation by the fastest scheduled carrier to and from the emergency site and for actual travel expenses incurred, but not in excess of those authorized in standard government travel regulations.

§ 1213.3–7 Federal service.

Section 415(c) of the Act provides that should an ACV volunteer subsequently enter Federal service, his period of volunteer service counts as a like period of Federal service for certain purposes, including job security and retirement benefits.

§ 1213.3–8 Lost property.

(a) The Regional Director may at his discretion reimburse volunteers or trainees for or replace lost, damaged, or stolen property; cash representing certain allowances; and equipment and supplies if, (1) reimbursement is essential to the volunteer's capacity to serve effectively in his particular assignment for the duration of his service, and (2) the loss, damage, or theft did not result from the volunteer's negligence.

(b) Lost or stolen cash may be reimbursed only if it represents the volunteer's food and lodging or living allowance or other payments essential to the volunteer's service. Lost or stolen cash representing payment of stipend or vacation allowances will not be reimbursed.

(c) No reimbursement will be made for luxury items, such as photographic or phonographic equipment or jewelry.

Subpart D—Sponsor Provided Volunteer Support

§ 1213.4–1 Training.

(a) The sponsor is fully responsible for designing and implementing a program of in-service training which will completely equip the volunteer to perform the tasks to which he has been assigned.

(b) In-service training will be conducted by the sponsor in accordance with plans agreed upon during the program development process, and submitted to ACTION as part of the agreement. Those plans must be tailored to the volunteer's needs for additional skills and information in the performance of assigned tasks.

§ 1213.4–2 Supervision.

The sponsor has the sole responsibility for providing appropriate supervision, leadership, and direction to the volunteers in conformance with the plan prepared in cooperation with ACTION and submitted with the project proposal. The

plan is to be executed in such a manner that the volunteers can attain project goals within the proposed time frame.

§ 1213.4–3 Job-related transportation.

The sponsor is responsible for determining the job-related transportation needs of the volunteer. The volunteers are expected to use public transportation in connection with their work whenever it is available and adequate. When it is not, the sponsor shall provide suitable private transportation, including obtaining and maintaining motor vehicles for the job-related use of the volunteers as appropriate. Whether the sponsor purchases vehicles or obtains them through a leasing arrangement, he is responsible for monitoring the use of those vehicles and restricting the use of transportation provided to volunteers to work on the project. The volunteer and the sponsor are jointly responsible for compliance with all state and local laws concerning vehicle registration, operator licensing, and financial responsibility on any private vehicles used by the volunteer, either as part of his work assignment or for personal convenience.

§ 1213.4–4 Supplies and equipment and office facilities.

The sponsor is responsible for providing most job-related support involving facilities, equipment, and consumable supplies needed by the volunteer, including telephone and secretarial support.

§ 1213.4–5 Emergencies.

In case of emergencies in which it is not possible for ACTION to provide a volunteer with the necessary assistance and support in time to prevent injury or hardship to him, the sponsor may furnish the needed assistance, including an advance of up to $500 from its own funds to the volunteer. Such advances, however, should be cleared in advance by telephone with the ACTION Regional Director or designee.

Subpart E—Administrative Hold, Grievances, Removal, Resignation, Suspension and Termination

§ 1213.5–1 Administrative hold.

(a) Volunteers will be placed in Administrative Hold Status under the following circumstances:

(1) No placement after training.

(2) Pending transfer to a new project.

(3) Leave taken for personal reasons in excess of the seven days for vacation leave, seven days for emergency leave, seven days for extension beyond three months, and fourteen days for reenrollment.

(4) Absence from project site without authority of the sponsoring organization.

(5) During termination action.

(6) Arrest and placement in jail without bail, depending on nature of charges.

(7) Removal from site at request of sponsoring organization, pending decision on transfer to new assignment.

(b) Exceptions to these guidelines must be authorized by the Regional Director. Volunteers may be placed in Administrative Hold status for up to 30 days. In exceptional circumstances, the Regional Director may extend this period of time as appropriate. The Regional Director may modify any and all allowances, including stipend, when a volunteer is placed in Administrative Hold status.

§ 1213.5–2 Volunteer grievances.

(a) At times, a volunteer will consider that he has been adversely affected in some matter arising out of his work situation or the terms and conditions of his service. The Volunteer Grievance Procedure, Part 1211, furnished to each volunteer, applies to certain of these matters. This procedure is applicable to situations in which the volunteer believes there has been a deviation from, misinterpretation or misapplication of laws, regulations, policies or procedures governing his service.

(b) The Grievance Procedure establishes a formal and informal mechanism to resolve such problems. The informal mechanism aims to resolve disputes at the level of the sponsor and the state program officer. The formal part of the Grievance Procedure provides a hearing in certain cases and includes appeals to ACTION's national office in Washington.

(c) The procedure that the sponsor employs at the informal stage of the ACTION Grievance Procedure will also be used for any disputes between the sponsor and a volunteer not involving a law or regulation or an ACTION policy and procedure.

§ 1213.5–3 Resignation.

A volunteer may resign at any time, by notifying the sponsoring organization and the Regional Office. When practicable, thirty days advance notice should be given to insure that the departure will be only minimally disruptive to the project. In case of resignation, all outstanding advances, including unearned vacation allowances, are deducted from the volunteer's stipend. The volunteer receives his final stipend check three to five weeks after regional submission of the termination papers to ACTION/Washington.

§ 1213.5–4 Sponsor request for removal of volunteer.

The sponsoring organization may request ACTION to remove a volunteer whose performance in its view is unsatisfactory at any time. Before resorting to a formal request for removal the sponsor should contact the appropriate ACTION state official to seek help in trying to resolve any problem with a volunteer. The sponsor may then prepare a written request for removal and submit it to the Regional Office. ACTION may, depending on the circumstances, follow one of three courses of action: (a) suspend the volunteer, (b) terminate him, or (c) transfer him to another project.

§ 1213.5–5 Suspension and termination.

(a) *Causes.* ACTION may suspend or terminate a volunteer for any of the following reasons:

(1) Conviction of any criminal offense under Federal, state, or local statute or ordinance;

(2) Violation of any provision of the Domestic Volunteer Service Act of 1973, or any ACTION policy, regulation or instruction;

(3) Failure, refusal or inability to perform prescribed project duties as outlined in the project proposal and directed by the sponsoring organization to which the volunteer is assigned;

(4) Involvement in activities which substantially interfere with the volunteer's performance of his/her duties on the project;

(5) Intentional false statement, omission, fraud, or deception in obtaining selection as a volunteer;

(6) Any conduct on the part of the volunteer which substantially diminishes his/her effectiveness as a volunteer;

(7) Inability to perform the project duties because of serious illness, medical disability, or pregnancy, as determined by the attending physician, in accordance with ACTION policy;

(8) Lack of a viable job for which the volunteer is qualified if the initial job assignment ends or is terminated prior to completion of a period of service;

(9) Unsatisfactory job performance. Procedures for the suspension and termination of volunteers are contained in Part 1212.

(b) *Suspension.* Volunteers may be suspended for up to 30 days to enable ACTION to determine whether termination proceedings should be started against the volunteer. Suspension is not warranted if sufficient evidence exists to start termination proceedings.

(c) *Termination of or refusal to renew ACTION/sponsoring organization agreement.* If the Memorandum of Agreement between ACTION and a sponsoring organization is terminated or not renewed, a volunteer who is removed from the project and whose removal was not caused by conduct which would otherwise be grounds for termination is entitled to the following administrative considerations:

(1) Reassignment to another project where possible.

(2) If reassignment is not possible at the time of project close-out, and if the volunteer wishes to resume service (provided that his/her job performance has been satisfactory), he/she may, at the discretion of the Regional Director, receive special consideration for reinstatement as soon as an appropriate slot is open.

If a volunteer wishes, he/she my terminate without prejudice in the event that a Memorandum of Agreement between ACTION and the sponsor is terminated.

(d) *Deselection of a provisional volunteer.* The Regional Director may deselect a provisional volunteer on the grounds listed in paragraph (a) of this section or for a failure to meet training or selection standards during pre-service orientation. Procedures for such dese-

(a) No person with responsibilities in lection are contained in Part 1212.

Subpart F—Special Conditions Affecting Volunteer Service

§ 1213.6–1 Sponsor's employment of volunteer.

ACV volunteers make a commitment to one full year of ACTION service. Similarly, ACTION asks that the sponsor on his part must honor the spirit of that commitment and refrain from offering fully paid employment to volunteers during their first year of service. Volunteers may not perform services or duties or engage in activities for which the sponsor receives or requests any compensation. Volunteers may not receive any other compensation, directly or indirectly, from a sponsor while serving as a volunteer.

§ 1213.6–2 Nondisplacement of employees and impairment of contracts of service.

An ACV volunteer's assignment is limited to activities that would not otherwise be performed by employed workers and which will not supplant the hiring of or result in the displacement of employed workers, or impair existing contracts for service. (Part 1216 implements this provision.)

§ 1213.6–3 Nonappropriate assignments.

(a) An assignment is not appropriate for a volunteer if:

(1) The service, duty, or activity is principally administrative or clerical, or

(2) The volunteer is not directly in contact with groups or individuals who are to be served by the project or is not performing services, duties, or engaged in activities which are authorized under section 122(a) of the Act.

§ 1213.6–4 Political activities and limitation of unlawful activities.

(a) ACV volunteers are covered by the Hatch Act to the same extent as Federal employees. This Act prohibits volunteers from engaging in partisan political activities of any sort at any and all times during their terms of service, including periods of official leave.

(b) Section 403 of Pub. L. 93–113 requires that a sponsor's project be operated in such a manner as to avoid involvement of ACV volunteers in any partisan or nonpartisan political activity in an election for public or party office, voter transportation during elections, and voter registration drives.

(c) While engaged in carrying out their duties volunteers may, as a part of the project, participate in lawful and nonpolitical demonstrations and protest activities which are approved by the sponsor as a part of its project activity and which are not in violation of any ACTION policies.

§ 1213.6–5 Nondiscrimination.

Part 1203 provides regulations concerning nondiscrimination in ACTION programs and activities.
the operation of an ACV project shall discriminate with respect to such program because of race, creed, belief, color, national origin, sex, age, or political affiliation.

§ 1213.6–6 Religious activities.

Volunteers will not give religious instruction, conduct worship services, or engage in any other religious activity as part of their duties. Volunteers who serve in an institution that gives religious instruction or engages in other religious activities will not be used as replacements for regular personnel of the institution. For example, volunteers assigned to serve in a program conducted under the auspices of a church-related school may not be used as substitutes for regular teachers in the school. They may, however, work in new programs which are carried on in addition to the school's regular programs and which are conducted in conformance with the above restrictions.

§ 1213.6–7 Evaluation.

(a) On a quarterly basis and two months prior to the termination of a volunteer's year of service, and at any other time which circumstances may dictate, ACTION may inspect that portion of a project with which the volunteer is involved. The purpose of the inspection will be to independently observe and judge the extent to which the volunteer's work has contributed to the objectives of the program described in the project proposal.

(b) The sponsor is expected to cooperate fully with ACTION representatives, and ACTION will in turn review results of the evaluation with the sponsor.

§ 1213.6–8 Limitation on labor and anti-labor activities.

Volunteers may not engage in any activities, services, or duties which assist any labor or anti-labor organizing activity, or related activity.

§ 1213.6–9 Loans and debts.

(a) ACVs have the same legal and financial responsibilities as do all other persons. Volunteers are encouraged to pay all legal debts promptly to avoid creating a situation which would impair the volunteer's ability to function. In cases of continued financial irresponsibility by a volunteer to the extent of embarrassment or adverse reflection upon the sponsor organization's project or ACTION, administrative or disciplinary action may be taken by the Regional Office, up to and including termination, where appropriate.

(b) Volunteers are not authorized to obtain extension of credit by representing themselves as a Federal Government employee.

Subpart G—Miscellaneous

§ 1213.7–1 Student loan deferrals.

(a) The Higher Education Act of 1965, as amended, exempts full-time domestic volunteers from repayment of National Defense Education Act loans for a period of service not to exceed three years. Volunteers wishing to defer repayment of NDEA loans must obtain the necessary forms from their universities. Regional Offices are authorized to certify these forms, but if the university or volunteer should submit the form to Headquarters for certification, it will be sent to the appropriate Regional Office for completion.

(b) If the volunteer is still in service at the time of ACTION's certification, his anticipated termination date will be furnished to the lender.

(c) Repayment of other college loans may also be deferred. These repayments, however, are deferred at the discretion of the lender. If the lender is willing to defer payment, volunteers must obtain the necessary forms from the lender and forward them to the Regional Office for certification. If forms are not available from the lender, a letter to the university or lender may be prepared certifying the dates of the volunteer's service.

§ 1213.7–2 Death benefits.

In case of the death of a volunteer away from his home of record, certain costs associated with transportation of the body are reimbursable either under the Federal Employees Compensation Act or ACTION policy. Volunteers whose death results from personal injury or illness sustained in the performance of his project duties are eligible for reimbursement of certain funeral expenses. Monthly benefits for eligible dependents of deceased volunteers may be available under the Federal Employees Compensation Act. In certain other unusual circumstances, payment of certain funeral expenses for volunteers not meeting the above requirements may be authorized.

§ 1213.7–3 Firearms.

ACTION volunteers may not normally possess, use, or carry firearms. If a volunteer wishes to keep firearms for hunting, approval must be obtained from the sponsor, State Program Director and the ACTION Regional Director in the region where the volunteer is assigned. The volunteer must request approval for possession or use of firearms from his sponsor and his State Program Director. If he receives their approval, his request may then be considered by his ACTION Regional Director. If approval is granted by the ACTION Regional Director, the volunteer must adhere to all state and local regulations relating to the possession and use of firearms.

[FR Doc.75–6031 Filed 3–6–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–1221]

PART 15—RADIO FREQUENCY DEVICES

Reorganization of Rules

In the matter of revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules therein.

1. This order revises Part 15 to conform the equipment authorization procedures therein to the revised procedures recently adopted in our Report and Order on Equipment Authorization of RF Devices (39 FR 5912).

2. On July 5, 1968, section 302 was added to the Communications Act of 1934 as amended (47 USC 302).[1] This legislation authorized the Commission to make reasonable regulations governing the interference potential of equipment capable of causing harmful interference to radiocommunications and to apply these regulations, to the manufacture, import, sale, offer for sale, shipment, or use of the subject equipment. The first step in the implementation of this authority was the adoption of what are referred to as our marketing regulations.[2] These regulations, codified as § 2.801 et seq. of our rules (47 CFR 2.801 et seq.), make it illegal to market equipment capable of causing harmful interference unless any required equipment authorization (type approval, type acceptance or certification) has first been obtained, or where no equipment authorization is required, the equipment complies with the applicable technical specifications prescribed by the Commission.

3. The Commission's new marketing strictures have had a significant impact on manufacturers of RF devices covered by our rules since marketing operations involving such equipment cannot be initiated prior to the receipt of the requisite equipment authorization from the Commission. Additionally, the Commission's marketing rules have brought a number of equipment firms within the Commission's equipment authorization program who were not previously involved. This is attributable to the fact that, whereas equipment authorization was on a voluntary basis with respect to manufacturers producing equipment prior to the effective date of the marketing rules, it is now mandatory. Moreover, in an effort to reduce to tolerable levels the conditions of "spectrum pollution" or "electromagnetic smog," the Commission will be taking an increased role in the regulation of RF devices with an interference potential for which the Commission does not presently prescribe technical standards.

4. The Commission delineated its procedures for applying for and granting mandatory equipment authorizations in its rule making proceeding in Docket No. 19356.[3] The rules adopted in this proceeding[4] spell out in detail how to apply for the required equipment authorization. They also indicate the applicant's rights and responsibilities under this program. The next phase in this program is to conform the Commission's operating regulations to these procedures. This Order accomplishes this for Part 15. Additional action with respect to other parts of our regulations is under consideration.

5. At the same time, Part 15 is being restructured to make it easier to find the regulations applicable to a particular type of equipment. Furthermore, material is incorporated in the revised Part 15 to formalize practices and policies (with respect to certification) that have heretofore been spelled out in individual letters or in bulletins or other publications issued by the Commission. Thus, the revised Part 15 includes regulations setting out in detail the information to be included in a report of measurements that must accompany each application for certification.

6. In the Order that promulgated the procedural rules,[5] the Commission also ordered that bilateral certification for low power communication devices go into effect on September 1, 1974.[6] [7] The term "bilateral certification" was used in this Order to distinguish the new, mandatory certification procedure from self certification which was required for most low power communication devices. Under self-certification, the manufacturer certificated to the user that the equipment complied with FCC requirements. Under the new, bilateral certification procedure, the manufacturer files an application for, and the Commission grants certification after a review of the data shows that the equipment can be expected to comply with our technical specifications. In the Part 15 revised rules, appended hereto, the adjective "bilateral" is dropped and the term "certification" is used without modifiers for this procedure.

7. The date September 1, 1974 when certification was to have become mandatory for low power communication devices was stayed by Order[8] of the Commission "for a period of six months or such earlier date as may be specified in the Order that revises Part 15." Accordingly it is ordered that certification for low power communication devices shall become effective for such devices manufactured after April 1, 1975.[9]

8. It appears that no objections will be raised as a result of the formalization of the practices and policies (with respect to certification) that have been previously spelled out in bulletins (OCE Bulletin 24) or other Commission publications. Thus, prior notice of proposed rulemaking is unnecessary, and its issuance would be contrary to the public interest and would further delay these procedural revisions.[10]

9. Authority for this revision is contained in section 4(i), 302 and 303(r) of the Communications Act of 1934, as amended. Since the instant revision reorganizes Part 15 editorially or conforms the regulations therein to those adopted in Docket No. 19356 under established rulemaking and effective date provisions, advance notice under 5 U.S.C. 553(b) is not required.

10. In view of the above, *it is ordered*, effective April 1, 1975 that Part 15 is revised as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290; 47 U.S.C. 154, 290, 303)

Adopted: November 12, 1974.

Released: March 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 15 is amended as follows.

A. Subpart A is amended as follows.

1. Section 15.1 is revised to read as follows:

§ 15.1 Scope of this part.

(a) An incidental and restricted radiation device may be operated under the restrictions and provisions set forth in this part without an individual license. The operation of an incidental or restricted radiation device not in accordance with the provisions herein is prohibited by section 301 of the Communications Act of 1934, as amended.

NOTE.—The provisions of an authorized radio service may permit the use of an incidental or restricted radiation device but only in accordance with an individual license and the restrictions set forth in the rules of such authorized radio service.

(b) The requirements, technical specifications, and equipment authorization procedures for an incidental and restricted radiation device, which apply to the marketing of such a device, are set forth herein. The manufacture and marketing of such a device without prior Commission authorization is prohibited by section 302 of the Communications Act of 1934, as amended.

2. Section 15.2 is revised to read as follows:

§ 15.2 Special Temporary Authority.

(a) A petition for rulemaking requesting an amendment to permit the operation of an incidental or restricted radiation device in a manner inconsistent with this part and not in accordance with the provisions of some other part of this chapter may be accompanied by an application for Special Temporary Authorization to operate the device on a developmental basis where it can be shown that such temporary operation would aid in final determination as to whether the proposed rule should be adopted, and

[1] Pub. L. 90-379, approved July 5, 1968, 82 Stat. 290.

[2] Docket No. 18426, Report and Order adopted May 13, 1970; 35 FR 7894; 23 FCC 2d 79.

[3] Docket No. 19356; In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices. Notice of Proposed Rule Making adopted November 24, 1971 (36 FR 23313). Report and Order adopted February 6, 1974 (39 FR 5912). Memorandum Opinion and Order adopted July 23, 1974 (39 FR 27799).

[4] 47 CFR 2.901-2.1065 inclusive.

[5] Footnote 4 supra.

[6] Docket No. 19356, Report and Order, paragraph 51.

[7] Except for low power communication devices and restricted radiation devices subject to § 15.7, other equipment regulated by Part 15 was already required to be certificated by the Commission.

[8] Order in Docket No. 19356 adopted August 28, 1974.

[9] Under the proscription in § 2.803 of our marketing rules (footnote 2 supra), it will be illegal to import, ship, sell or otherwise market low power communication devices on or after April 1, 1975 without a grant of certification therefor issued by the Commission.

[10] 5 U.S.C. 553(b).

that such temporary operation would otherwise be in the public interest.

(b) The Commission will, in exceptional situations, consider an individual application for a special temporary authorization to operate an incidental or restricted radiation device not conforming to the provisions of this part, where it can be shown that the proposed operation would be in the public interest, that it is for a unique type of station or for a type of operation which is incapable of establishment as a regular service, and that the proposed operation cannot feasibly be conducted under this part.

3. In paragraph (e) of § 15.4, delete (Reserved) and insert the following text and note. As amended § 15.4(e) reads as follows.

§ 15.4 General definitions.

* * * * *

(e) Marketing. As used in this part, marketing shall include sale or lease, offer for sale or lease, advertising for sale or lease, the import or shipment or other distribution for the purpose of sale or lease or offer for sale or lease.

NOTE.—In the foregoing sale (or lease) shall mean sale (or lease) to the user or a vendor who in turn sells (or leases) to the user. Sale shall not be construed to apply to devices sold to a second party for manufacture or fabrication into a device which is subsequently sold (or leased) to the user.

* * * * *

4. A new § 15.25 is inserted to read as follows:

§ 15.25 Operating requirements: Incidental radiation device.

An incidental radiation device shall be operated so that the radio frequency energy that is emitted does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

B. Subpart B is amended as follows: the present title and § 15.31 are deleted: a new title and new §§ 15.32–15.49 are inserted. As amended Subpart B reads as follows:

Subpart B—Administrative Provisions

Sec.

Subpart B—Administrative Provisions

§ 15.31 [Reserved]

§ 15.32 Cross reference.

The provisions of Subpart J of Part 2 of this chapter shall apply to devices operating under this part.

§ 15.33 Marketing of an RF device.

A device subject to regulation under this part may be marketed only pursuant to the provisions of Subpart I of Part 2 of this chapter.

§ 15.34 Certification.

(a) When the rules in this part require a device to be certificated, application therefor shall be filed on Form 722 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

(b) The application shall be accompanied by:

(1) Fees pursuant to Subpart G of Part 1 of this chapter.

(2) A technical report pursuant to § 15.44.

(3) An expository statement pursuant to § 15.45.

(4) Photographs pursuant to § 15.46.

(5) A report of measurements pursuant to the rules governing the particular device.

§ 15.35 Type approval.

When the rules in this part require a device to be type approved, application therefor shall be filed on Form 729 pursuant to the procedures set out in Subpart J of Part 2 of this chapter.

§ 15.36 [Reserved]

§ 15.37 Submission of equipment for testing.

(a) An applicant for, or a grantee of, an equipment authorization for a device subject to regulation under this part, shall make such a device available to the Commission for testing upon reasonable request.

(b) Such devices will be tested to verify data submitted by the applicant or grantee and/or to verify that devices being marketed under an equipment authorization continue to comply with the applicable regulations in this part.

(c) Expenses involved in shipping the device to the Commission and in its return shall be borne by the applicant for, or grantee of, the equipment authorization.

§ 15.38 Description of measurement facilities.

(a) Each person making measurements to be filed with an application for certification of a device subject to regulations under this part, shall file a description of his measurement facilities with the Commission.

(b) The description shall include the following information:

(1) Location of the test site.

(2) Physical description of the test site accompanied by photographs 8" by 10" in size. Smaller photographs may be submitted if they clearly show the required details and are mounted on full size sheets of paper.

(3) Drawing showing the dimensions of the site, the physical layout of supporting structures and all structures within 5 times the distance between the measuring set and the device being measured.

(4) Description of supporting structures used to support the device being measured and the test instrumentation.

(5) List of measuring equipment used.

(6) Information concerning the calibration of the measuring equipment, i.e. when the equipment was last calibrated and frequency of calibration.

(7) A statement indicating whether this facility is available to do measurement work for others on a contract basis.

(c) This information shall be kept current at all times. At least every three years, the organization filing the data shall advise that the data on file is current.

§ 15.39 [Reserved]

§ 15.40 [Reserved]

§ 15.41 Identification of an authorized device.

(a) Each device authorized under a Grant of Certification or a Grant of Type Approval issued under this part shall be labelled pursuant to Subpart J of Part 2 of this chapter.

(b) Additional labelling requirements are set out in the rules governing the specific device.

§ 15.42 [Reserved]

§ 15.43 [Reserved]

§ 15.44 Technical report.

Each application for certification shall include a technical report containing the following information:

(a) The full name and mailing address of the manufacturer of the device.

(b) Trade name, if any, under which the device will be marketed.

(c) Model number.

(d) List any additional model numbers and/or trade names under which the device will be marketed.

(e) For a device other than an FM or TV broadcast receiver, attach a copy of the installation and operating instructions furnished to the user. A draft copy of such instructions may be submitted with the application, provided a copy of the actual document to be furnished to the user is submitted as soon as it is available.

§ 15.45 Expository statement required.

Each application for certification shall be accompanied by an expository statement as follows:

(a) *FM, AM/FM or TV broadcast receiver which does not use standard IFs:* If the broadcast receiver does not use an IF of 10.7 MHz for FM reception, or an IF of 41.25/45.75 MHz for TV reception, state the IFs that are used.

(b) *Television broadcast receiver:* A statement regarding the comparable ease of tuning of UHF with respect to VHF pursuant to § 15.68.

(c) *Multiband broadcast receiver:* For a receiver that includes reception capability in communications bands in addition to the FM, AM/FM or TV broadcast bands, attach a statement indicating the tuning range of each band in the receiver, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(d) *Receiver other than a broadcast receiver:* A statement indicating the tuning range of each band, the tuning range of the oscillator in each band, the IF used for each band, and a block diagram showing the signal path and the frequency at each block.

(e) *Device other than receiver:* A block diagram showing the signal path and frequency at each block. The diagram should also indicate the tuning range of each band in the device, the tuning range of the oscillator in each band, and the frequency of the IF amplifier for each band. The tuning range of a fixed tuned device is the range of frequencies over which it can be tuned without replacement of coils, capacitor or other circuit elements or subassemblies. Attach a statement describing how the device operates. The statement should include a circuit diagram, a description of the circuitry in the device, and a description of the antenna and ground system, if any, used with the device.

§ 15.46 Photographs required.

(a) For a receiver attach a photograph showing the general appearance of the receiver and the controls available to the user. If this photograph does not show the required identification in sufficient detail so that the name and model number can be read, attach a second photograph giving this detail. If the device is a TV receiver and the channel readout provision is not clear on these photographs attach an additional photograph clearly showing the channel readout provision.

(b) For a device other than a receiver, attach a sufficient number of photographs to clearly show the exterior appearance, the construction, the component placement on the chassis and the chassis assembly. The exterior views shall show the overall appearance, the antenna used with the device, the controls available to the user, and the required identification label in sufficient detail so that the name and model number can be read.

(c) Photographs should be 8" by 10" in size. Smaller photographs may be submitted provided they are sharp and clear and show the necessary detail and are mounted on paper between 8 x 10½ and 8½ x 11 inches in size. In lieu of a photograph of the label, a sample label (or facsimile thereof) may be submitted together with a sketch showing where this label will be placed on the equipment provided the label and sketch are mounted on a sheet of paper between 8 x 10½ and 8½ x 11 inches in size.

§ 15.47 [Reserved]

§ 15.48 Private label device—Multiple listing of a device.

(a) When the same or essentially the same device will be marketed under more than one trade name or model number (as in the case of private label equipment), certification or type approval must be requested separately for each such additional trade name or model number.

(b) If certification for additional trade names(s) or model number(s) is requested in the initial application, a statement shall be included describing how these additional devices differ from the basic device that was measured and stating that the report of measurements submitted for the basic device, applies also to the additional devices.

(c) If certification for additional trade name(s) or model number(s) is requested after the basic device has been certificated, the application may, in lieu of the report of measurement, be accompanied by a statement including:

(1) Name and model number of device for which measurements are on file with the Commission.

(2) Date when certification was granted for the device listed under subparagraph (1) of this paragraph and the file number of such grant.

(3) Description of the difference between the device listed under subparagraph (1) of this paragraph and the additional device.

(4) A statement that the report of measurements filed for the device listed under subparagraph (1) of this paragraph applies also to the additional device(s).

(d) The application shall be accompanied by photographs pursuant to § 15.46.

§ 15.49 Changes in an authorized device.

(a) Changes in a type approved device may be made under § 2.967 of Part 2 of this chapter.

(b) Changes in a certificated device may be made under § 2.1043 of Part 2 of this chapter.

C. Subpart C is amended as follows:

§ 15.66 [Deleted]

1. § 15.66 is deleted.

2. In § 15.69 the present text is deleted and new text is inserted to read as follows:

§ 15.69 Certification of receiver.

Every receiver that operates in the range 30–890 MHz shall be certificated pursuant to the procedures in Subpart B of this part to show that the receiver complies with the technical specifications in this subpart.

3. In § 15.70, the present title and text are deleted and a new title and text are inserted to read as follows:

§ 15.70 Comparability of tuning information to be submitted pursuant to § 15.45(b).

In the case of a television receiver designed to meet the requirements of § 15.68, the information required by § 15.45(b) shall include the following:

(a) A description of the basic mechanism for tuning the VHF and the UHF channels.

(b) A description of the tuning aids provided in the receivers.

(c) If the receiver uses a 70-position UHF detent tuner, measurements showing the tuning accuracy achieved. Measurements shall be made in accordance with the procedure set out in FCC Bulletin OCE 30 available from the Commission.

(d) A statement certifying that the receiver meets the requirement of § 15.68.

4. In § 15.71, the present text is deleted and new text is inserted to read as follows:

§ 15.71 Identification of certificated receiver.

Each certificated receiver shall be identified pursuant to section 15.41 and shall bear a statement that the receiver complies with the requirements of this part.

5. A new section 15.76 is inserted to read as follows:

§ 15.76 Report of measurements: FM broadcast receiver.

The report of measurements for an FM broadcast receiver or the FM broadcast band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to three points, one near the top, one near the middle and one near the bottom of the tuning range 88–108 MHz. The report shall show the frequency to which the receiver was tuned and for each, the frequency and amplitude of each emission detected that is within 20 dB of the limits in § 15.63(a). The report shall also state that the spectrum was checked from 25 to 1000 MHz for each frequency to which the receiver was tuned and that all emissions not reported were more than 20 dB below the permitted level.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall show the frequency to which the receiver was tuned and shall state the level of conducted RF energy at 10.7 and 21.4 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was

checked from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE.—A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye Street NW., Washington, D.C. 20006.

6. A new section 15.77 is inserted to read as follows:

§ 15.77 Report of measurements: TV receiver.

The report of measurements for a TV broadcast receiver or the TV band in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number, and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements of the level of radiated RF energy with the receiver tuned to each VHF channel and to the ten oscillator frequencies in the UHF band listed in § 15.63(c). The report shall state the level of radiation at the oscillator fundamental for each VHF channel and that at the fundamental of the ten UHF oscillator frequencies. The report shall also state that the second harmonic radiation of each of the VHF oscillator frequencies had been checked and shall indicate the frequency and amplitude of the highest such second harmonic. The report shall indicate the average of the amplitudes of the ten UHF oscillator frequencies.

(d) Measurement of the level of conducted RF energy fed back into the power line, if the receiver is operated from the power lines of a public utility system. The report shall include the level of conducted RF energy at 3.58 MHz, 4.5 MHz, 7.16 MHz and 9.0 MHz and the frequency and amplitude of any other emission detected that is within 20 dB of the limits in § 15.63(b). The report shall also state that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the permitted level.

NOTE.—A report of measurements on an industry standardized reporting form will be accepted as meeting the requirements of this section. One such form will be found in EIA Consumer Products Engineering Bulletin No. 4 available from Electronic Industries Association, 2001 Eye St. NW., Washington, D.C. 20006.

(e) In lieu of the point by point measurements required by paragraph (d) of this section, the applicant may submit a photograph of a spectrum analyzer display covering the band 0.45 to 25 MHz. Such a photograph must show a frequency scale at the bottom and a scale calibrated in microvolts (or in dB provided the value of 0 dB is stated) at the left side. A statement accompanying the photograph shall indicate the sweep rate and the bandwidth of the analyzer.

7. A new § 15.78 is inserted to read as follows:

§ 15.78 Report of measurements: Multiband broadcast receiver.

The report of measurements for a multiband broadcast receiver, i.e. a receiver that includes reception capability in communication bands as well as in one or more broadcast bands, shall include the following:

(a) If the receiver includes reception capability in the FM broadcast band, a report of measurements pursuant to § 15.76.

(b) If the receiver includes reception capability of TV channels, a report of measurements pursuant to § 15.77.

(c) For each communication band, a report of measurements pursuant to § 15.79.

8. A new § 15.79 is inserted to read as follows:

§ 15.79 Report of measurements: Receivers other than FM or TV.

The report of measurements for a receiver other than a FM or TV broadcast receiver and for each band in the range 30-890 MHz in a multiband broadcast receiver shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for certification (if different), the trade name (if any), the model number and the serial number (if any).

(b) The measurement procedure that was used, pursuant to § 15.75.

(c) Measurements shall be reported separately for each band to which the receiver can be tuned. The number of bands shall be determined by the marking on the tuning dial regardless of the actual construction, i.e. if the receiver includes a band which actually tunes from A to B, but the dial shows this as two separate bands A–C and C–B, a separate report of measurements shall be required for each of the bands A–C and C–B.

(d) Measurement of the level of radiated RF energy with the receiver tuned to at least the minimum number of frequencies in each band specified in the following schedule.

Width of tuning range of each band	Number of frequencies	Location in tuning range
1 MHz	1	Middle.
1 to 10 MHz	2	One near top. One near bottom.
Over 10 MHz	3	One near top. One near middle. One near bottom.

(e) Measurements of radiated RF energy shall be reported in tabular form as follows:

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured	Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter —meters (note 3)

NOTE 1.—Specify units (microvolts per meter, decibel, etc.).
NOTE 2.—Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.
NOTE 3.—Specify the distance in meters.

(f) For each frequency to which the receiver is tuned, the report shall list the frequency and amplitude of each emission whose amplitude is within 20 dB of the limits in § 15.63(a). In addition, the report shall state that for each frequency to which the receiver was tuned, the spectrum was searched from 25 to 1000 MHz and that all emissions not reported were more than 20 dB below the limits in § 15.63(a).

NOTE.—If measurements are made with the receiver tuned to a frequency above 550 MHz, the spectrum shall also be searched above 1000 MHz, at least up to the second harmonic of the oscillator frequency.

(g) Conducted measurements shall be reported as follows:

(1) At the IF and harmonics thereof in the range 0.45 to 25 MHz.

(2) All other emissions within 20 dB of the limits in § 15.63(b).

(3) A statement that the spectrum was searched from 0.45 to 25 MHz and that all emissions not reported were more than 20 dB below the limits in §15.63(b).

D. In Subpart D, the word (Reserved) is deleted, and a new title and §§ 15.101–15.143 are inserted to read as follows:

Subpart D—Low Power Communication Devices: General Requirements

Sec.
15.101 Introduction.
15.102 Cross reference.
15.103 Interference.
15.104 Eavesdropping prohibited.
15.105 Class B emission prohibited.
15.106–15.110 [Reserved]
15.111 Operation below 1600 kHz.
15.112 Alternative provisions for operation between 160–190 kHz.
15.113 Alternative provisions for operation between 510–1600 kKz.
15.114 [Reserved]
15.115 Operation between 26.97–27.27 MHz.
15.116 Operation above 70 MHz.
15.117–15.130 [Reserved]
15.131 Certification required for devices that are marketed.
15.132 Identification required for devices that are marketed.
15.133 Certification and identification required for home built device.
15.134 [Reserved]
15.135 Certification procedure: Device manufactured between December 31, 1957 and April 1, 1975.
15.136 Location of certificate on device manufactured between December 31, 1957 and April 1, 1975.
15.137–15.140 [Reserved]
15.141 Measurement procedure.
15.142 Range of measurements.
15.143 Report of measurements.

Subpart D—Low Power Communication Devices: General Requirements

§ 15.101 Introduction.

A low power communication device may be operated pursuant to the provi-

sions in this subpart or pursuant to the separate provisions for the specific device in Subpart E of this part.

§ 15.102 Cross reference.

The provisions of Subparts A and B of this Part and Subpart J of Part 2 of this chapter shall apply to the operation of all low power communication devices.

§ 15.103 Interference.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been limited.

§ 15.104 Eavesdropping prohibited.

As provided in § 15.11, the use of a low power communication device for eavesdropping is prohibited.

§ 15.105 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

§§ 15.106–15.110 [Reserved]

§ 15.111 Operation below 1600 kHz.

A low power communication device may be operated on any frequency between 10 and 490 kHz or between 510 and 1600 kHz subject to the condition that the emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency does not exceed the field strength in the following table.

Frequency (kiloherts)	Distance (meters)	Field strength (microvolts per meter)
10 to 490 kHz	300	2,400 F (kHz).
510 to 1600 kHz	30	24,000 F (kHz).

§ 15.112 Alternative provisions for operation between 160 and 190 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 160–190 kHz provided it meets all the following conditions:

(a) The power input to the final radio frequency stage (exclusive of filament or heater power) does not exceed one watt.

(b) All emissions below 160 kHz or above 190 kHz are suppressed 20 dB below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 15 meters.

§ 15.113 Alternative provisions for operation between 510 and 1600 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device may operate on any frequency in the band 510–1600 kHz provided it meets all the following conditions.

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kHz or above 1600 kHz are suppressed 20 dB or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna, plus the ground lead (if used) does not exceed 3 meters.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radio frequency voltage appearing on each power line to 200 microvolts or less on any frequency from 510 kHz to 1600 kHz. Measurements shall be made from each power line to ground both with the equipment grounded and with the equipment ungrounded.

§ 15.114 [Reserved]

§ 15.115 Operation between 26.97 and 27.27 MHz.

A low power communication device may operate within the band 26.97–27.27 MHz (27.12 MHz±150kHz) provided it complies with all the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97–27.27 MHz.

(b) All emissions, including modulation products, below 26.97 MHz or above 27.27 MHz shall be suppressed 20 dB or more below the unmodulated carrier.

(c) The DC power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

NOTE.—A Notice of Proposed Rule Making in Docket 20119 adopted July 23, 1974 proposes to delete the band 26.97–27.27 MHz and make available a new band at 49.9–50.0 MHz with slightly different technical specifications.

§ 15.116 Operation above 70 MHz.

A low power communication device may be operated on any frequency above 70 MHz, subject to the following conditions:

(a) The emission of RF energy on the fundamental frequency or any harmonic or other spurious frequency shall not exceed the field strength in the following table:

Frequency (MHz):	*Field strength ($\mu V/m$ at 30 m)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 500 (linear interpolation).
470 and above	500.

(b) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.

(c) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

§§ 15.117–15.130 [Reserved]

§ 15.131 Certification required for devices that are marketed.

(a) The emission of RF energy on the manufactured between December 31, 1957 and April 1, 1975 which is marketed shall be self-certificated pursuant to the provisions of §§ 15.135 and 15.136.

(b) A low power communication device manufactured after April 1, 1975 which is marketed shall be certificated pursuant to Subpart B of this part.

§ 15.132 Identification required for devices that are marketed.

A low power communication device manufactured after April 1, 1975 which is marketed shall be identified pursuant to Subpart B of this part. Each device shall bear an identification label containing information shown in the sample label below.

FCC IDENTIFICATION DATA

(Name)

Model No.: ---

(Identifier)

This device complies with FCC Rules Part 15 as of date of manufacture.

(Date of manufacture)

(a) *Name.* This shall include the trade name, if any and the name and address of the manufacturer or of the vendor provided the name of the latter was included in the application for certification.

(b) *Identifier.* This is the model number assigned to the device by the manufacturer or applicant for certification and must be identical to that shown on the application for certification. This identifier must be preceded by the words "MODEL NO.".

(c) *Date.* This is the month and year when the device was manufactured. If desired, this may be coded, provided the code therefor is filed with the application for certification.

(d) For applications filed prior to April 1, 1975, the Commission will accept alternative methods of identification provided the name pursuant to paragraph (a) of this section, the number pursuant to paragraph (b) of this section and the date pursuant to paragraph (c) of this section are clearly identifiable, separate and distinct from any other name or number or designator on the equipment.

§ 15.133 Certification and identification required for home built device.

A person who constructs not more than five low power communication devices for his own use, and not for sale, need not meet the requirements of § 15.131 and §15.132. In lieu thereof, he shall attach to each such device a signed and dated label that reads as follows:

I have constructed this device for my own use. I have tested it and certify that it complies with the applicable regulations of FCC

Rules Part 15. A copy of my measurements is in my possession and is available for inspection.

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(Signature) (Date)

§ 15.134 [Reserved]

§ 15.135 Certification procedure: Device manufactured between December 31, 1957 and April 1, 1975.

A low power communication device manufactured between December 31, 1957 and April 1, 1975 shall be self-certificated as follows.

(a) The owner or operator need not certificate his own low power communication device, if it has been certificated by the manufacturer or distributor.

(b) Where certification is based on measurement of a prototype, a sufficient number of units shall be tested to assure that all production units comply with the technical requirements of this subpart.

(c) The certificate may be executed by a technician skilled in making and interpreting the measurements that are required to assure compliance with the requirements of this part.

(d) The certificate shall contain the following information:

(1) The operating conditions under which the device is intended to be used.

(2) The antenna to be used with the device.

(3) A statement certifying that the device can be expected to comply with the requirements of this subpart under the operating conditions specified in the certificate.

(4) The month and year in which the device was manufactured.

§ 15.136 Location of certificate on devices manufactured between December 31, 1957 and April 1, 1975.

The certificate shall be permanently attached to the device and shall be readily visible for inspection.

§§ 15.137–15.140 [Reserved]

§ 15.141 Measurement procedure.

(a) Any procedure acceptable to the Commission may be used to measure the RF energy emitted by a lower power communication device.

(b) The procedure used at the FCC Laboratory for type approval testing of a wireless microphone operating in the band 88–108 MHz is given in FCC Bulletin OCE 19 available from the Commission.

(c) The procedure for measuring the radiation of RF energy from the transmitter and receiver parts of a radio control for a door opener is set out in FCC Technical Report T–7001 available from the Commission.

§ 15.142 Range of measurements.

Measurements fo radiated energy from a low power communication device shall be made over the frequency range listed below.

Frequency band in which the device operates	Range of frequency measurements	
	Lowest frequency	Highest frequency (MHz)
Below 1600 kHz	10 kHz	20
26.97 to 27.27 MHz	Lowest frequency generated in the device.	400
70 to 108 MHz	Lowest frequency generated in the device or 25 MHz whichever is lower.	1000
108 to 500 MHz	Lowest frequency generated in the device or 25 MHz whichever is lower.	2000
500 to 1000 MHz	Lowest frequency generated in the device or 100 MHz whichever is lower.	5000

§ 15.143 Report of measurements.

The report of measurements for a low power communication device operating under the provisions of this subpart manufactured after April 1, 1975 shall include the following:

(a) Specific identification of the device that was measured including name and address of manufacturer, the name of the applicant for certification, if different, the trade name if any, the model number, and serial number, if any.

(b) A detailed description of the measurement procedure that was used. If a published standard was used, reference to the standard is sufficient. If the standard was not followed in every detail, describe how the actual procedure used differed from that in the standard.

(c) Date the measurements were made.

(d) Location where the measurements were made.

NOTE.—A description of this measurement facility must be filed under § 15.38.

(e) Measurements shall be reported separately for each band in which the device can be operated with the device operating at the number of frequencies in each band specified in the following schedule.

Frequency range over which device operates	Number of frequencies	Location in the range of operation
1 MHz	1	Middle.
1 to 10 MHz	2	One near top. One near bottom.
Over 10 MHz	3	One near top. One near middle. One near bottom.

(f) Measurements of radiated RF energy shall be reported in the following format:

Frequency to which tuned (megahertz)	Frequency of the emission (megahertz)	Distance at which measured	Meter reading (note 1)	Note 2	Note 2	Field strength microvolts per meter at—meters (note 3)

NOTE 1.—Specify units (microvolts per meter, dB, etc.)
NOTE 2.—Indicate the constants or factors used to convert the meter reading to field strength at the distance specified in the rules. Indicate the units for each constant.
NOTE 3.—Specify the distance in meters.

(g) Mean RF power output of the device.

(h) Input power measured at the battery terminals if battery powered or at power supply terminals if AC/DC line operated.

(i) If the applicable regulation limits the power input, submit measurements showing the variation of the power input with variation of battery or supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(j) If the applicable regulation limits the level of radiated signal, submit measurements of radiation over the frequency range specified in § 15.142. In addition, submit measurements to show the variation of radiation level on the fundamental with variation of supply voltage between 85 and 115 percent of the nominal rated supply voltage.

(k) The report shall be personally signed by the engineer taking responsibility for the accuracy of the measurements who shall certify to the accuracy of the measurements. If an employee of the applicant, the report shall so state. If employed by an engineering firm or laboratory, the report shall indicate the name and address of such firm. If self-employed, the report shall include the address of the engineer.

E. In Subpart E, the title is amended, the present text is deleted, and new §§ 15.151–15.194 are inserted. As revised, Subpart E read as follows:

Subpart E—Low Power Communication Devices: Specific Devices

Sec.
15.151 Cross reference.
15.152 Interference from a low power communication device.
15.153 Class B emission prohibited.
15.154 Eavesdropping prohibited.

WIRELESS MICROPHONE

15.161 General technical provisions.
15.162 Operation in the band 88–108 MHz.
15.163 Equipment authorization required.
15.164 Identification.

TELEMETERING DEVICE

15.171 General technical provisions.
15.172 Operation in the band 38–41 MHz.
15.173 [Reserved]
15.174 Operation in the band 88–108 MHz.
15.175 Custom built telemetering device in the band 88–108 MHz.
15.176 Operation in the band 174–216 MHz.
15.177 Equipment authorization required.
15.178 Identification.
15.179 Report of measurements.

RADIO CONTROL FOR A DOOR OPENER (GARAGE DOOR OPENER)

15.181 General technical provisions.
15.182 Operation above 70 MHz: Devices manufactured prior to July 15, 1963.
15.183 Operation above 70 MHz: Device manufactured between July 15, 1963 and March 24, 1971.
15.184 Operation above 70 MHz: Devices manufactured after March 24, 1971.
15.185 Equipment authorization required.
15.186 Identification.

Subpart E—Low Power Communication Devices: Specific Devices

§ 15.151 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a low power communication device operating under this subpart.

§ 15.152 Interference from a low power communication device.

Notwithstanding the other requirements of this part, the operator of a low power communication device, regardless of date of manufacture, which causes harmful interference to an authorized radio service, shall promptly stop operating the device until the harmful interference has been eliminated.

§ 15.153 Class B emission prohibited.

Operation of a low power communication device that produces Class B emissions (damped waves) is prohibited.

§ 15.154 Eavesdropping prohibited.

As provided by § 15.11 the use of a low power communication device for eavesdropping is prohibited.

WIRELESS MICROPHONE

§ 15.161 General technical provisions.

A wireless microphone may operate in any of the frequency bands listed under Subpart D of this part pursuant to the provisions therein.

§ 15.162 Operation in the band 88–108 MHz.

A wireless microphone may operate on any frequency in the band 88–108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency ragne 88–108 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50 μV/m at a distance of 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40 μV/m at a distance of 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved wireless microphone.

(e) A type approved wireless microphone may not be used for two way communication.

NOTE.—This regulation prohibits the use of a wireless microphone either for the exchange of communications between devices each operating in the band 88–108 MHz, or between devices one of which operates in the band 88–108 MHz.

(f) User of the device shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of this device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

§ 15.163 Equipment authorization required.

(a) A wireless microphone operating in the band 88–108 MHz shall be type approved pursuant to Subpart B of this part.

NOTE.—The receiver used with the wireless microphone must be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

(b) A wireless microphone manufactured on or after April 1, 1975, operating on any of the frequencies and under the technical specifications in Subpart D of this part, shall be certificated pursuant to Subpart B of this Part.

(c) A wireless microphone manufactured between December 31, 1957, and April 1, 1975, operating on any of the frequencies and under the technical specification in Subpart D of this part, shall be self-certificated pursuant to the provisions of §§ 15.135 and 15.136.

§ 15.164 Identification.

A wireless microphone shall be identified pursuant to provisions of Subpart B of this part.

TELEMETERING DEVICE

§ 15.171 General technical provisions.

A telemetering device may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

§ 15.172 Operation in the band 38–41 MHz.

A telemetering device may operate in the band 38–41 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 38–41 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 10 μV/m at 15 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 10 μV/m at 3 meters from the device.

§ 15.173 [Reserved]

§ 15.174 Operation in the band 88–108 MHz.

A telemetering device may operate on any frequency in the band 88–108 MHz provided it meets all the following conditions.

(a) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. The 200 kHz band shall lie wholly within the frequency range 88–108 MHz.

NOTE.—To insure that this requirement is met, the carrier frequency must be maintained within the band 88.1–107.9 MHz.

(b) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50 μV/m at 15 meters from the device.

(c) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40 μV/m at 3 meters from the device.

(d) No antenna other than that furnished by the manufacturer shall be used with a type approved telemetering device.

(e) The device shall not be used for two way communication.

(f) User of the device shall take adequate precautions to insure that harmful intereference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device shall be promptly suspended and shall not be resumed until the interference has been eliminated. The user of the device must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

§ 15.175 Custom built telemetering device in the band 88–108 MHz.

A custom built telemetering device used for experimentation by an educational institution need not be type approved, *Provided:*

(a) The device complies with the technical requirements of § 15.172 (a) through (c) inclusive.

(b) The educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation. The notice shall include:

(1) The dates and place where the device will be operated

(2) The purpose for which the device will be used

(3) A description of the device including the operating frequency, RF power output, and antenna

(4) A statement that the device complies with the technical provisions of § 15.172 (a) through (c) inclusive.

§ 15.176 Operation in the band 174–216 MHz.

A telemetering device may operate in the band 174–216 MHz provided it meets all the following conditions.

(a) The device is used only for the transmission of biomedical data.

(b) Emissions from the device are confined within a 200 kHz band which shall lie wholly within the frequency range 174–216 MHz.

(c) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 150 uV/m at 30 meters from the device.

(d) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 15 uV/m at 30 meters from the device.

§ 15.177 Equipment authorization required.

(a) A telemetering device operating in the band 88–108 MHz, other than a custom built device operating under § 15.174, shall be type approved pursuant to Subpart B of this part.

(b) A custom built telemetering device operating under § 15.175 shall file the notice prescribed therein with the Engineer in Charge of the local FCC office.

(c) A biomedical telemetering device operating in the bands 38–41 or 174–216 MHz that was manufactured after April 30, 1972 shall be certificated pursuant to Subpart B of this part.

(d) The receiver associated with a radio telemetering device must be separately certificated pursuant to Subpart B to show compliance with Subpart C of this part.

§ 15.178 Identification.

(a) A telemetering device shall be identified pursuant to the provisions of Subpart B of this part.

(b) A biomedical telemetering device operating under § 15.171 or § 15.176 shall bear a label containing the following information.

(1) Name pursuant to § 2.1045(a) of this chapter.

(2) Model number pursuant to § 2.1045 (b) of this chapter.

(3) The following statement: This device complies with FCC Part 15, Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) This device must accept any interference that may be received, including interference that may cause undesired operation.

(4) The date of manufacture: This information may be inscribed as the month and year of manufacture, or coded at the manufacturer's option, provided the key to the code is submitted with the application for certification.

§ 15.179 Report of measurements.

The report of measurements for a biomedical telemetering device operating under § 15.172 or § 15.176 shall report measurements pursuant to § 15.143.

Radio Control for Door Opener (Garage Door Opener Device)

§ 15.181 General technical provisions.

A radio control for a door opener may operate in any of the frequency bands listed under Subpart D of this part, pursuant to the provisions therein.

§ 15.182 Operation above 70 MHz: Devices manufactured prior to July 15, 1963.

A radio control for a door opener manufactured prior to July 15, 1963 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	*Field strength (μV/m at 30 meters)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 500 (linear interpolation).
Above 470	500.

(b) The device is provided with means for automatically limiting operation to a duration of not more than 1 second, not to occur more than once in 30 seconds.

§ 15.183 Operation above 70 MHz: Devices manufactured between July 15, 1963 and March 24, 1971.

A radio control for a door opener manufactured between July 15, 1963 and March 24, 1971 may be operated on any frequency above 70 MHz provided it meets all of the following conditions:

(a) The emission of RF energy shall not exceed the following limits:

Frequency (MHz):	*Field strength (μV/m at 30 meters)*
70 to 130	50.
130 to 174	50 to 150 (linear interpolation).
174 to 260	150.
260 to 470	150 to 500 (linear interpolation).
Above 470	500.

(b) Radiation from the transmitter or receiver part of the control must not fall within any of the following bands:

MHz	*MHz*
73 to 75.4	1535 to 1670
108 to 118	2690 to 2700
121.4 to 121.6	4200 to 4400
242.8 to 243.2	4990 to 5250
265 to 285	*GHz*
328.6 to 335.4	10.68 to 10.70
406 to 410	15.35 to 15.4
608 to 614	19.3 to 19.4
960 to 1215	31.3 to 31.5
1400 to 1427	88 to 90

NOTE.—A radiation level below 15 μV/m at 1 meter will be considered to meet this requirement.

(c) The transmitter part of the control is activated by a switch which automatically turns the transmitter off when released. If not so activated, the control shall meet the duty cycle limitation in § 15.116(b).

(d) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section.

§ 15.184 Operation above 70 MHz: Devices manufactured after March 24, 1971.

A radio control for a door opener manufactured after March 24, 1971 may operate on any frequency above 70 MHz provided it meets all the following conditions:

(a) The device may be used only for the purposes of opening or closing a door and may not be used for voice transmission or the transmission of any other type of message or information.

(b) Emission of RF energy from the transmitter, as well as from the receiver part of the control, shall not fall within any of the bands listed below:

MHz	*MHz*
73 to 75.4	608 to 614
108 to 118	960 to 1215
121.4 to 121.6	1400 to 1427
242.8 to 243.2	1535 to 1670
265 to 285	2690 to 2700
328.6 to 335.4	4200 to 4400
404 to 406	4990 to 5250
GHz	
10.68 to 10.70	31.3 to 31.5
15.35 to 15.4	88 to 90
19.3 to 19.4	

NOTE.—A radiation level below 15μV/m at 1 meter will be considered to meet this requirement.

(c) Subject to the limitation in paragraph (b) of this section, emission of RF energy from the transmitter shall not exceed the levels given below when measured under open field conditions as prescribed in FCC Technical Division Report T–7001 dated October 1, 1970 available from the Commission.

Frequency (MHz)	*Field strength at 30 meters (μV/m)*
130 to 174	125.
70 to 130	125 to 375 (linear interpolation).
174 to 260	375.
260 to 470	375 to 1250 (linear interpolation).
Above 470	1250.

(d) The transmitter part of the control shall be activated only by a switch which will automatically deactivate the transmitter when released. The switch shall be of such quality to insure reliable operation for the expected life of the transmitter.

§ 15.185 *Equipment authorization required.*

(a) A radio control for a door opener operating above 70 MHz manufactured after March 24, 1971 shall be certificated pursuant to Subpart B of this part.

(b) A radio control for a door opener operating above 70 MHz under §§ 15.182 or 15.183 shall be self-certificated pursuant to §§ 15.135 and 15.136.

(c) The receiver associated with a radio control transmitter for a door opener shall be certificated pursuant to Subpart B to show compliance with Subpart C of this part.

§ 15.186 Identification.

(a) A radio control device for a door opener shall be identified pursuant to the provisions of Subpart B of this part.

(b) The transmitter part and the receiver part of the radio control for a

door opener operating under § 15.184 shall each bear a label containing the following information:

(1) Name pursuant to § 2.1045(a) of this chapter.

(2) Model number pursuant to § 2.1045 (b) of this chapter.

(3) The following statement: This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may be received including interference that may cause undesired operation.

§ 15.187 Report of measurements.

The report of measurements for a radio control for a door opener operating under § 15.184 shall cover the range of frequencies in § 15.142 of this part and shall contain the information required by § 15.143.

DEVICE THAT MEASURES THE CHARACTERISTICS OF A MATERIAL

§ 15.191 General technical provisions.

A device that uses RF energy to measure the characteristics of a material may operate in any of the frequency bands listed under Subpart D of this Part pursuant to the provisions therein.

§ 15.192 Alternative provisions.

A device that uses RF energy to measure the characteristics of a material may operate in the frequency bands listed in paragraph (b) and pursuant to the provisions in this section.

(a) A device operated pursuant to the provisions of this section may not be used for voice communications, or the transmission of any other type of message.

(b) The device shall operate within the frequency bands:

MHz	*MHz*
13.554 to 13.556	2400 to 2500
26.96 to 27.28	5725 to 5875
40.66 to 40.70	22000 to 22250
890 to 940 (See note)	

NOTE.—The frequency band 890–940 MHz is subject to change pursuant to the reallocation of frequencies that may be made in the band 806–960 MHz in the rule making proceeding in Docket No. 18262.

(c) The maximum level of emission from the device shall not exceed:

Fundamental frequency in the band	Emission (microvolts per meter at 30 meters)		
	On fundamental frequency	On harmonic frequencies	On other frequencies
13.554 to 13.566	15	0.5	0.5
26.96 to 27.28 MHz	25	1.0	1.0
40.66 to 40.70 MHz	50	1.5	1.5
Above 800 MHz	500	50.0	15.0

(d) The device shall be self-contained with no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this section. Any antenna that may be used with the device shall be permanently attached thereto and shall not be readily modifiable by the user.

§ 15.193 Certification required.

(a) A device that uses RF energy to measure the characteristics of a material, that was manufactured prior to April 1, 1975 shall be certificated pursuant to §§ 15.135 and 15.136.

(b) A device that uses RF energy to measure the characteristics of a material, that was manufactured on and after April 1, 1975, shall be certificated pursuant to Subpart B of this part.

§ 15.194 Identification.

A device that uses RF energy to measure the characteristics of a material shall be identified pursuant to Subpart B of this part.

F. Subparts F, G and H of Part 15 are amended as follows:

1. A new § 15.302 is added to read as follows:

§ 15.302 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a field disturbance sensor operating under this subpart.

§ 15.305 [Amended]

2. In § 15.305 delete NOTE.

§ 15.309 [Amended]

3. In five places in § 15.309, replace 100 feet with 30 meters.

4. A new § 15.312 is added to read as follows:

§ 15.312 Certification required.

A field disturbance sensor shall be certificated pursuant to Subpart B of this part.

§ 15.313 [Deleted]

5. Section 15.313 is deleted.

6. A new § 15.314 is added to read as follows:

§ 15.314 Identification required.

(a) A field disturbance sensor shall be identified pursuant to § 15.41.

(b) In addition to the name and identifier required by § 15.41 the identification label on a field disturbance sensor shall bear the statement:

This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may cause undesired operation.

§ 15.315 [Deleted]

7. Section 15.315 is deleted.

8. A new § 15.318 is added to read as follows:

§ 15.318 Report of measurements.

The report of measurements for a field disturbance sensor shall follow the format and provide all the information required by § 15.143 over the frequency range specified in § 15.317. Other reporting formats may be used, if fully explained by the engineer who prepared the report.

9. A new § 15.332 is added to read as follows:

§ 15.332 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to an auditory training system operating under this subpart.

§ 15.343 [Deleted]

10. Section 15.343 is deleted.

11. Section 15.345 is revised to read as follows:

§ 15.345 Certification of receiver.

A receiver operating in the range 30–890 MHz as part of an auditory training system shall be certificated pursuant to Subpart B of this part to show compliance with the technical specifications of this subpart.

12. Section 15.347 is revised to read as follows:

§ 15.347 Equipment authorization for transmitter.

(a) A transmitter operating in the band 72–76 MHz or the 88–108 MHz as part of an auditory training system shall be type approved pursuant to Subpart B of this part.

(b) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications in Subpart D of this part, manufactured prior to April 1, 1975 shall be self certificated pursuant to Sections 15.135–15.136.

(c) A transmitter operated as part of an auditory training system on frequencies and under the technical specifications of Subpart D of this part, manufactured after April 1, 1975 shall be certificated pursuant to Subpart B of this part.

§ 15.371 [Deleted]

13. Section 15.371 is deleted.

§ 15.373 [Deleted]

14. Section 15.373 is deleted.

15. A new section 15.402 is added to read as follows:

§ 15.402 Cross reference.

The provisions of Subparts A and B of this part and Subpart J of Part 2 of this chapter shall apply to a Class I TV device operating under this subpart.

16. In § 15.411, paragraph (a) is revised to read as follows:

§ 15.411 Type approval.

(a) A Class I TV device shall be type approved pursuant to Subpart B of this part.

17. Section 15.413 is revised to read as follows:

§ 15.413 Certification of built-in tuner.

If a Class I TV device includes a built-in television tuner as part of its design, the device must also be certificated pursuant to Subpart B of this part to show that the television tuner complies with the requirements for a television receiver in Subpart C of this part.

§ 15.419 [Amended]

18. In § 15.419 delete the sentence "(The distance $\lambda/2\pi$ in feet is equal to 157 divided by the frequency in MHz.)" at the end of the section.

[FR Doc. 75-5675 Filed 3-6-75; 8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–50; Notice No. 75–4]

LIGHTWEIGHT VEHICLE OPERATIONS

Exemptions

The Director of the Bureau of Motor Carrier Safety is taking final rulemaking action on petitions for amendment of the Federal Motor Carrier Safety Regulations, which sought general relief from safety regulatory requirements for lightweight vehicle operations and drivers who drive lightweight vehicles in interstate or foreign commerce. In this action, the Director is granting, in part, the petitions by creating limited exemptions for lightweight vehicle operations, essentially insofar as the Regulations require creation and retention of detailed safety records. In other respects, the Director, after due consideration, is not granting the relief requested. This decision has been taken after an in-depth study of the interests of all parties to the proceeding.

This proceeding was begun on July 17, 1973, by the issuance of an advance notice of proposed rulemaking (38 FR 19692), advising interested persons that the Bureau of Motor Carrier Safety had received petitions for rulemaking from private carrier associations and other interested parties seeking various forms of exemption for lightweight vehicles and their drivers. The advance notice solicited comment on the advisability of granting general and across-the-board exemptions from the regulations for commercial vehicles with a gross vehicle weight of less than 10,000 lbs., on the premise that regulating them was not necessary to effect a viable national commercial vehicle safety regulatory scheme. Pursuant to that notice, a series of three public hearings was held in Washington, San Francisco and Kansas City during 1973 to provide a forum at which views on the proposals could be aired. Following these hearings a notice of proposed rulemaking was issued on August 7, 1974, (39 FR 29195). This notice summarized the arguments in favor of a broad, general exemption and proposed the issuance of specific amendments to the Regulations which would institute such exemptions except for accident reports.

Responses to the notice of proposed rulemaking involved a wide variety of views concerning the propriety of issuing a broad, general exemption for lightweight vehicles and the validity of the reluctance of the Bureau to include the accident-reporting requirements of Part 394 of the regulations among the proposed exempt categories. Opposition to the institution of a special exemption for lightweight vehicles was expressed by the International Brotherhood of Teamsters (National), one of its locals, PROD, Inc., United Parcel Service, and a number of individuals. The Vehicle Equipment Safety Commission and the Film, Air and Package Carriers Conference expressed opposition to exempting lightweight vehicles and their drivers from specified provisions of the regulations. Proponents of the proposal generally reiterated the arguments made in their petitions and in responses to the advance notice. Those arguments in favor of a general exemption for lightweight vehicle operations were summarized in the preamble to the notice of proposed rulemaking (39 FR 29195) and need not be repeated here.

Having considered the material submitted orally and in writing in response to the above-cited notices, together with other available data, the Director has determined that issuance of a total exemption from the safety regulations for lightweight vehicle operations is not warranted.

In reaching this determination, the Bureau began with the proposition that the Congress, in considering the National interest in the safety regulation of commercial interstate motor carrier operations, intended to make the operations of lightweight motor vehicles in interstate or foreign commerce subject to Federal safety regulation. It has long been settled that the basic grant of authority in section 204 of the Interstate Commerce Act, 49 U.S.C. 304, to regulate hours of service of drivers, qualifications of drivers, and safety of operation and equipment of motor carriers who operate in interstate or foreign commerce includes operations conducted with lightweight motor vehicles and is not limited only to medium- and heavy-duty trucks and buses. See, *e.g.*, *ICC* v. *AAA Con Drivers Exchange*, 340 F.2d 820 (2d Cir.) *cert. denied*, 381 U.S. 911 (1965). While it is true that the basic grant of regulatory authority to the agency necessarily includes the power to interpret the scope of such authority as conferred by the Congress, a heavy burden of proof rests upon those who would have the Bureau withdraw from exercising its full statutory jurisdiction over a class of motor carrier operations made subject to regulation by statute. That burden of proof has not been established in this proceeding.

Examination of the various provisions of the Federal Motor Carrier Safety Regulations discloses a large number of rules which should, in the public interest, continue to be applicable to lightweight vehicle operations. The record of this proceeding discloses no persuasive reason why the driver of a lightweight vehicle should not be physically qualified, just as drivers of other vehicles must be. Nor is there any valid reason why lightweight vehicles should not generally be driven in accordance with the driving rules set forth in Part 392 of the regulations. Exemption of drivers of lightweight motor vehicles from the substantive hours-of-service restrictions in § 395.3 of the regulations would not only be detrimental to safe operations—since fatigue on the driver's part creates a public risk regardless of the type of vehicle he is driving—but would also transgress a fundamental policy decision enacted by the Congress. That decision is that the hours of employment of industrial employees in businesses affecting interstate or foreign commerce shall be limited by law for their protection and the protection of the public. For the most part, this Federal policy is embodied in the Fair Labor Standards Act, 29 U.S.C. 201 et seq. In section 13(b) of the Act, 29 U.S.C. 213(b), Congress provided for a partial exemption for employees with respect to whom the Department of Transportation "has power to establish qualifications and maximum hours of service" pursuant to section 204 of the Interstate Commerce Act. Since the section 13(b) exemption is phrased in terms of the power to establish qualifications and maximum hours of service, an administrative exemption of a large class of employees (e.g., drivers of lightweight vehicles) from § 395.3 of the Federal Motor Carrier Safety Regulations would leave them unprotected from hours-of-service requirements by either the Fair Labor Standards Act or the Federal Motor Carrier Safety Regulations. There is nothing in the record which would warrant creation of such a situation by administrative action.

Proponents of an across-the-board exemption have said that the Bureau should not retain regulations which, because of limitations on the Bureau's manpower and other resources, cannot be enforced by direct action. They note that the Bureau's present program of surveillance of motor carriers does not cover the thousands of small businesses that operate lightweight vehicles incidental to their main business activity. Examples of these businesses include repair shops and retail establishments. The problem with this line of reasoning is that it does not recognize the secondary impact of the Regulations. Even assuming that no direct, coercive enforcement action or surveillance is taken with respect to this type of a motor carrier, the operative rules of tort law provide substantial inducement for compliance with the safety regulations. This is the case because, under the law in effect in virtually all United States jurisdictions, proof in an action for damages arising out of a motor vehicle accident that a party's operation of his vehicle was in violation of a statute or administrative regulations applicable to that party and intended to protect the general public will either establish that party's negligence per se or raise a strong presumption of negligence. Further, violation of the Federal Motor Carrier Safety Regulations on the part of a motor carrier during his operations may expose the carrier to liability under other Federal regulatory statutes. See Banyard v. NLRB, 505 F. 2d 342 (D.C. Cir. 1974).[1]

[1] As one commenter pointed out, exemption of lightweight vehicles from the Federal Motor Carrier Safety Regulations would, by operation of law, make the operators of such vehicles subject to regulation under the Occupational Safety and Health Act, 29 U.S.C. 651 et seq. See 29 U.S.C. 653(b)(1).

To suggest that it is impractical to require a motor carrier to comply with a safety regulatory scheme without having the resources of direct enforcement activities at the carrier fails to consider this important secondary impact. Accordingly, the Director has determined on the record established in this proceeding that selective exemption of lightweight vehicle operations is warranted and that total exemption has not been shown to be in the public interest. A discussion of the specific areas of exemption follows.

1. *Definition of lightweight vehicle.* Part 390 is being amended by adding a new definition of the term "lightweight vehicle" in § 390.17. This definition follows that contained in the proposed rule, except that articulated vehicles and vehicles engaged in driveaway-towaway operations are no longer per se excluded from falling within the exempt classification.

2. *Qualifications of drivers.* Part 391 is being amended to exempt drivers whose exclusive driving employment is behind the wheel of lightweight vehicles from the requirement for periodic physical examination and the requirement that a certificate of medical examination be obtained and carried by the driver. Motor carriers who employ those drivers are being relieved of the obligation to make pre-employment background and character checks upon them; to give them pre-employment written and driving tests; and to keep records and files pertaining to those drivers. The purpose of these exemptions is to relieve small businesses of detailed safety record-keeping and other administrative obligations which may be unduly burdensome. On the other hand, drivers of lightweight vehicles are not being exempted from the substantive requirements of Part 391, *e.g.*, the requirement to hold a driver's license or permit, the requirement for minimum physical qualifications, and the requirement for knowledge and ability to operate safely upon the public highways in furtherance of a commercial enterprise.

3. *Emergency Equipment.* As noted above, the Director has determined that compliance with the rules in Part 392 are not unreasonable nor do they impose an undue burden on operators of lightweight vehicles. The rules in Part 393, relating to parts and accessories are themselves tailored to the type of motor vehicle for which they are appropriate, and, with one exception, no special exemption of lightweight vehicles from their application is warranted. The single exception is the provision in § 393.95, requiring emergency equipment to be carried on certain commercial motor vehicles, and the coordinate rule in § 392.22(b) which requires the drivers of those vehicles to use the devices when appropriate. The Director has determined that lightweight vehicles should be exempt from both of these requirements because they may be inappropriate to the type of operation by lightweight motor vehicles, inasmuch as States and other Federal regulatory authorities have not seen fit to require these on small vehicles generally.

4. *Accident reporting requirements.* The exemption of lightweight vehicles from accident-reporting requirements in Part 394 is being limited to accidents involving passenger cars. However, the Bureau maintains that accidents involving other types of lightweight vehicles operated by commercial motor carriers subject to the Bureau's jurisdiction should continue to be reported. It is important for the Bureau to have the data necessary to monitor the safety performance of lightweight vehicle operations to enable it to determine whether continuation of the special exempt status given lightweight vehicle operations or possible further exemption is warranted. Notwithstanding the statements of certain participants in this proceeding, existing and available data on lightweight vehicles does not exist in any usable form.

5. *Hours of service of drivers.* For reasons set forth above, the Bureau has determined that it would not be in the public interest or consonant with its statutory authority, to exempt drivers of lightweight motor vehicles from certain limitations while Part 395, concerning maximum hours of service, applies to other drivers of commercial motor vehicles engaged in interstate or foreign commerce. Drivers of lightweight vehicles are being specifically exempted from requirements for making daily logs. This latter step represents only a minor expansion of the exemption for drivers of small trucks and buses that has for many years been a part of § 395.8.

6. *Inspection and maintenance.* Part 396 is being amended to relieve drivers and motor carriers operating lightweight vehicles from the requirement to make and retain a daily vehicle condition report. By so doing, the Director is carrying through one of the major objectives of this proceeding: to eliminate undue paperwork and record retention burdens from operators of lightweight motor vehicles. The remaining provisions of Part 396 do not impose any substantive burden on motor carriers and drivers, except for the general requirement to maintain motor vehicles adequately. There is no valid reason why operators of lightweight vehicles should not be required to comply with those requirements, since they represent sound safety practices regardless of the nature or type of vehicle being operated.

In consideration of the foregoing, the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) are amended as set forth below.

Effective date. These amendments are effective on April 1, 1975.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 398.4, respectively.

Issued on March 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

I. A new § 390.17 is added to Subpart A of Part 390, reading set forth below:

§ 390.17 Lightweight vehicle.

(a) Except as provided in paragraph (b) of this section, the term "lightweight vehicle" means a motor vehicle that—

(1) Was manufactured on or after January 1, 1972 and has a manufacturer's gross vehicle weight rating (as defined in § 571.3 of this title) of 10,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating (as defined in § 571.3 of this title) of 10,000 pounds or less, in the case of an articulated vehicle; or

(2) Was manufactured before January 1, 1972 and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of 10,000 pounds or less.

(b) The term "lightweight vehicle" does not include—

(1) A vehicle that is being used to transport passengers for hire; or

(2) A vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title.

PART 391—QUALIFICATIONS OF DRIVERS

II. In Part 391, § 391.62 is amended to read as follows:

§ 391.62 Drivers of lightweight vehicles.

(a) The following rules in this part do not apply to a person who drives only a lightweight vehicle:

(1) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers).

(2) Subpart D (relating to road tests and written examinations).

(3) So much of §§ 391.41, 391.43, and 391.45 as require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person.

(4) Subpart F (relating to maintenance of files and records).

(b) A person who is 18 years of age or older and who is otherwise qualified to drive a motor vehicle under the rules in this part (including the modifications of those rules specified in paragraph (a) of this section) may drive a lightweight vehicle, and § 391.11(b)(1) (relating to minimum age of drivers) does not apply to that person.

PART 392—DRIVING OF MOTOR VEHICLES

III. § 393.22 in Part 392 is amended by adding a new paragraph (vii) at the end of paragraph (b) (2) to read as follows:

§ 392.22 Emergency signals: Stopped vehicles.

* * * * *

(b) * * *

* * * * *

(vii) *Exemption for lightweight vehicles.* The rules in paragraph (b) of this section do not apply to the operations of a lightweight vehicle.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

IV. The introductory clause of § 393.95 is revised to read as follows:

§ 393.95 Emergency equipment on all power units.

Except for a lightweight vehicle, every bus, truck, truck-tractor, and every driven vehicle in driveaway-towaway operation must be equipped as follows:

* * * * *

PART 394—NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

V. Paragraph (b) of § 394.3 is revised to read as follows:

§ 394.3 Definition of reportable accident.

* * * * *

(b) The term "reportable accident" does not include—

(1) An occurrence involving only boarding and alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of farm-to-market agricultural transportation (as defined in § 394.5) by the motor carrier; or

(4) An occurrence in the course of the operation of a passenger car (as defined in § 571.3 of this title) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title.

PART 395—HOURS OF SERVICE OF DRIVERS

VI. In § 395.8, paragraph (2) of paragraph (t) is revised to read as follows:

§ 395.8 Driver's daily log.

* * * * *

(t) Exemptions—(1) 50-mile-radius drivers. * * *

* * * * *

(2) *Drivers of lightweight vehicles.* The rules in this section do not apply to—

(i) A driver of a lightweight vehicle; or

(ii) A driver of a motor vehicle that has not more than 2 axles and a gross weight (as defined in § 390.10 of this chapter) of 10,000 pounds or less, unless that vehicle is either—

(A) Used to transport passengers;

(B) Used to transport materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; or

(C) Operated without cargo under conditions that require the vehicle to be marked or placarded in accordance with § 177.823 of this title.

PART 396—INSPECTION AND MAINTENANCE

VII. The first sentence of § 396.7 is revised to read as follows:

§ 396.7 Vehicle condition report by driver.

Except for the driver of a lightweight vehicle and except as provided for driveaway-towaway operations in § 396.8, every motor carrier operating more than one motor vehicle shall require its drivers to report and every driver shall prepare such a report in writing at the completion of his day's work or tour of duty, which report shall list any defect or deficiency of the motor vehicle discovered by said driver or reported to him as would be likely to affect the safety of operation of the motor vehicle or result in its mechanical breakdown or shall indicate that no such defect or deficiencies were discovered by or reported to him. * * *

[FR Doc.75-6039 Filed 3-6-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1134-A]

PART 1033—CAR SERVICE

Lumber and Plywood; Restrictions on Reconsigning

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of February 1975.

Upon further consideration of Service Order No. 1134 (38 FR 12606, 19831, 30742, 31681; 39 FR 13971), and good cause appearing therefor:

It is ordered, That:

§ 1033.1134 Service Order 1134 [Reserved]

§ 1033.1134 *Lumber and plywood—restrictions on reconsigning* be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., February 27, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

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

[FR Doc.75-6059 Filed 2-6-75;8:45 am]

proposed rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 176]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 413B of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b–1) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 176 of Title 45 of the Code of Federal Regulations governing the operation of the Supplemental Educational Opportunity Grants Program by adding § 176.15. The proposed section would instruct institutions of higher education that are participating in the Supplemental Educational Opportunity Grants (SEOG) Program on how to coordinate SEOG awards with Educational grants-in-aid made under the authority of the Bureau of Indian Affairs (BIA), for students at such institutions who might be eligible for both types of assistance.

It has become apparent that, in the absence of such a regulation, the practices of such institutions have not been consistent and, in some cases, have not carried out the purposes of the BIA supported program. Because of the special, trust relationship which the United States has had with Indians and because of the special consideration for Indians which Congress has expressed, particularly in the Snyder Act (25 U.S.C. 13) from which the BIA grants-in-aid derive, it is proposed that BIA grants-in-aid shall be treated as entirely supplementary to awards made under the SEOG program, the Basic Educational Opportunity Grant Program (BEOG), and other programs administered by the institution, provided that the total amount of assistance thus made available to the student does not exceed his level of need for financial assistance. It is further proposed that, when reductions in the student's award become necessary because his total awards exceed his need, there shall be a priority for maximizing the amount of such assistance the student receives in the form of grants. Thus, reductions shall first be made in any educational loans made for such student, shall next be made in any work-study awards made to such student, and shall only be made in the SEOG award if an excess of aid remains after the first two reductions. A BEOG grant, which is intended as the basic building block for each student's financial aid package, would not be affected by the receipt of a BIA grant.

This same provision will be proposed for the regulations governing the operation of the National Direct Student Loan Program (45 CFR Part 144) and those governing the College Work-Study Program (45 CFR Part 175). Those regulations are currently under review by the Office of Education and will be published as proposed rules in the near future.

Interested persons are invited to submit written comments, suggestions, or objections to this proposed rule to the Office of Student Assistance, Bureau of Postsecondary Education, Office of Education, Seventh and D Streets SW, 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, except holidays between 8:30 a.m. and 4:00 p.m. All relevant material received on or before April 7, 1975, will be considered.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grants Program)

Dated: January 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 27, 1975.

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

Part 176 of Title 45 of the Code of Federal Regulations is amended by adding § 176.15 as follows:

§ 176.15 Coordination with Bureau of Indian Affairs grants-in-aid.

(a) In determining the amount, if any, of a Supplemental Grant to be awarded to a student who is eligible for such a grant and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice:

(1) A "package" of student assistance will be prepared in accordance with § 176.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(2) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a)(1) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(3) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a)(1) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assistance. Such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(b) Educational grants-in-aid made to students at an institution under a program administered by the Bureau of Indian Affairs shall be considered to be financial aid made available through such institution, for purposes of § 176.16, if:

(1) The institution reviews the applications for such grants; and

(2) The institution selects the recipients for, and determines the amounts of, such grants.

(20 U.S.C. 1070b–1)

[FR Doc.75–5961 Filed 3–6–75;8:45 am]

Office of the Secretary

[42 CFR Part 53]

HOSPITALS AND MEDICAL FACILITIES

Grants, Loans and Loan Guarantees for Construction and Modernization

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend § 53.111 of Title 42, CFR as set forth below. That regulation governs compliance with assurances given by recipients of, or to be given by applicants for, grants,

loans, and loan guarantees for the construction and modernization of hospitals and other medical facilities under the Hill-Burton Act (Title VI of the Public Health Service Act; 42 U.S.C. 291 *et seq.*), that they will provide a reasonable volume of care to persons unable to pay therefor.

The proposal would amend § 53.111 in two respects:

1. Subparagraph (f)(1) would be revised. The current language of § 53.111 (f)(1), the so-called "billing provision", was recently declared invalid by the United States District Court for the Southern District of New York in Corum, et al. v. Beth Israel Medical Center, et al., 373 F. Supp. 557, S.D.N.Y. (1974). The current paragraph (f)(1) would permit Hill-Burton-aided facilities to include as uncompensated services those services for which determination of inability to pay had been made after a bill had been rendered so long as no further collection effort was made. In declaring that provision invalid, the court in the Corum case stated:

> In view of the strong interest of plaintiffs in a preadmission determination of inability to pay, and in the absence of any valid reason for postponement of the decision, we hold that it must be made before rendition of services * * *.

The revised language of paragraph (f)(1) would require that a determination of indigency be made prior to the provision of the service except in certain specified circumstances.

2. In order that persons who are or may be unable to pay for services may be made aware of the obligation of recipients of Hill-Burton assistance to provide a reasonable volume of care to persons unable to pay therefor in accordance with § 53.111, a new paragraph (i) would be added, requiring that Hill-Burton-assisted facilities post notices informing the public of that obligation.

The proposed amendments to § 53.111 were approved by the Federal Hospital Council on November 12, 1974.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to § 53.111 to the Division of Facilities Utilization, Health Resources Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, on or before April 7, 1975. Comments received will be available for public inspection at Room 12–11 Parklawn Building, during regular business hours.

It is therefore proposed to amend 42 CFR 53.111 as set forth below.

Dated: January 27, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: February 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

In § 53.111, paragraph (f)(1) is revised, paragraphs (i) and (j) are redesignated as paragraphs (j) and (k) respectively, and a new paragraph (i) is added as follows:

§ 53.111 Services for persons unable to pay.

* * * * *

(f) *Qualifying services.* (1) In determining the amount of uncompensated services provided by an applicant, there shall be included only those services provided to an individual with respect to whom the applicant has made a written determination prior to the provision of such services that such individual is unable to pay therefor under the criteria established pursuant to 42 CFR 53.111 (g), except that:

(i) such determination may be made after the provision of such services in the case of services provided in emergency departments of applicants: *Provided,* That when billing is made for such service, such billing must be accompanied by substantially the information required in the posted notice under paragraph (f)2 of this section; and

(ii) such determination may be made after the provision of such services in the case of a change in circumstances as a result of the illness or injury occasioning such services (e.g., the patient's financial condition has changed due to a loss of wages resulting from the illness) or in case of insurance coverage or other resources being less than anticipated or the costs of services being greater than anticipated. *Further,* in all cases where such determination was not made prior to the provision of services, such services may not be included as uncompensated services if any collection effort has been made other than the rendering of bills permissible in the above exceptions: *Provided,* That such a determination may be made at any time if the determination was hindered or delayed by reason of erroneous or incomplete information furnished by or in behalf of the patient.

* * * * * *

(i) *Posted notice.* The applicant shall post notice (which shall be multilingual where the applicant serves a multilingual community), in substantially the following form, in appropriate areas within the facility (admissions, office, emergency department and business office) for the purpose of informing patients or potential patients that criteria for eligibility and applications are available upon request:

NOTICE OF HILL-BURTON OBLIGATION

Under the Hill-Burton program, this hospital is obligated to render a reasonable volume of services at no cost or less than full charges to persons meeting eligibility criteria. Should you believe you may be eligible for such services, you should contact our business office (or designated person or other office). If you are dissatisfied with the determination in your case you may contact the State Hill-Burton agency (supply address).

[FR Doc.75-5962 Filed 3-6-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Payment for Services of Physicians in Teaching Hospitals, for Physicians' Costs to Hospitals and Medical Schools, and for Volunteer Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

On July 19, 1973, there was published in the FEDERAL REGISTER (38 FR 19230) a notice of proposed rule making with proposed amendments to Subparts D and E of Regulations No. 5, implementing section 227 of Pub. L. 92–603, enacted October 30, 1972 (entitled "Payment Under Medicare for Services of Physicians Rendered at a Teaching Hospital") and statements of congressional intent contained in the Report of the Committee on Finance, United States Senate Report No. 92–1230, 92d Cong., 2d Sess., pp. 194–198 (1972).

The 1972 legislation made two major changes in the original Medicare statute with regard to the payment for the services of physicians in teaching hospitals. First, it added to the requirements for charge reimbursement the further requirement that the patient be a "private patient" as defined by regulation. Second, where a private patient relationship did not exist and the patient was determined to be a "nonprivate patient" or where the hospital elected not to seek charge reimbursement, the 1972 legislation provided reasonable cost reimbursement to hospitals that expect such payment to be more favorable than would be possible under the present system of charge reimbursement for some services and cost reimbursement for others.

Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments. On August 28, 1973, there was published in the FEDERAL REGISTER (38 FR 22980) a notice of extension of the period for comment through October 17, 1973.

However, both of the provisions of the 1972 legislation have been modified by Pub. L. 93–233, enacted December 31, 1973, and by Pub. L. 93–368, enacted August 7, 1974. Pub. L. 93–233 deferred until cost-reporting periods beginning after December 31, 1974, the requirement that reasonable charges are payable only where a private patient relationship is established; and Pub. L. 93–368 further deferred this provision until hospital cost-reporting periods beginning after June 30, 1976. This was done so that the National Academy of Sciences would

have sufficient time to undertake and report on a study, the results of which are expected to help in assessing the potential impact of the 1972 legislation on teaching hospitals and their health care delivery systems.

Also, the 1973 legislation restricts the availability of the more favorable cost reimbursement provisions of the 1972 legislation to hospitals that elect cost payments in lieu of any reasonable charge reimbursement which otherwise would be appropriate. A hospital may make this election only where all of the physicians who render services in the hospital agree in writing not to bill charges under the Medicare program for such services. Where these requirements are satisfied by a hospital, reasonable cost reimbursement is appropriate for all physicians' services provided to Medicare beneficiaries. However, the 1974 legislation provides that except where the hospital makes such an election, the 1972 changes are deferred until hospital cost-reporting periods beginning after June 30, 1976. Therefore, the proposed amendments to Subpart E dealing with the definition of a "private patient" which were published in proposed form in the FEDERAL REGISTER on July 19, 1973, to implement the 1972 legislation, are being withdrawn.

Because of the above described amendments to the Social Security Act in 1973 and 1974 the Commisioner of Social Security and the Secretary of Health, Education, and Welfare have determined that a new notice of proposed rule making should be published to afford interested parties an opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments. Any comments submitted in connection with the notice of proposed rule making of July 19, 1973, have already been taken into consideration and need not be resubmitted.

The following changes have been made as a result of comments and suggestions received with regard to the July 19, 1973, notice of proposed rule making and as a result of the 1973 and 1974 legislation:

1. The proposed regulations were revised to (a) include, in the base to which the 105 percent limitation applies, certain salary-related taxes and payments as well as physicians' direct salaries and fringe benefits, and (b) emphasize that this limitation applies only where a hospital is unrelated to a medical school and does not pay the medical school for services to all patients. Hospitals related to medical schools by common ownership and control and hospitals that are unrelated to medical schools but pay the medical schools for services to all patients will continue to be permitted reimbursement without regard to this limit, but only, of course, to the extent that the costs are not found to be unreasonable.

2. The proposed regulations were revised to allow physicians who are compensated by the hospital or medical school for some, but not all, of the services they render, to be considered volunteer physicians with respect to some of their services but with limitations. The payments for donated services will be made provided their compensation from the hospital and medical school is only for other than direct medical and surgical services rendered to individual patients and, during a cost-reporting period, the sum of imputed value of the volunteer services and the physician's actual compensation from the hospital and the medical school does not exceed the rate of $30,000 per year. A limit is placed on the amount recognized under this provision to avoid claims of reimbursement of the volunteer services of a physician that would be unreasonable in terms of the compensation a hospital would be willing to pay to employ a physician to perform the same services. It is intended that the limitations provided for will be reviewed periodically and may be adjusted.

3. To reflect the effects of Pub. L. 93–233 on the teaching hospital provisions, provision is made (1) for a teaching hospital for cost-reporting periods beginning after June 30, 1973, and before July 1, 1976, to elect cost reimbursement for physicians' direct medical and surgical services, and (2) for a savings clause which deems that Medicare payments are proper if appropriately made under the provisions of Pub. L. 92–603 for services rendered after June 30, 1973 (the effective date of the teaching hospital provision of the law), and prior to the enactment of Pub. L. 93–233.

4. As a result of various comments made concerning the allocation of teaching physician compensation in determining reasonable cost under the proposed amendments, a new paragraph was added to § 405.465(j) to explain the way in which a physician's compensation must be allocated among the various services he performs in a teaching hospital.

5. Some changes have also been made in the interest of clarity.

The following comments, although considered, have not been accepted:

1. Concern was expressed that the "salary equivalent" rate based on the average salary of the full-time physicians in the hospital (to be used as the basis for payment for physicians' volunteer services) would not be adequate. However, the law and the Report of the Committee on Finance of the United States Senate clearly prescribe that the "salary equivalent" amount will be derived in this way. Hence, the provision regarding the "salary equivalent" rate is retained.

2. Comments were received concerning the technique to be used in the computation of the costs of physicians' direct medical and surgical services. This technique involves averaging somewhat the per diem cost of such services. Specifically, the comments suggested that the weight given to the day of admission for reimbursement purposes should be the equivalent of 2.0 days rather than 3.5 days. It was suggested that 2.0 days is a more appropriate reflection of the intensity of medical care on that day. However, the original provision is retained because, after careful consideration, counting the day of admission as if it were 3.5 days still appears to more adequately reflect the degree of intensity of medical care received in relation to admisions as compared with duration of stay after admission.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before April 7, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833(a), 1842(b), 1861, and 1871 of the Social Security Act, section 15 of Public Law 93–233, and section 7 of Public Law 93–368; 49 Stat. 647, as amended, 79 Stat. 302, as amended, 79 Stat. 309, as amended, and 79 Stat. 331, 87 Stat. 965, 88 Stat. 422; 42 U.S.C. 1302, 1395l(a), 1395u(b), 1395x, 1395hh, and 1395x note.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 24, 1975.

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

Regulations No. 5, Subpart D of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (c) of § 405.402 is amended by adding paragraph (c)(9) to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * * * *

(c) * * *

(9) Reasonable cost of physicians' direct medical and surgical services (including supervision of interns and residents in the care of individual patients) rendered in a teaching hospital may be reimbursed as a provider cost (see § 405.465) where elected as provided for in § 405.521 of this Part.

* * * * * * *

2. Section 405.465 is added to read as follows:

§ 405.465 Determining reimbursement for certain physician and medical school faculty services rendered in teaching hospitals.

(a) *General.* Payments for services of physicians in teaching hospitals rendered to patients will be made by the health insurance program on the basis of reasonable cost where the hospital exercises the election as provided for in § 405.521 of this Part. Where such election is made:

(1) Payments for services donated by volunteer physicians to health insurance program patients will be made to a fund designated by the organized medical staff of the teaching hospital or medical school provided certain conditions are met, and

(2) Reimbursement for certain medical school costs may be made as provided for in paragraph (c) of this section.

(b) *Reasonable cost of direct medical and surgical services (including supervision of interns and residents) rendered in a teaching hospital by physicians on the hospital staff.* Direct medical and surgical services to patients, including supervision of interns and residents, rendered in a teaching hospital by physicians on the hospital staff are reimbursable as provider services on a reasonable-cost basis. For purposes of this paragraph, reasonable cost is defined as the direct salary paid to such physicians, plus applicable fringe benefits. Such costs must be allocated to such services as provided by paragraph (j) of this section and apportioned to program beneficiaries as provided by paragraph (g) of this section. Other allowable costs incurred by the provider related to the services described in this paragraph are reimbursable subject to the requirements applicable to all other provider services.

(c) *Reasonable costs incurred by a teaching hospital for the services rendered by a medical school or related organization in a hospital.* An amount not in excess of the reasonable cost (as defined in paragraphs (c) (1) and (2) of this section) incurred by a teaching hospital for services rendered by a medical school or organization related thereto within the meaning of § 405.427 for certain costs to the medical school (or such related organization) in rendering services in the hospital are reimbursable to the hospital by the health insurance program provided that such costs would be reimbursable if incurred directly by the hospital rather than under such arrangement.

(1) *Reasonable costs of direct medical and surgical services (including supervision of interns and residents in the care of individual patients) rendered in a teaching hospital by physicians on the faculty of a medical school or organization related to the medical school.*

(i) In situations where the medical school (or organization related to the medical school) and the hospital are related by common ownership or control in accordance with § 405.427, the cost of such services are allowable costs to the hospital under the provisions of § 405.427 and the reimbursable costs to the hospital are determined under the provisions of this section in the same manner as the costs incurred for physicians on the hospital staff and without regard to payments made to the medical school by the hospital.

(ii) Where the medical school and the hospital are not related organizations under the provisions of § 405.427 and the hospital makes payment to the medical school for the costs of such services rendered to all patients, reimbursement will be made by the health insurance program to the hospital for the reasonable cost incurred by the hospital for its payments to the medical school for services to health insurance beneficiaries. Costs incurred under such an arrangement must be allocated to the full range of services provided to the hospital by the medical school physicians on the same basis as provided for under paragraph (j) of this section and cost so allocated to direct medical and surgical services to hospital patients must be apportioned to health insurance beneficiaries as provided for under paragraph (g) of this section. Where the medical school and the hospital are not related organizations under the provisions of § 405.427 and the hospital makes payment to the medical school only for the costs of such services rendered to health insurance program patients, costs of the medical school not to exceed 105 percent of the sum of physicians' direct salaries, applicable fringe benefits, employer's portion of FICA taxes, federal and state unemployment taxes, and workmen's compensation paid by the medical school or an organization related thereto may be recognized as allowable cost of the medical school. Such allowable medical school costs must be allocated to the full range of services rendered by the physicians of the medical school or organization related thereto as provided by paragraph (j) of this section. Costs so allocated to direct medical and surgical services to hospital patients must be apportioned to health insurance program beneficiaries as provided by paragraph (g) of this section.

(2) *Reasonable costs of other than direct medical and surgical services rendered in a teaching hospital by medical school faculty (or organization related to the medical school).* Such costs are determined in accordance with paragraph (c) (1) of this section except that: (i) where the hospital makes payment to the medical school for other than direct medical and surgical services rendered to all patients, such payments are subject to the required cost-finding and apportionment methods applicable to the cost of other hospital services (excepting direct medical and surgical services rendered to patients), or (ii) where the hospital makes payment to the medical school only for such services rendered to health insurance program patients, then the cost of services which are so reimbursed are not subject to cost-finding and apportionment as otherwise provided by this subpart and the reasonable cost reimbursed by the health insurance program must be determined on the basis of the health insurance ratio(s) used in the apportionment of all other provider costs (excepting physicians' direct medical and surgical services rendered to patients) applied to the allowable medical school costs incurred by the medical school for the services rendered to all patients of the hospital.

(b) *"Salary Equivalent" payments for physicians' direct medical and surgical services rendered to health insurance program patients in a teaching hospital by physicians on the voluntary staff of the hospital (or medical school or organization related thereto under arrangement with the hospital).*

(1) Payments will be made to a fund as defined in § 405.466 for direct medical and surgical services rendered on a regularly scheduled basis by physicians on the unpaid voluntary medical staff of the hospital (or medical school under arrangement with the hospital) to health insurance program patients. Such payments represent compensation for contributed medical staff time which, if not contributed, would have to be obtained through employed staff on a reimbursable basis. Payments for volunteer services are determined by applying to the regularly scheduled contributed time an hourly rate not to exceed the equivalent of the average direct salary (exclusive of fringe benefits) paid to all full-time, salaried physicians (other than interns and residents) on the hospital staff or, where the number of full-time salaried physicians is minimal in absolute terms or in relation to the number of physicians on the voluntary staff, to physicians at like institutions in the area. This "salary equivalent" is a single hourly rate covering all physicians regardless of specialty, and is applied to the actual regularly scheduled time contributed by the physicians in rendering direct medical and surgical services to health insurance program patients including supervision of interns and residents in such care. A physician on the hospital staff or on the medical school faculty who receives any compensation from the hospital or the medical school for direct medical and surgical services rendered to health insurance program patients will not be considered an unpaid voluntary physician for purposes of this paragraph. Where, however, a physician receives compensation from the hospital or medical school or organization related thereto and the time spent by the physician in the hospital and medical school is less than full time, a salary equivalent payment for his regularly scheduled direct medical and surgical services to health insurance program patients of the hospital may be imputed (except where the compensation covers the provision of some direct medical or surgical care). However, the sum of the imputed value for volunteer services and his actual compensation from the hospital and the medical school may not exceed the rate of $30,000 per year.

(2) The following examples illustrate how the allowable imputed value for volunteer services is determined. In each example, it has been assumed that the average salary equivalent hourly rate is equal to the hourly rate for the individual physician's compensated services.

Example No. 1. Dr. Jones received $3,000 a year from Hospital X for services other than direct medical services to all patients, e.g., utilization review, administrative services, etc. Dr. Jones also voluntarily rendered direct medical services to health insurance program patients. The imputed value of the volunteer services amounted to $10,000 for the cost-reporting period. The full imputed value of Dr. Jones' volunteer direct medical services would be allowed since the total amount of the imputed value ($10,000) and the compensated services ($3,000) does not exceed $30,000.

Example No. 2. Dr. Smith received $25,000 from Hospital X for services as a department head in a teaching hospital. Dr. Smith also voluntarily rendered direct medical services to health insurance program patients. The imputed value of the volunteer services amounted to $10,000. Only $5,000 of the imputed value of volunteer services would be allowed since the total amount of the imputed value ($10,000) and the compensated services ($25,000) exceeds the $30,000 maximum amount allowable for all his services.

Computation:

Maximum amount allowable for all services performed by Dr. Smith for purposes of this computation	$30,000
Less compensation received from hospital X for other than direct medical services to individual patients	25,000
Allowable amount of imputed value for the volunteer services rendered by Dr. Smith	5,000

Example No. 3. Dr. Brown is not compensated by Hospital X for any services rendered in the hospital. Dr. Brown voluntarily rendered direct surgical services to health insurance program patients for a period of 6 months and the imputed value of these services amounted to $40,000. The allowable amount of the imputed value for volunteer services rendered by Dr. Brown would be limited to $15,000 ($30,000×6/12).

(3) The amount of the imputed value for volunteer services applicable to health insurance program beneficaries and payable to a fund will be determined in accordance with the Aggregate Per Diem Method described in paragraph (g) of this section.

(4) Health insurance payments to a fund will be used by the fund solely for improvement of care of hospital patients or for educational or charitable purposes (which may include but are not limited to medical and other scientific research). Expenses met from contributions made to the hospital from such a fund will not be included as a reimbursable cost when expended by the hospital, and depreciation expense will not be allowed with respect to equipment or facilities donated to the hospital by such a fund or purchased by the hospital from monies in such a fund.

(e) *Requirements for reimbursement for physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients rendered in a teaching hospital.*

(1) *Physicians on the hospital staff.* The requirements under which the costs of physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients rendered to health insurance program patients will be allowed are the same as those applicable to the cost of all other covered provider services except that the costs of these services are separately determined as provided by this section and are not subject to cost-finding as described in § 405.453.

(2) *Physicians on the medical school faculty.* Reimbursement will be made to a hospital by the health insurance program for the costs of these services, provided that in situations where the medical school is not related to the hospital (within the meaning of § 405.427) and the hospital does not make payment to the medical school for services rendered to all patients:

(i) There is a written agreement between the hospital and the medical school or organization related thereto, specifying the types and extent of services to be furnished by the medical school and specifying that the hospital must pay to the medical school an amount at least equal to the reasonable cost (as defined in paragraph (c) of this section) of providing such services to health insurance program patients,

(ii) Such costs are paid to the medical school by the hospital no later than the date on which the cost report covering the period in which the services were rendered is due, and

(iii) Payment for such services furnished under such an arrangement would be made by the health insurance program to the hospital had such services been furnished directly by the hospital.

(3) *Physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).* Payments will be made by the health insurance program on a "salary equivalent" basis (as defined in paragraph (d) of this section) to a fund where the conditions outlined in § 405.466 are met.

(f) *Requirements for reimbursement for medical school faculty services other than physicians' direct medical and surgical services rendered in a teaching hospital.* Reimbursement will be made to a hospital by the health insurance program for the costs of medical school faculty services other than physicians' direct medical and surgical services rendered in a teaching hospital where the requirements described in paragraph (e) of this section are met.

(g) *Aggregate per diem methods of apportionment for physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients, rendered in a teaching hospital.*

(1) *Aggregate per diem method of apportionment for the costs of physicians' direct medical and surgical services (including supervision of interns and residents) in the care of individual patients.* The cost of physicians' direct medical and surgical services rendered in a teaching hospital to health insurance program beneficiaries is determined on the basis of an average cost per diem as defined in paragraph (h)(1) of this section for physicians' direct medical and surgical services to all patients (see § 405.521) for each of the following categories of physicians:

(i) Physicians on the hospital staff.

(ii) Physicians on the medical school faculty.

(2) *Aggregate per diem method of apportionment for the imputed value of physicians' volunteer direct medical and surgical services.* The imputed value of physicians' direct medical and surgical services rendered to health insurance program beneficiaries in a teaching hospital is determined on the basis of an average per diem, as defined in paragraph (h)(1) of this section, for physicians' direct medical and surgical services to all patients except that the average per diem will be derived from the imputed value of the physician volunteer direct medical and surgical services rendered to all patients.

(h) *Definitions.*—(1) *Average cost per diem for physicians' direct medical and surgical services (including supervision of interns and residents) rendered in a teaching hospital.* Average cost per diem for physicians' direct medical and surgical services rendered in a teaching hospital to patients in each category of physicians' services as described in paragraphs (g)(1) (i) and (ii) of this section means the amount computed by dividing total reasonable costs of such services in each category by the sum of:

(i) Inpatient days (as defined in paragraph (h)(2) of this section) and,

(ii) Outpatient visit days (as defined in paragraph (h)(3) of this section).

(2) *Inpatient days.* Inpatient days will be determined by counting the day of admission as 3.5 days and each day subsequent to a patient's day of admission except the day of discharge, as 1 day.

(3) *Outpatient visit days.* Outpatient visit days will be determined by counting only one visit day for each calendar day that a patient visits the outpatient department.

(i) *Application.* (A) The following illustrates how apportionment based on the Aggregate Per Diem Method for cost of physicians' direct medical and surgical services rendered in a teaching hospital to patients will be determined.

TEACHING HOSPITAL Y

Statistical and financial data:	
Total inpatient days as defined in paragraph (h)(2) of this section and outpatient visit days as defined in paragraph (h)(3) of this section	75,000
Total inpatient part A days applicable to program beneficiaries	20,000
Total inpatient part B days applicable to program beneficiaries where part A coverage is not available	1,000
Total outpatient part B visit days applicable to program beneficiaries	5,000

Total cost of direct medical and surgical services rendered to all patients by physicians on the hospital staff as determined in accordance with paragraph (j) of this section	$1,500,000
Total cost of direct medical and surgical services rendered to all patients by physicians on the medical school faculty as determined in accordance with paragraph (j) of this section	1,650,000
Computation of cost applicable to program for physicians on the hospital staff:	
Average cost per diem for direct medical and surgical services to patients by physicians on the hospital staff: $1,500,000 ÷ 75,000 = $20 per diem.	
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: $20 per diem × 20,000	400,000
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: $20 per diem X 5,000	100,000
Cost of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: $20 per diem × 5,000	100,000
Computation of cost applicable to program for physicians on the medical school faculty:	
Average cost per diem for direct medical and surgical services to patients by physicians on the medical school faculty: $1,650,000 ÷ 75,000 = $22 per diem.	
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: $22 per diem × 20,000	440,000
Cost of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: $22 per diem × 1,000	22,000
Cost of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: $22 per diem × 5,000	110,000

(B) The following illustrates how the imputed value of physicians' volunteer direct medical and surgical services rendered in a teaching hospital applicable to health insurance program patients will be determined.

Example: The physicians on the medical staff of Teaching Hospital Y donated a total of 5,000 hours in rendering direct medical and surgical services to patients of the hospital during a cost-reporting period and did not receive any compensation from either the hospital or the medical school. Also, the imputed value for any physician's volunteer services did not exceed the rate of $30,000 per year per physician.

Statistical and financial data:	
Total salaries paid to the physicians of the hospital (excluding interns and residents	$800,000
Total physicians who were paid for an average of 40 hours per week or 2,080 (52 weeks × 40 hours per week) hours per year	20
Average hourly rate equivalent: $800,000 ÷ 41,600 (2,080 × 20)	$19.23
Computation of total imputed value of physicians' volunteer services applicable to all patients:	
(Total donated hours × average hourly rate equivalent): 5,000 × $19.23	$96,150
Total inpatient days (as defined in paragraph (h)(2) of this section) and outpatient visit days (as defined in paragraph (h)(3) of this section	75,000
Total inpatient part A days applicable to program beneficiaries	20,000
Total inpatient part B days applicable to program beneficiaries where part A coverage is not available	1,000
Total outpatient part B visit days applicable to program beneficiaries	5,000
Computation of imputed value of physicians' volunteer direct medical and surgical services applicable to program beneficiaries:	
Average per diem for physicians' direct medical and surgical services to patients: $96,150 ÷ 75,000 = $1.28 per diem.	
Imputed value of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part A: $1.28 per diem × 20,000	$25,600
Imputed value of physicians' direct medical and surgical services rendered to inpatient beneficiaries covered under part B: $1.28 per diem × 1,000	1,280
Imputed value of physicians' direct medical and surgical services rendered to outpatient beneficiaries covered under part B: $1.28 per diem × 5,000	6,400
Total	33,280

(j) *Allocation of compensation paid to physicians in a teaching hospital.* In determining reasonable cost under this section, the compensation paid by a teaching hospital, or a medical school or related organization under arrangement with the hospital, to physicians in a teaching hospital must be allocated to the full range of services implicit in the physicians' compensation arrangements. (However, see paragraph (d) of this section for the computation of the "salary equivalent" payments for volunteer services rendered to patients.) Such allocation must be made and must be capable of substantiation on the basis of the proportion of each physician's time spent in rendering each type of service to such hospital and/or medical school.

3. Section 405.466 is added to read as follows:

§ 405.466 Payment to a fund.

(a) *General.* Payment for certain voluntary services by physicians in teaching hospitals (as such services are described in § 405.521(d)(2) will be paid on a salary equivalent basis (as described in § 405.465(d)) subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, to a single fund (as defined in paragraph (b) of this section) designated by the organized medical staff of the hospital (or, where such services are furnished in such hospital by the faculty of a medical school, to such fund as may be designated by the faculty), if:

(1) The hospital (or medical school furnishing the services under arrangement with the hospital) incurs no actual cost in furnishing the services; and

(2) The hospital has an agreement with the Secretary under § 405.602; and

(3) The intermediary, or the Social Security Administration, as appropriate, has received written assurances that:

(i) The payment will be used solely for the improvement of care of hospital patients or for educational or charitable purposes; and

(ii) Neither the individuals who are furnished the services nor any other persons will be charged for the services (and if charged, provision will be made for the return of any monies incorrectly collected).

(b) *Definition of a fund.* For purposes of paragraph (a) of this section, a fund is an organization which meets either of the following requirements:

(1) Has and retains exemption, as a governmental entity or under section 501(c)(3) of the Internal Revenue Code (nonprofit educational, charitable, and similar organizations), from Federal taxation; or

(2) Is an organization of physicians who, under the terms of their employment by an entity which meets the requirements of paragraph (b)(1) of this section, are required to turn over to that entity all income which the physician organization derives from the physicians' services.

(c) *Status of a fund.* A fund approved for payment under paragraph (a) of this section has all the rights and responsibilities of a provider under title XVIII of the Act except that it does not enter into an agreement with the Secretary under § 405.602.

4. Regulations No. 5, Subpart E of the Social Security Administration, as amended (20 CFR Part 405) is further amended by redesignating the material in § 405.521(d) as § 405.521(d)(1) and adding (d)(2) and (d)(3) to read as follows:

§ 405.521 Services of attending physicians supervising interns and residents.

* * * * *

(d) * * *

(2) For cost-reporting periods beginning after June 30, 1973, and before July 1, 1976, a hospital may elect to receive reimbursement on a reasonable cost basis for the direct medical and surgical services of its physicians in lieu of any payment on the basis of reasonable charges which might otherwise be payable for such services. A hospital may make this election to receive cost reimbursement only where all physicians who render services in the hospital which are covered under the health insurance program agree not to bill charges for such services (or where as a condition of employment the physicians are precluded

from billing for such services). Where the requirements of this paragraph (d)(2) are satisfied by a hospital, the reimbursement provisions of § 405.465 are applicable.

(3) Where payments for services of physicians in teaching hospitals rendered after June 30, 1973, and before December 31, 1973, would be improper by virtue of section 15(a) of Pub. L. 93-233 (87 Stat. 965), such payments are deemed proper even though they may not meet the requirements which are based on section 15(a) of Pub. L. 93-233, if they are appropriately made under the provisions of section 227 of Pub. L. 92-603 (86 Stat. 1404).

[FR Doc.75-5964 Filed 3-6-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 10, 12]

[CGD 74-226]

LICENSING & CERTIFICATION OF MERCHANT MARINE PERSONNEL

Extension of Comment Deadline

The Coast Guard published a notice of proposed rulemaking in the January 29, 1975 issue of the FEDERAL REGISTER (40 FR 3610). This notice of proposed rule-making solicited comments on a new method of qualifications for a license as Third Mate of ocean steam or motor vessels with a rating of "apprentice mate."

A comment has been received requesting that the comment deadline be extended for thirty (30) days. Since this is a reasonable request, the comment deadline for this notice of proposed rulemaking is hereby extended 30 days to April 9, 1975.

Dated: March 4, 1975.

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

[FR Doc.75-6109 Filed 3-6-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-RM-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Gwinner, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 7, 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed using a non-Federal, non-directional radio beacon at Gwinner, No. Dak. It is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation § 71.181 (40 FR 441) add the following transition area:

GWINNER, No. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Gwinner Municipal Airport (latitude 46°13'10" N, longitude 97°38'27" W); and that airspace extending upward from 1200 feet above the surface within a 12-mile radius of the Gwinner Municipal Airport, and within 9.5 miles west and 4.5 miles east of the 167°T bearing from the Gwinner NDB (latitude 46°13'24" N, longitude 97°38'35" W), extending from the 12-mile radius area to 18.5 miles south of the NDB.

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

Issued in Aurora, Colorado, on March 11, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-5999 Filed 3-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ottawa, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before April 7, 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Putnam County Airport based on a non-Federal non-directional radio beacon. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new procedure by designating a transition area at Ottawa, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

OTTAWA, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Putnam County Airport (Latitude 41°02'08" N., Longitude 83°59'01" W.); within 3 miles each side of the 090° bearing from the airport extending from the 5-mile radius area to 8.5 miles east of the airport.

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

Issued in Des Plaines, Illinois, on February 18, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-6000 Filed 3-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Laramie, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 7, 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 Regional Air Traffic Division

Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed to permit a straight-in approach to Runway 30 at Laramie, Wyoming. Additional airspace is required to protect aircraft conducting this new IFR procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation § 71.171 (40 FR 354), the description of the Laramie, Wyoming, control zone is amended to read:

Within a 5-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50'' N, Long. 105°40'25'' W); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 4.5 miles each side of the Laramie VORTAC 126° radial, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC.

In Federal Aviation Regulation § 71.181 (40 FR 441), the description of the Laramie, Wyoming, 700-foot transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50''N, Long. 105°40'25''W); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial, extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

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

Issued in Aurora, Colorado, on March 7, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.75-6001 Filed 3-6-75;8:45 am]

Federal Railroad Administration

[29 CFR Part 1910]

[Docket No. ROS-1, Notice 1]

RAILROAD OCCUPATIONAL SAFETY STANDARDS

Advance Notice of Proposed Rule Making

The Federal Railroad Administration (FRA) proposes to amend Chapter II of Subtitle B of Title 49 Code of Federal Regulations by adding a Part 219 prescribing railroad occupational safety and health standards under the Federal Railroad Safety Act of 1970 (84 Stat. 971; 45 U.S.C. 421 et seq.). The proposed standards would apply to working conditions and work places for railroad employees which are reasonably related to railroad safety.

This advance notice of proposed rule making is being issued to provide for early public participation in this rule making proceeding and in the development of specific railroad occupational safety and health standards. FRA believes that early public participation will be useful in the development of standards to supplement existing railroad safety regulations.

The regulations would apply to railroads that are part of the general railroad system of transportation. A violation of a railroad occupational safety standard would subject the railroad involved to a penalty of at least $250 but not more that $2,500 for each offense.

The working conditions and work places to be covered by the railroad occupational safety and health standards refer to the specific areas of the railroad industry which will be covered by regulations in the interest of safety and which directly affect railroad transportation operations. Areas covered will include rail roadways, rolling stock, yards and terminals and repair and maintenance facilities located on or adjacent to the roadway, yards and terminals. The proposed regulations would supplement the existing FRA safety regulations.

BACKGROUND

FRA has extensive authority to regulate railroad safety to protect railroad employees, passengers and the public. The Federal Railroad Safety Act of 1970 provides that FRA may prescribe and enforce, as necessary, appropriate standards "for all areas of railroad safety". Other specific railroad safety acts, not repealed by the 1970 Act, provide authority for promulgation and enforcement of regulations for the protection of railroad employees and safety. These laws include the Safety Appliance Acts, 45 U.S.C. 1 et seq; Locomotive Inspection Act, 45 U.S.C. § 22–34; Hours of Service Act, 45 U.S.C. 61–64; and Signal Inspection Act, 49 U.S.C. 26. Regulations have been issued under these Acts to insure the safety of railroad employees. 49 CFR Part 213 et seq.

The Accident Reporting Act, 45 U.S.C. 38–43, requires the reporting of all accidents and injuries related to the performance of transportation business by a railroad. Regulations issued pursuant to this Act, 49 CFR Part 225, were extensively revised effective January 1, 1975.

The railroad occupational standards to be proposed under this advance notice will be issued pursuant to the authority of the Railroad Safety Act of 1970 and will supplement the existing railroad safety standards previously adopted under the older safety statutes.

Even though FRA has broad authority to regulate railroad occupational safety and health, it does not now propose to adopt railroad occupational safety standards for all railroad working conditions or work places. FRA will adopt, as necessary, standards regarding occupational safety and health conditions of railroad employees whose work place or activities are related to the operation of the rail transportation system.

EXTENT OF PROPOSED STANDARDS

FRA proposes to adopt and enforce railroad occupational safety standards regarding occupational safety and health conditions of railroad employees whose work place or activities are related to the performance of rail transportation service such as train operations and maintenance of rail equipment and roadway.

Specifically, FRA proposes to adopt standards for the following railroad work places, properties, facilities, structures, and equipment:

1. Roadway, including track, roadbed, track appliances and related devices, and structures and facilities (except general offices) located on the right-of-way;
2. Rolling stock including locomotives, freight and passenger cars, cabooses, track motor cars, high rail vehicles, and work equipment;
3. Railroad yards and terminals including all devices, structures and facilities, except general offices;
4. Signal and communication devices and facilities which monitor and control rail movements and operations including towers, block stations, dispatchers offices and yard offices; and
5. Railroad support facilities for construction, assembling, servicing, maintaining, repairing and storing railroad rolling stock and equipment.

FRA does not propose to consider or adopt standards for the following railroad work places, properties, facilities, structures and equipment:

A. General offices; and living quarters which are not located adjacent to or within a rail roadway, support facility or yard;

B. Roadway and related facilities located within an installation which is not part of the general railroad system of transportation and rail equipment which operates only on track within such installations (such as steel mills, lumber yards, mines, manufacturing plants and other essentially "non-railroad" installations); and

C. Motor carrier, water carrier, manufacturing, hotel, mining, lumber, and other commercial activities engaged in by railroads which are not related to the performance of rail transportation services.

In developing railroad occupational safety standards the FRA will consider relevant existing safety data and standards. FRA will consider existing Department of Labor occupational safety standards contained in 29 CFR Part 1910—Occupational Safety and Health Standards to determine whether they are necessary or appropriate for the railroad environment.

FRA has made a preliminary review of the occupational safety standards adopted by the Department of Labor and standards proposed to be adopted. This

review was made to make an initial determination as to the Department of Labor standards that may have a significant application to working conditions on railroads. Appendices A and B to this notice set forth:

1. Those standards which FRA believes should be adopted as railroad occupational safety and health standards with out substantial change. (Appendix A)

2. Those standards which FRA believes should be adopted as railroad occupational safety and health standards only after substantive change to reflect working conditions in the railroad industry, and those standards which FRA believes should not be adopted as railroad occupational and health standards. (Appendix B)

Public Advice and Participation Requested

The purpose of this advance notice is to request public advice on the priorities for and content of railroad occupational safety and health standards. FRA solicits public participation in the development of the most effective approach for adoption of specific standards. FRA intends to expedite consideration of all comments received in response to this notice. Notices of Proposed Rule Making will be developed and issued separately as each subpart is completed relating to specific railroad employee working conditions and work places.

Specific advice and recommendations are requested to identify:

1. Standards adopted by the Department of Labor which may have significant application to working conditions on railroads;

2. Standards adopted by the Department of Labor which should be adopted by FRA without change;

3. Department of Labor occupational safety and health standards which should be modified or revised for the railroad industry;

4. Department of Labor occupational safety and health standards which should not be adopted by FRA for the railroad industry;

5. Occupational safety standards not adopted by the Department of Labor which may be necessary or appropriate for the railroad industry;

6. Railroad occupational safety standards necessary and appropriate for adoption by FRA to supplement existing railroad safety standards promulgated by FRA.

7. The most serious occupational safety and health problems existing in the railroad industry.

8. Priorities FRA should adopt in the promulgation of railroad occupational safety and health standards.

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before April 30, 1975, will be considered by FRA in development of a notice of proposed rule making.

Comments received after that date will be considered so far as practicable. All comments will be available both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

This advance notice is issued under the authority of sec. 202, 84 Stat. 971, 45 U.S.C. 431; sec. 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR § 1.49(n).

Issued in Washington, D.C. on March 3, 1975.

Asaph H. Hall,
Deputy Administrator.

Appendix A

Occupational Safety and Health Standards, 29 CFR 1910, Which Can Be Adopted by FRA Without Substantive Change

Sec.	
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1910.21	Definitions.
1910.22	General requirements.
1910.22(a)	Housekeeping.
1910.22(b)	Aisles and passageways.
1910.22(d)	Floor loading protection.
1910.23	Guarding floor and wall openings and holes.
1910.23(a)	Protection for floor openings.
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1910.23(d)	Stairway railings and guards.
1910.23(e)	Railing, toe boards, and cover specifications.
1910.24	Fixed industrial stairs.
1910.25	Portable wood ladders.
1910.26	Portable metal ladders.
1910.27	Fixed ladders.
1910.28	Safety requirements for scaffolding.
1910.29	Manually propelled mobile ladder stands and scaffolds (towers).
1910.30	Other working surfaces.
1910.30(a)	Dockboards.
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1910.35(c)	Exit.
1910.35(e)	Low hazard contents.
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1910.35(g)	Ordinary hazard contents.
1910.35(h)	Approved.
1910.36	General requirements.
1910.37	Means of egress general.
Subpart F—Powered Platforms, Man Lifts, and Vehicle-Mounted Work Platforms	
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1910.67	Vehicle-mounted elevating and rotating work platforms.
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1910.95	Occupational noise exposure.
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1910.101	Compressed gases (general requirements).
1910.102	Acetylene.
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1910.106	Flammable and combustible liquids.
1910.106(a)	Definitions.
1910.106(b)	Tank storage.
1910.106(c)	Piping valves and fittings.
1910.106(d)	Container and portable tank storage.
1910.106(e)	Industrial plants.
	(1) Scope.
	(2) Incidental storage or use of flammable and combustible liquids.
	(4) Tank vehicle and tank car loading and unloading.
	(5) Fire control.
	(6) Sources of ignition.
	(7) Electrical.
	(8) Repairs to equipment.
	(9) Housekeeping.

[1] The term "Dangerous Materials" will be used by FRA in lieu of "Hazardous Materials" appearing in Subpart H to avoid confusion with DOT hazardous materials regulations.

Sec.	
1910.213(j)	Jointers.
1910.213(k)	Tenoning machines.
1910.213(l)	Boring and mortising machines.
1910.213(m)	Wood shapers and similar equipment.
1910.213(n)	Planning, molding, sticking and matching machines.
1910.213(o)	Profile and swing-head lathes and wood heel turning machine.
1910.213(p)	Sanding machines.
1910.213(r)	Miscellaneous woodworking machines.
1910.213(s)	Inspection and maintenance of woodworking machines.
1910.215	Abrasive wheel machinery.
1910.217	Mechanical power presses.
1910.217(b)	Mechanical power press guarding and construction, general.
1910.217(c)	Safeguarding the point of operation.
1910.217(d)	Design, construction, setting and feeding of dies.
1910.217(e)	Inspection, maintenance, and modification of presses.
1910.217(f)	Operation of power presses.
1910.218	Forging machines.
1910.219	Mechanical power-transmission apparatus.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

1910.241	Definitions.
1910.242	Hand and portable power tools and equipment, general.
1910.243	Guarding of portable powered tools.
1910.244	Other portable tools and equipment.

Subpart Q—Welding, Cutting and Brazing

1910.251	Definitions.
1910.252	Welding, cutting and brazing.
1910.252(a)	Installation of oxygen-fuel gas systems for welding and cutting.
1910.252(b)	Application, installation and operation of arc welding and cutting equipment.
1910.252(c)	Installation and operation of resistance welding equipment.
1910.252(d)	Fire prevention and protection.
1910.252(e)	Protection of personnel.
1910.252(f)	Health protection and ventilation.
1910.252(g)	(2) Industrial applications—mechanical piping systems.

Subpart S—Electrical

1910.303	Application.
1910.309(a)	National Electric Code.

APPENDIX B

Occupational Safety and Health Standards, 29 CFR 1910, which can be adopted by FRA only after substantive change (R—Revision; D—Deletion, partial).

Subpart A—General

Sec.	
1910.108(h)(3)	
1910.1	Purpose and scope—R.
1910.2	Definitions.
1910.2(a)	Act—R.
1910.2(b)	Assistant Secretary of Labor—R.
1910.2(c)	Employer—R.
1910.2(d)	Employee—R.
1910.2(e)	Commerce—D.
1910.2(g)	Nation Consensus standard—R.
1910.2(h)	Established Federal standard—R.
1910.3	Petition for the issuance, amendment, or repeal of a standard.
1910.3(a)	R (no title).
1910.3(b)(1)	D (no title).
1910.3(b)(2)	R (no title).
1910.5	Applicability of standards.
1910.5(a)	R (no title).
1910.5(b)	R (no title).
1910.5(c)	D (no title).
1910.5(d)	D (no title).
1910.5(e)	D (no title).
1910.5(f)	D (no title).

Subpart D—Walking-Working Surfaces

1910.22	General requirements.
1910.22(c)	Covers and guardrails—R.
1910.23	Guarding floor and wall openings.
1910.23(c)	Protection of open-sided floors, platform and runways—R.
1910.30	Other working surfaces.
1910.30(c)	Veneer machinery—D.
1910.31	Sources of standards—R.
1910.70	Standards organizations—R.

Subpart E—Means of Egress

1910.35	Definitions.
1910.35(a)	Means of egress—R.
1910.35(d)	Maintenance—R.
1910.39	Sources of standards—R.
1910.40	Standards organizations—R.

Subpart F—Powered Platforms, Man Lifts and Vehicle-Mounted Work Platforms

Sec.	
1910.69	Sources of standards—R.
1910.32	Standards organizations—R.

Subpart G—Occupational Health and Environmental Control

1910.99	Source of standards—R.
1910.100	Standards organizations—R.

Subpart H—Hazardous Materials—R

1910.106	Flammable and combustible liquids.
1910.106(e)	Industrial plants.
1910.106(e)(3)	D (no title).
1910.106(f)	Bulk plants—D.
1910.107	Spray finishing using flammable and combustible materials.
1910.107(k)	Automobile undercoating in garages—D.
1910.107(l)	Powder coating—D.
1910.108	Dip tanks containing flammable or combustible liquids.
1910.108(h)	Special dip tank applications.
1910.108(h)(2)	Flow coat; general—D.
1910.108(h)(3)	Electrostatis apparatus—D.
1910.108(h)(4)	Roll coating—D.
1910.115	Sources of standards—R.
1910.116	Standards organizations—R.

Subpart I—Personal Protective Equipment

1910.139	Sources of standards—R.
1910.140	Standards organizations—R.

Subpart J—General Environmental Control

1910.147	Sources of standards—R.
1910.148	Standards organizations—R.

Subpart K—Medical and First Aid

1910.153	Sources of standards—R.

Subpart L—Fire Protection

1910.165	Effective dates.
1910.165(a)	R (no title).
1910.165(b)	R (no title).

Subpart M—Compressed Gas and Compressed Gas Equipment

1910.170	Source of standards—R.
1910.171	Standards organizations—R.

Subpart N—Materials Handling and Storage

1910.183	Sources of standards—R.
1910.184	Standards organizations—R.

Subpart O—Machinery and Machine Guarding

1910.211	Definitions.
1910.211(c)	D (no title).
1910.123	Woodworking machinery requirements.
1910.213	Woodworking machinery requirements.
1910.217	Mechanical power presses.
1910.217(a)	General requirements—R.
1910.221	Sources of standards—R.
1910.222	Standards organizations—R.

Subpart P—Hand and Portable Power Tools and Other Hand-Held Equipment

1910.246	Sources of standards—R.
1910.247	Standards organizations—R.

Subpart Q—Welding, Cutting and Brazing

1910.252	Welding, cutting and brazing.
1910.252(g)	Industrial applications.
1910.252(g)(1)	Transmission pipe line—D.
1910.253	Sources of standards—R.
1910.254	Standards organizations—R.

Subpart S—Electrical

1910.309	National Electrical Code.
1910.309(c)	D (no title).
1910.309(d)	D (no title).

[FR Doc.75-6003 Filed 3-6-75;8:45 am]

Urban Mass Transportation Administration

[49 CFR Part 609]

[Docket No. 74-03, Notice 2]

ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

Hearings Locations

The Urban Mass Transportation Administration (UMTA) published a combined notice of proposed rulemaking and notice of hearings on transportation services for elderly and handicapped persons on February 26, 1975, at 40 FR 8314. At the time of the above publication the addresses for the hearings were not yet determined. The specific locations have now been established as follows:

Monday, April 7, 1975—Los Angeles, California—Los Angeles Convention Center, 1201 South Figueroa Ave.

Wednesday, April 9, 1975—Denver, Colorado—Denver RTD Auditorium, 1325 South Colorado Blvd.

Friday, April 11, 1975—Chicago, Illinois—City Hall, City Council Chambers, 121 North LaSalle St.

Tuesday, April 15, 1975—St. Petersburg, Florida—Eckerd College, 5400 34th St. South, Fox Hall.

Thursday, April 17, 1975—Boston, Massachusetts—John F. Kennedy Federal Building, Room 2003, Government Center.

Tuesday, April 22, 1975—Washington, D.C.—Department of Health, Education, and Welfare, North Building, Auditorium, 330 Independence Ave. SW. (wheelchair-accessible entrance is located on C Street SW.).

Each hearing will have a daytime session beginning at 9:30 a.m. and an evening session beginning at 7:30 p.m. The February 26, 1975, FEDERAL REGISTER notice should be consulted for details on the conduct of the hearings, including preregistration procedures. Copies of that notice may be obtained by writing to the following address: Urban Mass Transportation Administration, Office of the Chief Counsel, Docket No. 74-03, Room 9320, 400 7th Street SW., Washington, D.C. 20590.

Issued on March 7, 1975.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

[FR Doc.75-5978 Filed 3-6-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

COUNTERVAILING DUTY PETITIONS

Notice of Receipt; Amendment

The "Notice of Receipt of Countervailing Duty Petitions" with respect to specified commodities from various countries published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2718 FR Doc. 75–1572), is hereby amended by inserting the words, "Steel Products" under the heading of "Commodity" and "Italy" under the heading of "Country."

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: February 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–5982 Filed 3–6–75;8:45 am]

DRIED APPLES FROM ITALY

Termination of Countervailing Duty Investigation

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice announced that petitions had been received, including, among others, a petition alleging that certain payments, bestowals, rebates or refunds granted by the Government of Italy upon the manufacture, production, or exportation of dried apples constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Subsequent to the publication of the above-mentioned notice in the FEDERAL REGISTER, the complaint concerning this merchandise was withdrawn. For this reason, I hereby announce the termination of the countervailing duty investigation with respect to dried apples from Italy.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 28, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–5983 Filed 3–6–75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

ARMY HISTORICAL ADVISORY COMMITTEE

Notice of Meeting

MARCH 3, 1975.

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. Department of the Army Historical Advisory Committee.

Date. 4 April 1975.

Place. Conference Room, Wing 2, Second Floor, Tempo C, 2d & R Streets SW, Washington, D.C. 20315.

Time. 1000–1140, 1345–1515.

Proposed agenda. 1000–1140, review of historical activities; 1345–1515, discussion of activities and executive session of the committee.

Purpose meeting. The committee will review the past year's historical activities based on report and manuscripts received throughout the year and formulate recommendations to the Secretary of the Army for advancing the purposes of the Army Historical Program.

Meetings of the Advisory Committee are open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the April 4 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

All communications regarding this Advisory Committee should be addressed to LTC D. A. Roberts, Advisory Committee Management Officer for the Chief of Military History, Room 2009, Tempo C, 2d & R Streets SW., Washington, D.C. 20315.

By authority of the Secretary of the Army.

BRUCE T. BATTEY,
Major, U.S. Army,
Plans Officer, TAGO

[FR Doc.75–6036 Filed 3–6–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Registrations

On November 19, 1974, a notice was published in the FEDERAL REGISTER, 39 FR 40593, listing manufacturers who had made application to the Drug Enforcement Administration to be registered as importers of certain basic classes of controlled substances in Schedules I and II, under section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958). The firms which submitted applications, and the substances enumerated in the applications of each firm, were listed as follows:

Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, Ill. 60064 (June 1, 1974).

Drug:	*Schedule*
Methamphetamine	II
Pentobarbital	II

A. H. Robins Co., Inc., 1407 Cummings Dr., Richmond, Va. 23220 (May 17, 1974).

Drug:	*Schedule*
Codeine	II
Opium powders	II

Applied Science Laboratories, Inc., 139 N. Gill St., Box 440, State College, Pa. 16801 (May 17, 1974).

Drug:	*Schedule*
Bufotenine	I
Dimethyltryptamine	I
3,4-Methylenedioxy amphetamine	I
Piminodine	I

Arnar-Stone Laboratories, Inc., 601 E. Kensington Rd., Mount Prospect, Ill. 60056 (May 14, 1974).

Drug:	*Schedule*
Codeine	II
Methaqualone	II
Pentobarbital	II

Beecham-Massengill Pharmaceuticals, Division of Beecham Inc., 501–551 5th St., Bristol, Tn. 37620 (June 6, 1974).

Drug:	*Schedule*
Codeine	II
Hydrocodone	II
Methamphetamine	II
Morphine	II
Opium extracts	II
Pentobarbital	II
Secobarbital	II

Center for Studies of Narcotic and Drug Abuse, DHEW, HSA, Supply Service Center, Perry Point, Md. 21902 (Aug. 1, 1974).

Drug:	Schedule
Alphacetylmethadol	I
Bufotenine	I
Codeine	II
Hydrocodone	II
Lysergic acid diethylamide	I
Mescaline	I
3,4-Methylenedioxy amphetamine	I
3,4,5-Trimethoxy amphetamine	I

Ciba-Geigy Corp., Old Mill Rd., Suffern, N.Y. 10901 (Aug. 6, 1974).

Drug:	Schedule
Methylphenidate	II
Phenmetrazine	II

Cord Laboratories, Inc., 19191 Filer, Detroit, Mich. 48234 (July 18, 1974).

Drug:	Schedule
Amphetamine	II
Codeine	II
Hydrocodone	II
Methylphenidate	II
Opium powders	II
Opium tinctures	II
Pentobarbital	II
Secobarbital	II

Elkins-Sinn, Inc., Subsidiary of Medical Electroscience and Pharmaceuticals, 2 Esterbrook Lane, Cherry Hill, N.J. 08002 (Aug. 31, 1974).

Drug:	Schedule
Codeine	II
Dihydromorphinone	II
Morphine	II
Pentobarbital	II
Pethidine	II
Secobarbital	II

First Chemical Products, Inc., 377 Crane St., Orange, N.J. 07051 (Aug. 5, 1974).

Drug:	Schedule
Amobarbital	II
Amphetamine	II
Methamphetamine	II
Methylphenidate	II
Pentobarbital	II
Phenmetrazine	II
Secobarbital	II

Hoffman-LaRoche, Inc., 340 Kingsland St., Nutley, N.J. 07110 (May 6, 1974).

Drug:	Schedule
Levorphanol	II

J. H. Delamar and Son, Inc., 4507-11 N. Kedzie Ave., Chicago, Ill. 60625 (June 3, 1974).

Drug:	Schedule
Amphetamine	II
Methylphenidate	II
Phenmetrazine	II

National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockville, Md. 20852 (June 5, 1974).

Drug:	Schedule
Alphacetylmethadol	I
Codeine	II
Ethylmorphine	II
Hydrocodone	II
Hydromorphone	II
Lysergic Acid Diethylimide	I
Mescaline	I
3,4-Methylenedioxy Amphetamine	I
3,4,5-Trimethoxy Amphetamine	I

Sigma Chemical Co., 3500 DeKalb St., St. Louis, Mo. 63118 (Jan. 18, 1974).

Drug:	Schedule
Amobarbital	II
Amphetamine	II
Bufotenine	I
Dimethyltryptamine	I
Mescaline	I
Methamphetamine	II
Pentobarbital	II
Secobarbital	II

Wyeth Laboratories, Inc., Lancaster Pike and Morehall Rd., P.O. Box 861, Paoli, Pa. 19301 (May 31, 1974).

Drug:	Schedule
Secobarbital	II

In addition, on December 24, 1974, notice of application for registration for the importation of codeine (Schedule II) by McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pennsylvania was published in the FEDERAL REGISTER (39 FR 44465).

In response to the above notices, several comments and objections were received, specifically:

(a) Arenol Chemical Corporation, Long Island City, New York (a currently registered domestic bulk manufacturer of methamphetamine and amphetamine), commented that the applications relating to the importation of amphetamine or methamphetamine should be denied because (1) there are presently domestic manufacturers with production capacity sufficient to provide adequate supply "under uninterrupted and competitive conditions" and (2) importation would increase the area for possible diversion.

(b) Mallinckrodt, Inc., St. Louis, Missouri (a currently registered domestic bulk manufacturer of codeine and morphine) commented, through its attorney of record, upon the applications for registration to import codeine and morphine. Mallinckrodt deferred to DEA to make the assessments of the applicants' ability to meet various criteria to determine that the registration was consistent with the public interest, but noted "that notwithstanding registration, importers . . . are subject to the restriction of section 1002 (a) of the Controlled Substances (Import and Export) Act" with reference to determinations to be made by the Attorney General prior to the importation of Schedule II substances.

(c) Knoll Pharmaceutical Co., Whippany, New Jersey (a currently registered bulk manufacturer of dihydromorphinone), commented upon the applications for registration to import dihydromorphinone (hydromorphone) and reserved the right to a hearing until such time as any application to import this substance may be filed.

Knoll commented that under section 1002 of the Controlled Substances Import and Export Act, the criteria of an emergency shortage of supply or a lack of availability of domestic competition for dihydromorphinone have not been met. Knoll stated that the domestic supply was adequate.

(d) Regis Chemical Company, Morton Grove, Illinois (a currently registered bulk manufacturer of mescaline, dimethyltryptamine and bufotenine) filed objections to the importation of mescaline, dimethyltryptamine or bufotenine on the grounds that the domestic source of supply is adequate to meet domestic needs.

The Administrator, in reviewing the above comments, notes that, under section 1002(a)(2) of the Controlled Substances Import and Export Act, the Administrator may authorize the importation of any controlled substance in Schedules I and II if he finds that the substance is necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substance are found to be inadequate, or (B) in any case in which it is found that competition among domestic manufacturers is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act.

The Administrator, in exercising the control provided in section 1002 will not permit the importation of the above substances for which comments were filed until 1) a request for import is filed, 2) either of the above criteria (section 1002 (a)(2)(A) or (B) are demonstrated to him, and 3) dimestic manufacturers have had an opportunity to object to such determination, as provided under section 1008(h).

The Administrator acknowledges the above comments in recognition of the determinations which must be made prior to approving such an importation. However, since the comments consist only of objections to the actual importation of controlled substances, rather than the registration of these applicants, the Administrator has determined that registrations should be granted to all of the applicants previously listed in this Notice.

Therefore, under the authority vested in the Attorney General by section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, the Administrator hereby grants registrations as importers of controlled substances to Abbott Laboratories; A. H. Robins Co., Inc.; Applied Science Laboratories, Inc.; Arnar-Stone Laboratories, Inc.; Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc.; Center for Studies of Narcotic and Drug Abuse, DHEW, HSA, Supply Service Center; Ciba-Geigy Corp.; Cord Laboratories, Inc.; Elkins-Sinn, Inc., subsidiary of Medical Electroscience and Pharmaceuticals; First Chemical Products, Inc.; Hoffman-LaRoche, Inc.; J. H. Delamar and Son, Inc.; National Institute on Drug Abuse, DHEW; Sigma Chemical Co.; Wyeth Laboratories, Inc.; and McNeil Laboratories, Inc., such individual registrations being limited to only those particular basic classes and schedules of controlled substances for which each registrant specifically applied, as indicated in the lists reproduced previously in this notice, and as published in the FEDERAL REGISTER in notices on November 19, 1974, at 39 FR 40593 and on December 24, 1974, at 39 FR 44465.

Dated: March 3, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-6052 Filed 3-6-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGER, LAKE STATES OFFICE EASTERN STATES OFFICE

Authority Redelegation

Pursuant to the authority of Bureau Order 701, dated July 23, 1964, as amended, the Manager, Lake States Office of the Eastern States Office of the Bureau of Land Management is authorized to perform in his area of responsibility and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the Director, Eastern States, those functions listed in Part I of Bureau Order 701 and specified below, subject to the limitations listed in Part I, together with any limitations specified.

AUTHORITY IN SPECIFIED MATTERS

SECTION 1.2 General and miscellaneous matters. On matters in which he is authorized to act, the Manager, Lake States Office, may take all actions on:

(b) Cancellations or surrenders of contracts.

(c) Copies of records.

(1) Acquisition of lands or interest in lands.

SEC. 1.3 Fiscal affairs. On matters in which he is authorized to act, the Manager may take all actions on:

(a) Bonds and forfeitures.

(c) Repayments.

(d) Trespass. Determine liability for trespass on public lands when of amount. Dispose of resources recovered in trespass cases for not less than the appraised value thereof.

SEC. 1.6 Minerals. The Manager may take all actions on:

(m) Oil and gas exploration operations.

SEC. 1.7 Range management. The Manager may take all the listed actions on:

(b) Grazing leases.

(c) Appropriation of water.

(d) Soil and moisture conservation.

(e) Controlled brush burning. In accordance with plans and specifications approved by the Director, Eastern States.

(f) Protection of wild free-roaming horses and burros.

SEC. 1.8 Forest management. The Manager may take all the actions on:

(a) Disposition of forest products, not exceeding $5,000 in value.

SEC. 1.9 Land use. The Manager may take all the listed action on:

(g) Disposition of material other than forest products, not exceeding $2,000 in value.

(m) Temporary rights-of-way. Grant rights-of-way over public and acquired lands pursuant to 43 CFR 2811.

(o) Special land-use permits.

(z) Recreation.

SEC. 1.10 Designation of Acting Officials. The Manager, Lakes States Office may designate by written order, any qualified employees in his office to perform the functions of the Manager in his absence. The Director, Eastern States may at any time temporarily reserve, restrict or withhold any portion of the above delegated authority. This order will become effective March 7, 1975.

Dated: February 27, 1975.

LOWELL J. UDY,
Director, Eastern States.

Approved:

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-6037 Filed 3-6-75;8:45 am]

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:
Walter O. Stieglitz
Refuge Manager
San Francisco Bay National Wildlife Refuge
U.S. Fish and Wildlife Service
3849 Peralta Boulevard, Suite D
Fremont, California 94536

To Division of Law Enforcement, USFWS
Washington, DC.

From: Refuge Manager, San Francisco Bay National Wildlife Refuge, Fremont, CA.

Subject: Application for Permit for Scientific Research on the California Clapper Rail (Rallus longirostris obsoletus).

This is a request for a permit to conduct scientific research on the California clapper rail as required by the Endangered Species Act of 1973 and under the provisions of Part 13—General Permit Procedures of 50 C.F.R. 13.

1. Walter O. Stieglitz, Refuge Manager, San Francisco Bay National Wildlife Refuge, U.S. Fish and Wildlife Service, 3849 Peralta Boulevard, Suite D, Fremont, CA 94536, Telephone: (415) 792-0222.

2. Not applicable.

3. Director Lynn A. Greenwalt, U.S. Fish and Wildlife Service, Washington, DC 20240.

4. San Francisco Bay Region and Elkhorn Slough, California.

5. Type of Permit: Endangered wildlife, scientific. To collect up to 10 eggs of the California clapper rail for pesticide analysis and eggshell thickness determinations.

Total numbers of the California clapper rail have declined significantly in recent years. Census data collected during 1971 in south San Francisco Bay, which contains the highest quality remaining rail habitat, indicated a population of 2,400 to 2,900. Based on 1973-1974 data, it is estimated that the rail population in the same area has declined to approximately 600 to 700. There is no obvious factor present to account for the population decline. One potential causal factor may be the effects of pesticides on reproduction. It is proposed that 10 clapper rail eggs be collected from 10 different nests during the 1975 nesting season for analysis. These collections should not significantly affect the rail population. The average clutch size is 7.62 (San Francisco Gay data) and the hatchability of eggs in successful nests is 87.3 percent (New Jersey data).

Eggs collected will be analyzed for residues of chlorinated hydrocarbons, PCB's, and heavy metals. Eggshell thickness data will be obtained and comparisons made with earlier collections.

It is requested that the permit authorize collections by the permittee and others working under his direction and supervision.

6. Not applicable.

7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Effective date April 1, 1975. Termination of permit December 31, 1975.

9. January 20, 1975.

10. Walter O. Stieglitz.

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 on or before April 7, 1975, will be considered.

Dated: March 3, 1975.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-6018 Filed 3-6-75;8:45 am]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 8:30 a.m., e.d.t., on March 24 and 25, 1975, in Conference Room 7000 B in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies, of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Its recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman)
Washington, D.C.

Dr. John O. Brew
Cambridge, Massachusetts

Mr. Herbert E. Kahler
Alexandria, Virginia

Dr. Walter L. Creese
Urbana, Illinois

Professor Frederick D. Nichols
Charlottesville, Virginia

Dr. Henry A. Millon
Cambridge, Massachusetts

Mr. James Biddle
Washington, D.C.

Mr. Charles E. Lee
Columbia, South Carolina
Dr. Dorothy B. Porter
Washington, D.C.
Dr. John W. Huston
Annapolis, Maryland

The subjects that are to be evaluated are:

1. "Political and Military Affairs, 1865–1914."
2. A portion of the subtheme "Science and Invention."
3. A group of studies done by the Afro-American Bicentennial Corporation within three themes: "Political and Military Affairs," "Westward Expansion, 1763–1898," and "America at Work."
4. A segment of the theme "Architecture."

There will also be the following Special Studies:

1. The United States Mint, New Orleans, Louisiana.
2. The Governor's Mansion, Jackson, Mississippi.
3. A special study of major 19th-century suspension bridges.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 10 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Dr. A. R. Mortensen, Director, Office of Archeology and Historic Preservation, 202–523–5275. Minutes of the meeting will be available for public inspection six weeks after the meeting at the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C.

Date: February 25, 1975.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation, National Park Service.

[FR Doc.75–6083 Filed 3–6–75;8:45 am]

Office of the Secretary

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GOVERNMENT/INDUSTRY OIL SHALE IN-SITU CONFERENCE

Meeting

Notice is hereby given that the U.S. Department of the Interior and the U.S. Energy Research and Development Administration will jointly host a meeting with representatives from industry interested in *in situ* oil shale development. The meeting will be held Wednesday, March 19, 1975, at 9:30 a.m. in the Department of the Interior Auditorium, 18th and C Streets, NW, Washington, D.C. The meeting will be open to the public to the extent that space and facilities permit.

The purpose of the meeting is to discuss the accelerated oil shale *in situ* program of the Government administered by the two agencies.

Further information with respect to the meeting may be obtained from Mr. Harry R. Johnson, Acting Director, Office of Research and Development, U.S. Department of the Interior, Washington, D.C., telephone number (202) 343–8944.

Dated: March 5, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

S. WILLIAM GOUSE, Jr.,
Deputy Assistant Administrator, Fossil Fuels Energy Research & Development Administration.

[FR Doc. 75–6082 Filed 3–6–75: 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 3–170–B; Case No. 366]

SCHIFTER & CO., ET AL.

Order Conditionally Restoring Export Privileges

By an Order effective May 21, 1964 (29 FR 6697) as supplemented by an Order dated May 25, 1964 (29 FR 7163), Schifter & Company, Herbert E. Schifter, Alice Helm, and Dr. Franz Helm of Vienna, Austria, were denied U.S. export privileges for an indefinite period. By letters dated May 30, 1974, and June 6, 1974, the respondents have filed applications for removal from the Table of Denial and Probation Orders. The applications were referred to the Hearing Commissioner and duly considered by him. He has reported that it appears from the respondents' representations in their written submissions and orally in the hearing held on October 4, 1974, and otherwise from information in the possession of the Compliance Division, Office of Export Administration, that conditional and limited restoration of the respondents' export privileges is consistent with the purposes of the export administration program. The Hearing Commissioner has recommended that an Order be entered conditionally restoring export privileges to the respondents, limiting restoration to the export of general license commodities and placing the respondents on probation for the duration of export controls.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of the respondents' export privileges, limiting such restoration to the export of general license commodities and placing them on probation for the duration of export controls is consistent with the purposes of the U.S. Export Administration Act of 1969, as amended and extended, and the regulations issued thereunder.

Accordingly, it is hereby ordered:

The export privileges of the respondents, Schifter & Company, Herbert E. Schifter, Alice Helm, and Dr. Franz Helm, are restored conditionally and the respondents are placed on probation for the duration of export controls. The conditions of the restoration on probation are as follows: (1) The respondents shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended and extended, and all regulations, licenses, and orders issued thereunder. (2) The respondents' export privileges will be limited to general license commodities. (3) This Order shall extend not only to the respondents, but also to their partners, representatives, agents, employees, and assigns, and to any person, partnership, corporation, or other business organization with which the respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or other services connected therewith. (4) The respondents shall, upon request of the Office of Export Administration or a representative of the United States Government acting on its behalf, promptly and fully disclose the details of participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data and shall, upon request, furnish all records and documents relating to such matters. Further, on request, the respondents shall promptly disclose the names and addresses of partners, agents, representatives, employees, and other persons associated with them in trade or commerce.

While this Order is in effect, no United States citizen and no other person, firm, corporation, partnership or other business organization in the United States, shall make any exportation to the respondents, or participate in any way in making or effecting an exportation to the respondents, of any commodity or technical data requiring a validated export license.

Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by the Director, that the respondents have failed to comply with any of the conditions of probation, the Director or such other official, with or without prior notice to the respondents, may by supplemental order, revoke the probation of any or all of the respondents and deny all export privileges for such period as is deemed appropriate. Such supplementary order shall not preclude the Bureau of East-West Trade from taking further action as may be warranted for any violation.

This order shall become effective forthwith and supersedes the denial orders previously issued against the respondents and will remain in effect until modified or vacated by a subsequent order.

Dated: February 25, 1975.

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

[FR Doc.75–6035 Filed 3–6–75;8:45 am]

National Bureau of Standards

ADVISORY COMMITTEE FOR INTERNATIONAL LEGAL METROLOGY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Advisory Committee for International Legal Metrology will be held in Lecture Room A, Building 101, at the National Bureau of Standards, Gaithersburg, Md., from 1 p.m. to 5 p.m. on April 29 and from 9 a.m. to 5 p.m. on April 30, 1975.

The purpose of the Committee is to advise the Secretary of Commerce through the Director, National Bureau of Standards, on technical and policy matters relating to the Department's general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML).

The Committee is composed of approximately 20 members representing government, professional metrology societies, national standards bodies, and industry and trade associations.

The Agenda for the meeting will include a discussion of U.S. held technical committee secretariats within OIML and Work Plans for these secretariats. The Committee will also review the Agenda for the June meeting of the International Committee for Legal Metrology to be held in Paris, France, and will recommend U.S. positions on various draft OIML Recommendations.

The meeting will be open to the public; applications for admission will be accepted and granted on a first come-first served basis. These applications should be sent to Mr. David E. Edgerly, Committee Secretary, Advisory Committee for International Legal Metrology, Building 101, Room A413, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-3662.

Dated: February 28, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-5985 Filed 3-6-75;8:45 am]

COMMERCIAL STANDARD
Action on Proposed Withdrawal

Correction

In FR Docs 75-5534 and 75-5535, in the issue for Monday, March 3, 1975, appearing at page 8845, the headings should read as set forth above.

Maritime Administration

[Docket No. S-439]

ACHILLES MARINE SHIPPING CO. ET AL.

Notice of Amended Applications

In FR Doc. 74-24338, appearing in the FEDERAL REGISTER on October 18, 1974 (39 FR 37229), notice was given that Achilles Marine Shipping Company, Ajax Marine Shipping Company and Athena Marine Shipping Company, Delaware corporations, had filed applications with the Maritime Subsidy Board requesting long term operating-differential subsidy on six (two each) new (to be constructed) diesel-powered tanker vessels of approximately 51,000 deadweight tons each. Said Notice stated that such vessels will be operated in worldwide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States not subject to the presently existing cargo preference statutes of the United States including, but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Subsequently, the application of Achilles Marine Shipping Company has been withdrawn and new applications (one ship each) have been submitted in lieu thereof by Aeron Marine Shipping Company and Achilles Marine Company. In addition, the applications of Ajax Marine Shipping Company and Athena Marine Shipping Company have now been amended to conform with the service description contained in the applications of Aeron Marine Shipping Company and Achilles Marine Company. Therefore:

Notice is hereby given that Ajax Marine Shipping Company, Athena Marine Shipping Company, Aeron Marine Shipping Company (Delaware corporations) and Achilles Marine Company (a New York limited partnership) have filed applications with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), requesting long term operating-differential subsidy on six (two each for Ajax Marine Shipping Company and Athena Marine Shipping Company and one each for Aeron Marine Shipping Company and Achilles Marine Company) new (to be constructed) diesel-powered tanker vessels of approximately 51,000 deadweight tons each. Such vessels will be operated in world-wide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States not subject to the cargo preference statutes of the United States including, but not limited to, 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a, but without prejudice to any rights which Applicants may have to carry petroleum or petroleum products under any legislation hereinafter enacted requiring that a portion of all such cargoes transported on ocean vessels for import into the United States shall be transported on United States-flag commercial vessels, in conformity with rules or regulations promulgated thereunder by the Secretary of Commerce.

Any person having an interest in the granting of one or any of such applications and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry for the world-wide carriage of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States as proposed must, on or before March 27, 1975, notify the Board's Secretary, in writing, of his interest and his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event that a section 605(c) hearing is ordered to be held with respect to any of the applications identified hereinabove the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for world-wide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

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))

Dated: March 4, 1975.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-6054 Filed 3-6-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meetings

The Panel on Sulfur Oxide Control Technology was formed under the U.S. Department of Commerce Technical Advisory Board (CTAB) to provide the Secretary an assessment of how the utility industry in the Northeastern United States can best utilize sulfur-bearing Appalachian coal in meeting energy needs while complying with the Clean Air Act of 1970. This notice provides the schedule for the following meeting.

Date	Time	Purpose	Meeting place
Apr. 7, 1975	8:30 a.m. to 5 p.m.	Critique of draft panel report	Room 6802, Main Commerce Bldg., Washington, D.C.
Apr. 8, 1975	do	Critique and rewrite of draft panel report.	Room 4833, Main Commerce Bldg., Washington, D.C.
Apr. 9, 1975	do	Rewrite of draft and assignments.	Room 4830, Main Commerce Bldg., Washington, D.C.
Apr. 10, 1975	do	do	Room 6802, Main Commerce Bldg., Washington, D.C.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230.

Dated: February 28, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology, U.S. Department of Commerce.

[FR Doc.75-6029 Filed 3-6-75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON THE SPANISH ORIGIN POPULATION FOR THE 1980 CENSUS

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63 (revised March 27, 1974), and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on the Spanish Origin Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will provide an organized and continuing channel of communication between the Spanish origin population and the Bureau of the Census on the problems and opportunities of the Twentieth Decennial Census as they relate to the Spanish origin population of the United States. Experience has shown that there is a special need for such communication. Major efforts to improve statistics on the Spanish origin population are necessary since decennial census data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication will be helpful to the Census Bureau in its efforts to develop the techniques and approaches which might yield the necessary improvements. To the extent that these efforts are successful, there will be direct and substantial gain to both the Census Bureau and the Spanish origin population.

The Committee will draw on the knowledge and insight of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Spanish origin population, suggesting areas of research, recommending subject content and tabulations of particular use to the Spanish origin population, expanding the dissemination of census results among present and potential users of census data in the Spanish origin community, and generally maximizing the usefulness of the census product to the Nation's second largest minority group and other users.

The Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, scholars, and other appropriate persons. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised March 27, 1974).

The Charter for the Committee will be filed under the Act, 15 days after publication of this notice.

Dated: February 11, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-5989 Filed 3-6-75;8:45 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet on April 8, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended. A detailed agenda for the meeting will be published in the Federal Register in advance of the meeting.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. (telephone 202/967-4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc.75-5981 Filed 3-6-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 75-4282, appearing at page 7112 in the issue of Wednesday, February 19, 1975, make the following change:

The words "transformer, surface materials (conduc-" should follow the sixth line of text in column two.

Office of Education

IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

Notice of Allotment Ratios

Pursuant to section 602 of the Higher Education Act of 1965, Pub. L. 89-329, as amended (79 Stat. 1261, 20 U.S.C. 1122), which provides for financial assistance for the improvement of undergraduate instruction, and on the basis of the average of the incomes per person of each of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, notice is hereby given that the following allotment ratios for the States are effective with the respect to the allotment of such funds as are appropriated for the fiscal year ending June 30, 1975.

Alabama	0.6242
Alaska	.4186
Arizona	.5310
Arkansas	.6324
California	.4401
Colorado	.5006
Connecticut	.3963
Delaware	.4257
Florida	.5213
Georgia	.5717
Hawaii	.4306
Idaho	.5832
Illinois	.4277
Indiana	.5179
Iowa	.5280
Kansas	.5093
Kentucky	.6023
Louisiana	.6081
Maine	.5933
Maryland	.4574
Massachusetts	.4551
Michigan	.4646
Minnesota	.5173
Mississippi	.6618
Missouri	.5212
Montana	.5612
Nebraska	.5194
Nevada	.4332
New Hampshire	.5269
New Jersey	.4138
New Mexico	.6050
New York	.4082
North Carolina	.5854
North Dakota	.5900
Ohio	.4948
Oklahoma	.5775
Oregon	.5265
Pennsylvania	.5011
Rhode Island	.5002
South Carolina	.6192
South Dakota	.5983
Tennessee	.5999
Texas	.5526

Utah	.5871
Vermont	.5824
Virginia	.5290
Washington	.4975
West Virginia	.6067
Wisconsin	.5232
Wyoming	.5245
District of Columbia	.3333
American Samoa	.6667
Guam	.6667
Puerto Rico	.6667
Virgin Islands	.6667

(20 U.S.C. 1122)

(Catalog of Federal Domestic Assistance Number 13.518; Higher Education Instructional Equipment)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-6042 Filed 3-6-75;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on March 31 and April 1, 1975, from 9 a.m. to 4:30 p.m., at 400 Maryland Avenue, SW., Room 3000, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380. (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of Section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Introduction and Oath of Office for Council Members
National Evaluation
Current Status of Career Education
Review of Mission Consistent with Statutes

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education located in Room 3100, 7th and D Streets, SW, Washington, D.C. 20202).

JOHN LINDIA,
Deputy Director for Career Education.

[FR Doc.75-6043 Filed 3-6-75;8:45 am]

National Institutes of Health

STUDY SECTIONS

Notice of Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for April 1975 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	April 1975 meetings	Time	Location
Allergy and immunology, Dr. Mischa E. Friedman, room 320, telephone 301-496-7380.	19 to 22	8:45	Holiday Inn, Chevy Chase, Md.
Applied physiology and bioengineering, Mrs. Ilean E. Stewart, room 318, telephone 301-496-7581.	11 to 13	8:30	Philadelphia Sheraton Hotel, Philadelphia, Pa.
Bacteriology and mycology, Dr. Milton Gordon, room A-27, telephone 301-496-7340.	10 to 12	do	Holiday Inn, Chevy Chase, Md.
Biochemistry, Dr. Irving Simos, room 350, telephone 301-496-7516.	17 to 20	Noon	Linden Hill, Bethesda, Md.
Biomedical communications, Mrs. Ilean E. Stewart, room 318, telephone 301-496-7581.	24 to 25	9:00	Bldg. 31, Bethesda, Md.
Biophysics and biophysical chemistry A, Dr. Irvin Fuhr, room 4A-09, telephone 301-496-7060.	25 to 26	do	Mayflower Hotel, Washington, D.C.
Biophysics and biophysical chemistry B, Dr. John B. Wolff, room 4A-07, telephone 301-496-7070.	25 to 27	8:30	Holiday Inn, Bethesda, Md.
Cardiovascular and pulmonary, Dr. Berton J. Leach, room 339, telephone 301-496-7901.	9 to 12	do	Do.
Cardiovascular and renal, Dr. Floyd O. Atchley, room 339, telephone 301-496-7901.	do	8:30	Do.
Cell biology, Dr. Evelyn A. Horenstein, room 4A-04, telephone 301-496-7020.	24 to 27	9:00	Do.
Communicative sciences, Mr. Frederick J. Gutter, room 321, telephone 301-496-7550.	16 to 18	8:30	Do.
Computer and biomathematical sciences, Dr. Bernice S. Lipkin, room 310, telephone 301-496-7568.	23 to 25	9:00	Mayflower Hotel, Washington, D.C.
Oral biology and medicine, Dr. Thomas M. Tarpley, Jr., room 4A-03, telephone 301-496-7818.	29 to May 2	do	Holiday Inn, Bethesda, Md.
Developmental behavioral sciences, Dr. Bertie H. R. Woolf, room 4A-10, telephone 301-496-7471.	21 to 23	do	Do.
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301-496-7346.	7 to 10	7 p.m.	Sheraton Inn, Silver Spring, Md.
Epidemiology and disease control, Mr. Glenn G. Lamson, Jr., room 4A-11, telephone 301-496-7060.	9 to 11	8:30	Santa Ynez Inn, Pacific Palisades, Calif.
Experimental psychology, Dr. A Keith Murray, room 220, telephone 301-496-7004.	23 to 26	9:30	Shoreham Hotel, Washington, D.C.
Experimental therapeutics, Dr. Anne R. Bourke, room 319, telephone 301-496-7839.	9 to 12	2 p.m.	Bldg. 31, Bethesda, Md.
General medicine A, Dr. Harold M. Davidson, room 354, telephoe 301-496-7797.	30 to May 2	9:00	Bellevue Strafford Hotel, Philadelphia, Pa.
General medicine B, Dr. William F. Davis, Jr., room 322, telephone 301-496-7730.	20 to 23	1 p.m.	Chase Park Plaza Hotel, St. Louis, Mo.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 301-496-7271.	23 to 26	9:00	Bldg. 31, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301-496-7508.	20 to 24	do	Holiday Inn, Chevy Chase, Md.
Human embryology and development, Dr. Samuel Moss, room 221, telephone 301-496-7597.	13 to 16	1 p.m.	Denver Hilton Hotel, Denver, Colo.
Immunobiology, Dr. James H. Turner, room A-25, telephone 301-496-7780.	23 to 25	9:00	Connecticut Inn, Washington, D.C.
Medicinal chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301-496-7286.	10 to 12	do	Marriott Motor Motel, Crystal City, Va.
Medicinal chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301-496-7286.	11 to 13	do	Benjamin Franklin Hotel, Philadelphia, Pa.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301-496-7091.	23 to 26	8:30	Holiday Inn, Bethesda, Md.
Microbial chemistry, Dr. Gustave Silber, room 357, telephone 301-496-7130.	24 to 27	do	Bldg. 31, Bethesda, Md.
Molecular biology, Dr. Donald T. Disque, room 328, telephone 301-496-7830.	17 to 19	do	Club Room B, Shoreham Hotel, Washington, D.C.
Neurology A, Dr. William E. Morris, room 326, telephone 301-496-7095.	23 to 26	9:00	Holiday Inn, Chevy Chase, Md.

Study section	April 1975 meetings	Time	Location
Neurology B, Dr. Willard L. McFarland, room 2A-10, telephone 301-496-7422.	17 to 19	8:30	Embassy Row Hotel, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301-496-7178.	23 to 25	do	Holiday Inn, Bethesda, Md.
Pathology A, Dr. William B. Savchuck, room 337, telephone 301-496-7305.	11 to 13	9:00	Sheraton Inn, Silver Spring, Md.
Pathology B, Dr. James K. MacNamee, room 352, telephone 301-496-7244.	24 to 26	8:30	Linden Hill, Bethesda, Md.
Pharmacology, Dr. Joseph A. Kaiser, room 334, telephone 301-496-7408.	27 to May 1	9:00	Bldg. 31, Bethesda, Md.
Physiological chemistry, Dr. Robert L. Ingram, room 338, telephone 301-496-7837.	10 to 12	do	Do.
Physiology, Dr. Clara E. Hamilton, room 219, telephone 301-496-7878.	24 to 26	do	Do.
Population research, Miss Carol A. Campbell, room 210, telephone 301-496-7140.	17 to 19	do	Washington Plaza, Seattle, Wash.
Radiation, Dr. Robert L. Straube, room 309, telephone 301-496-7510.	21 to 24	8:30	Linden Hill, Bethesda, Md.
Reproductive biology, Dr. Robert T. Hill, room 307, telephone 301-496-7318.	23 to 25	do	Holiday Inn, Bethesda, Md.
Surgery A, Dr. Raymond J. Helvig, room 336, telephone 301-496-7771.	17 to 18	do	Bldg. 31, Bethesda, Md.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 301-496-7506.	do	do	Do.
Toxicology, Dr. Rob S. McCutcheon, room 226, telephone 301-496-7570.	11 to 13	8:00	Benjamin Franklin Hotel, Philadelphia, Pa.
Tropical medicine and parasitology, Dr. George W. Luttermoser, room 319, telephone 301-496-7494.	23 to 26	8:30	Bldg. 31, Bethesda, Md.
Virology, Dr. Claire H. Winestock, room 340, telephone 301-496-7128.	17 to 19	9:00	Holiday Inn, Bethesda, Md.
Visual sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 301-496-7180.	24 to 27	2 pm	St. Armand's Inn, Sarasota, Fla.
Visual sciences B, Dr. Marie A. Jakus, room 353, telephone 301-496-7251.	24 to 27	9:00	Lido Biltmore Hotel, Sarasota, Fla.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.349, 13.393–13.396, 13.836–13.844, 13.846–13.871, 13.876, National Institutes of Health, DHEW)

Dated: February 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-5886 Filed 3-6-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-309]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Authority Delegation

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of Health, Education, and Welfare, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration:

1. The authority, functions, and powers granted by Section 413 of the Disaster Relief Act of 1974 (88 Stat. 143, 42 USC 5121 Note.) to provide professional counseling services to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath (with the exception of financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, which has been delegated to the Administrator of the Federal Disaster Assistance Administration); and

2. With the concurrence of the Administrator of the Federal Disaster Assistance Administration, the authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

(Disaster Relief Act of 1974, 88 Stat. 143, 42 U.S.C. 5121n.; sec. 7.(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11795, signed July 11, 1974, 39 FR 25939)

Effective date. This delegation shall be effective March 7, 1975.

Dated: October 29, 1974.

Issued at Washington, D.C. on this date.

JAMES T. LYNN,
Secretary, Housing and Urban Development.

I consent:

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

[FR Doc.75-6050 Filed 3-6-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 10 a.m., April 7, 1975 in the offices of the Chairman of the Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider: (1) A report and recommendation by Professor Jerry Mashaw on Private Enforcement of Federal Regulatory Statutes: The Citizen Suit; (2) A report and recommendation by William R. Shaw on the procedures to ensure compliance by Federal facilities with environmental quality standards; and (3) Other business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 3, 1975.

[FR Doc.75-6034 Filed 3-6-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24694]

MIAMI–LOS ANGELES COMPETITIVE NONSTOP CASE

Change in Date for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore scheduled to be held before the Board on April 2, 1975 (40 FR 8850, March 3, 1975), has been postponed to April 3, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 3, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-6044 Filed 3-6-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on May 21, 1974 (39 FR 17883).

Pursuant to the above notice the following service is added to the Procurement List.

Keypunch and verification (GI)

Interstate Commerce Commission, Washington, D.C

	Price per card		
	Same day service	1-day service	All other services
Keypunch	$0.055	$0.050	$0.040
Verify	0.045	0.040	0.030
Keypunch and verify	0.095	0.090	0.070

By the Committee.

E. R. ALLEY Jr.,
Acting Executive Director.

[FR Doc.75-6021 Filed 3-6-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity and service to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7510

Clip, Paper, 7510-00-161-4292.

INDUSTRIAL CLASS 7641

Furniture Rehabilitation, State of Maryland.

Comments and views regarding these proposed additions may be filed with the Committee on or before April 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75-6020 Filed 3-6-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following Military Resale Commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

Item Number and Description

Garden tools:
- 600------ Transplanter Trowel.
- 601------ Regular Trowel.
- 602------ Cultivator.
- 603------ Weeder.
- 604------ Grass Shears.
- 605------ Pruning Shears.

Paint roller covers:
Polyester fiber:
- 720------ Paper core, 7"x3/8".
- 721------ Paper core, 9"x3/8".
- 722------ Plastic core, 7"x3/8".
- 723------ Plastic core, 9"x3/8".
- 724------ Plastic core, 7"x1/2".
- 725------ Plastic core, 9"x1/2".
- 726------ Plastic core, 7"x3/4".
- 727------ Plastic core, 9"x3/4".
- 728------ Dacron fiber, 7"x5/16".
- 729------ Dacron fiber, 9"x5/16".
- 730------ Dacron fiber, 9"x1 1/4".
- 731------ Dacron fiber, 7"x1 1/4".
- 732------ Mohair fiber, 7"x1/4".
- 733------ Mohair fiber, 9"x1/4".
- 736------ Trimmer cover refill, 3"x3/8".

Paint rollers:
- 741------ Frame assembly, 7".
- 742------ Frame assembly, 9".
- 735------ Trimmer paint roller, 3"x3/4".

Comments and views regarding these proposed additions may be filed with the Committee on or before April 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-6022 Filed 3-6-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PUBLIC PLAYGROUND EQUIPMENT

Proceeding To Develop Safety-Related Requirements Under the Federal Hazardous Substances Act

The purpose of this notice is to commence a proceeding to develop safety-related requirements that may be used as the basis of a proposed regulation under the Federal Hazardous Substances Act (FHSA), applicable to public playground equipment, in order to eliminate or reduce the unreasonable risks of injury presented by such equipment.

On April 18, 1974, Elayne Butwinick of Washington, D.C., petitioned the Consumer Product Safety Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) to commence a proceeding for the development of a consumer product safety standard for public playground equipment, including the surface on which the playground equipment is placed. A second petition was filed with the Commission on May 24, 1974, by Theodora Sweeney, on behalf of an *ad hoc* Playground Committee of the Coventry School PTA, Cleveland Heights, Ohio, which also requested that the Commission develop mandatory guidelines for playground equipment and surfaces.

On July 11, 1974, Butwinick amended her petition by requesting the Commission to regulate playground equipment under the Federal Hazardous Substances Act (15 U.S.C. 1261), rather than the Consumer Product Safety Act. The Commission had previously determined that playground equipment was a "toy or other article intended for use by children" and as such was subject to regulation under the FHSA.

Section 2(f)(1)(D) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)(D)) provides for the classification of any toy or other article intended for use by children as a hazardous substance if the Commission determines by regulation, in accordance with section 3(e) of that Act, that a toy or other article presents an electrical, mechanical or thermal hazard as those terms are defined in section 2 (r), (s), and (t) of the Act.

Under section 2(q)(1)(A) of the Act (15 U.S.C. 1261 (q)(1)(A)), classification of a toy or other article intended for use by children as a hazardous substance also makes the toy or article a "banned hazardous substance".

The Commission has concluded that in order to define and enumerate what constitutes mechanical and other hazards associated with public playground equipment, the development of safety-related requirements under the Federal Hazardous Substances Act is appropriate and necessary. Accordingly, it has granted the amended petition submitted by Elayne Butwinick. The Commission has determined that the best means of developing safety-related requirements for public playground equipment is to utilize a procedure similar to that specified in section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) whereby interested members of the public develop recommended consumer product safety standards for the Commission or submit appropriate previously issued or adopted standards to the Commission as recommended consumer product safety standards. These recommended standards may then be used as the basis of a proposed regulation under the FHSA. Therefore, this notice is issued to invite any person to submit to the Commission (1) an offer to develop safety related requirements for public playground equipment or (2) previously developed standards that may be used as the basis of a proposed regulation under the FHSA.

The safety-related requirements to be developed should include a definition of Public Playground Equipment. However, as a working definition for purposes of defining the scope of the recommended safety-related requirements being solicited in this FEDERAL REGISTER notice, the following will be used:

Public Playground Equipment includes those types of heavy-duty, institutional-type play and recreational apparatus, structures, equipment and devices designed, manufactured, and purchased or rented for installation and use in park and school play areas, institutions, housing developments, private recreational facilities and any other areas where public use may occur. It also includes the surfaces upon which the apparatus is installed. Custom designed and/or manufactured equipment falling within the above working definition will be included within the universe of those items to be covered by the safety-related requirements solicited in this notice. Such equipment does not include light quality, less durable play equipment normally intended for individual, residential "backyard" use. Also not included are amusement park-type rides, equipment or devices which are driven or fueled by electricity, gas, oil and/or any other, similar energy sources.

Products which fall within this definition include the following items, or variations and combinations thereof, as found in parks, playgrounds, and other public areas: climbing apparatus, seesaws, slides, swings, gliders, rings, trapeze and monkey bars, merry-go-rounds and other type of whirling and rotating apparatus, rocking and bouncing (animals on springs, etc) balancing, jumping and exercise apparatus and equipment, surfaces, etc.

It is anticipated that safety-related requirements developed as a result of these proceedings or previously developed standards that are found acceptable, may be used as the basis for a proposed regulation under section 3(e)(1) of the FHSA to ban those items of public playground equipment which present me-

chanical hazards by virtue of their not complying with the developed requirements. This notice, however, does not constitute a step in the rulemaking procedure and no regulation will be adopted without further notice and opportunity for comment as provided in section 3(e)(1) of the FHSA (15 U.S.C. 1262(e)(1)) and (5 U.S.C. 553).

The period for developing safety-related requirements applicable to public playground equipment shall end 120 days after acceptance of an offer made in response to this solicitation for offers. The Commission, however, may extend the development time if it finds, for good cause, that a longer period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER. An offeror who believes that 120 days after acceptance of an offer is inadequate may submit an estimate of the time required to develop the requirements, including a detailed schedule for each phase of the development period and an explanation why the offeror cannot develop the requirements within 120 days.

A. *Nature of the risk of injury.* Information about injuries associated with public playground equipment indicating a need for remedial action has been presented by the petitioners and has been developed by Commission staff and other sources. This includes:

1. The petitions submitted by Butwinick and Sweeney.

2. Hazard analysis of in-depth investigations conducted originally by the Food and Drug Administration, and later by the Consumer Product Safety Commission, of injuries which occurred from July 1, 1971, through December 31, 1973.

3. National Electronic Injury Surveillance System (NEISS) data reported for the calendar year 1973 projecting that over 55,000 persons receiving injuries associated with public playground equipment would require emergency room treatment.

4. Hearings of the National Commission on Product Safety, 1968–1970, Volume 2, pp. 278–286.

Copies of the above items are available for inspection in the Office of the Secretary.

The hazards associated with public playground equipment include, being struck by, falling from, being entrapped within, being cut by, breakage of and other contact with such equipment, component parts or the surfaces thereunder. The types of injuries sustained include amputation, fracture, contusions, abrasions, lacerations, concussions, strains, sprains, strangling, and death. The parts of the body involved include the head, trunk extremities, skeleton, and internal organs and vessels.

The causes of such injuries include:

1. Poorly designed and/or poorly placed equipment.

2. Poorly assembled equipment.

3. Poorly maintained equipment.

4. Rough-housing and misuse of equipment.

The safety-related requirements should address such equipment components and problem areas as exposed nuts and bolts (unshielded protrusions) and sharp points; suspending or attaching hooks, particularly open-ended hooks—such as "S-hooks;" sharp edges or sharp and rough surfaces (surface finish); enclosed openings; height of slide sides; steepness of slide bed; swing seats (weight, composition, rounded edges); optimum seat height; ground clearance; spacing between adjacent equipment components (as between adjacent swings and between swing and end or internal support beams); adjacent moving parts (such as pinch and crush points on gliders, etc.); splintering of wooden components; durability of components; step height, width, depth, and angle of inclination of ladder steps; slip-resistance; spacing of steps and stairs; hand rail locations on slides; structural integrity of all components; "V" braces and joints; installation, maintenance and repair instructions; and sources of original replacement parts. The requirements should also address the hazard of children falling from public playground equipment and striking non-energy absorbing surfaces.

B. *Existing Standards.* Although there is no nationwide mandatory product safety standard for public playground equipment and the surfaces thereunder, the Commission has received information about the existence and, in three cases, the provisions of the following standards that may be relevant to this proceeding;

1. "Proposed Technical Requirements for Heavy-Duty Playground Equipment Regulations" (Revised 1974). This standard, still in draft form, was developed originally through the sponsorship of the Playground Equipment section of the National School Supply and Equipment Association (NSSEA), working in conjunction with a specially assembled Safety Task Force of the National Recreation and Park Association (NRPA).

2. "Safety Requirements for Recreational Equipment Intended for Parks and Public Playgrounds" (February 1974). This standard was developed by the United States Testing Co., Inc., at the request of an independent company (a member of NSSEA), Game Time, Inc., a subsidiary of the Toro Company. This standard is based on and is a derivative of the standards-development efforts of the NSSEA and NRPA as described above.

3. "BS 3178, 1959," a British standard for public playground equipment. Commission staff have not yet reviewed this standard.

4. "Specifications for Continuing Service Contract for Furnishing and Installing Protective Surface Cushion Mats prepared by Maintenance Branch, Business Division, Board of Education of the City of Los Angeles, California, 1425 South San Pedro Street, Los Angeles, California—June 1973." This set of purchase (contract) specifications consists of standards-like provisions, criteria and performance tests for the purchase of "protective surface cushion mats" for use under playground and physical education equipment.

With regard to these standards, the Commission makes the following observations:

1. *U.S. Testing Co.—Game Time, Inc./NSSEA–NRPA Standards:* Since the former standard is a derivative of the latter standard with some modifications, additions and/or deletions of items, the following comments will apply to both standards.

a. The standards use subjective terms such as "adequate" and "accessible" (reference to hand holds for walking or climbing platforms) without further defining or explaining these terms.

b. The standards lack detailed testing methods or criteria directed toward assuring structural integrity, durability, and resistance to deterioration or degradation of equipment and/or components thereof.

c. The standards do not include objective tests to establish whether edges and surfaces present laceration hazards (sharpness, etc.) or whether the juncture of components moving relative to one another present "pinch and crush points".

d. The standards lack accompanying technical rationale which present the background for establishing loading tests, spacing of swinging components, maximum and minimum ground clearance, allowances for maximum hardware protrusions and projections, setting of tensile strengths for various components, etc.

e. In the specification for "hardware" the allowable maximum protrusion length for bolts may create a clothing catch point.

f. The exclusive requirement of the use of "welded" links for suspension chain would not allow for suitable alternatives already in existence or to be developed in the future.

g. No rationale is provided for the static load requirement for chain. No shock load or energy absorption test is provided although suspension chain is subject to impulse loads.

Details of the above comments and additional inadequacies are included in the staff Briefing Package to the Commission of August 6, 1974 (revision of 11–21–74). This Briefing Package was prepared by the Commission staff in connection with the petition submitted by Elayne Butwinick. This package is available for public inspection in the Office of the Secretary.

2. *The City of Los Angeles Purchase Specifications for Protective Surface Cushion Mats:*

a. It appears that many of the technical requirements have been arrived at on a "best judgment basis." Nevertheless, technical rationales and/or justifications for the requirements are not given. In some cases, there is no clear relationship of a requirement to safety considerations.

b. Performances tests are lacking in many cases. Some terms are too subjective, such as the unqualified use of such

terms as "visual evidence of cracking, warping, checking, rippling, etc.".

Details of these inadequacies are spelled out in the above mentioned staff Briefing Package of August 6, 1974 (revision of 11-21-74).

c. *Supplemental Information.* Also included in this Briefing Package is a report prepared by the University of Iowa's Institute of Agricultural Medicine of that University's College of Medicine. This report, written in accordance with a contract initiated by the Commission's predecessor, Food and Drug Administration, consists of findings and recommendations on the safety problems of playground equipment. The report presents a collation of injury statistics and investigations, reviews human factors of use and misuse patterns and discusses anthropometric considerations of typical user-equipment interface and psychological/physiological relationship injury-behavior patterns. In addition, the report sets forth an engineering evaluation relating construction quality and design factors of playground equipment which could account for established injury patterns. The report also makes recommendations concerning the need for and usefulness of anthropometric data and design considerations.

Prospective offerors are encouraged to refer to this "Iowa Study" for guidance in covering the described problem areas in their development offers.

The Commission is also in possession of an interim report of anthropometric data developed by the University of Michigan. This report may be helpful in developing safety related requirements for public playground equipment. This report is entitled "Source Data of Infant and Child Measurements, Interim Data, 1972". A copy of this is also on file with the Office of the Secretary and is available for public inspection.

D. *Invitation to all Persons.* An invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, Federal, State, or Local Government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before April 7, 1975, either of the following:

1. One or more previously developed standards (as specified in section "E" below) that address one or more of the mechanical hazards identified in this notice and that could be used as the basis for a proposed regulation under the FHSA.

2. An offer to develop one or more safety-related requirements (as specified in section "F" below), applicable to public playground equipment that address one or more of the mechanical hazards identified in this notice and that could be used as the basis for a proposed regulation under the FHSA.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing safety-related requirements for public playground equipment that coud be used as the basis for a proposed regulation under FHSA. Such groups are referred to as ad hoc associations.

An offer by an ad hoc association may be submitted by an individual member if the offer states that it is being submitted on behalf of the members of the association. The individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each and every other member.

E. *Submission of Existing Standards.* Any person may submit a standard previously developed by any private or public organization or agency, domestic or foreign, any international standards organization, any corporation or association or any person, that contains safety-related requirements that the person believes are appropriate for inclusion in a proposed regulation under the FHSA and which would prevent or reduce one or more of the mechanical hazards presented by public playground equipment and/or the surfaces upon which such equipment is installed.

To be considered for publication as a proposed regulation under the FHSA, standards previously developed should consist of one or more of the following: (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a regulated product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the previously developed standard that are appropriate for inclusion in a proposed regulation under the FHSA.

2. Be accompanied, to the extent that such information is available, by a description of the procedure used to develop the standard and a listing of the persons or organizations that participated in the development and adoption of the standard.

3. Be supported by test data and other relevant documents or materials to the extent that they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the Federal Hazardous Substances Act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the specific portions of the standard that are appropriate for inclusion in a proposed regulation issued under the FHSA would be technologically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of those portions of the standard appropriate for inclusion in a proposed regulation under the FHSA, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the regulations; (b) the probable effect of the regulation on the utility, cost, and availability of the products; (c) any potential adverse effects of the regulation on competition; and (d) the regulation's potential for disruption or dislocation, if any, of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the environmental impact of those portions of the standard appropriate for inclusion in a proposed regulation under the FHSA applicable to public playground equipment.

F. *Offers to Develop Safety-Related Requirements.*

1. Any person may submit an offer to develop safety-related requirements that could be used as the basis for a proposed regulation under the FHSA for public playground equipment. Each offer shall include a detailed description of the prcedure the offeror will utilize in developing the safety-related requirements (hereinafter referred to as requirements). Each offer shall also include:

a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the requirements. It is the Commission's desire that all interested consumers be afforded an opportunity to participate fully in the development of requirements.

b. A description of the method whereby both use-oriented and technically-oriented consumers will be afforded an opportunity to participate fully in the development process;

c. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the requirements; and

d. A realistic estimate of the time required to develop the requirements, including a detailed schedule for each phase of the development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants, the offeror intends to utilize in developing the requirements. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized,

although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of the personnel relevant to the development of the requirements should also be included in the statement. This list should include only those persons who will be directly involved in the development process.

b. A statement describing the type of facilities or equipment the offeror plans to utilize in developing the requirements and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop requirements, the Commission may require minor modifications of the offer as a condition of acceptance.

G. *Contribution Towards the Offeror's Costs.* It is the Commission's intent that contribution towards the offeror's costs will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources.

1. The Commission may, in accepting an offer, agree to contribute towards the offeror's costs in developing safety-related requirements in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory safety-related requirement than could be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing safety-related requirements for public playground equipment, the offeror must submit with the offer to develop these requirements:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in more satisfactory requirements than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles in being resigned to record development costs and expenditures; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

In addition to the specific provisions enumerated above, the policies, principles, and procedures included in 16 CFR 1105.1(a), (d), (e), (f), (g), 1105.2, 1105.6, and 1105.7 (39 FR 16206) issued under Section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) shall be followed as guidelines in this proceeding.

H. *Submission Information.* All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW, Washington, D.C. 20207 (Phone 202–634–7700). Submissions made in response to this notice should be in five copies if possible, and must be received by the Office of the Secretary not later than April 7, 1975, to be considered in this proceeding.

Dated: March 3, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75–5991 Filed 3–6–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS
Availability

Environmental impact statements received by the Council on Environmental Quality from February 24 through February 28, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (April 21, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Chattooga River Unit, Georgia, North Carolina, and South Carolina, February 24: The statement concerns the 10-year management plan of the 104,586-acre Chattooga River Unit of the Chattahoochee, Nantahala, and Sumter National Forests. The plan includes development for recreation, timber harvests, establishment of cultural and unusual areas for possible individual management, and construction of roads and parking lots. Adverse impacts include construction disruption and degradation to visual aesthetics due to timber harvests. (ELR Order No. 50266.)

Rainy Day Planning Unit, Nezperce National Forest, Idaho County, Idaho, February 28: The statement concerns a multiple use plan for the 45,300-acre Rainy Day Planning Unit of Nezperce National Forest. The most likely alternative includes plans for protection of the Ten-Mile Watershed, limited mining, and timber harvesting (229 pages). (ELR Order No. 50289.)

Final

Cedar Creek Unit, Clark National Forest, Boone and Callaway Counties, Mo., February 24: Proposed is a plan for the management direction of the Cedar Creek Purchase Unit, Clark National Forest. The Unit will be managed for recreational, wildlife, grazing, and timber values. The acquisition of land will require some displacement of people. There will be social, ecological, and economic impact from the proposal (191 pages). Comments made by: USDA, EPA, and State and local agencies. (ELR Order No. 50261.)

Final

Timber Plan Gifford Pinchot National Forest, Wash., February 24: The statement refers to a proposed revised timber management plan for the Gifford Pinchot National Forest. The plan will cover the period July 1, 1974 through June 30, 1984. A potential yield of 5,274.5 million board feet is proposed for the 10 year period; the program harvest schedule is 345.5 million board feet. There will be some road construction, including some in presently roadless areas. There will be impact to air, soil, water, and wildlife values. Comments made by: DOD, DOC, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50265.)

Boulder Lake Country Transmission, Bridger-Teton N., Sublette County, Wyo., February 25: The statement refers to the proposed construction of an underground electrical power line to the Boulder Lake Country Estates Subdivision. Approximately 82,822 feet of the line will be on lands administered by BLM; 6,700 feet of the line will be on Forest Service Inventoried Roadless Area Number 50. There will be some soil disturbance and vegetation clearance as a result of the action (29 pages). Comments made by: USDA, DOI, one local agency, and one individual. (ELR Order No. 50274.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Transmission Lines, Colorado-Ute Association, several counties, Colorado, February 24: Proposed is the granting of loans to the Colorado-Ute Electric Association for the financing of 42 miles of 115 kV transmission line from Bayfield to Pagosa Springs, and 16.5 miles of 115 kV line from Basalt to Aspen, along with related work. There will be negative visual impact, especially in the crossing of the Piedra River, which has been nominated for designation as a "Scenic River". The lines will cross both the San Juan and White River National Forests. Soil erosion may affect nearby waterways, and minor limitations will be placed on use of adjacent lands. Comments made by: DOI, EPA, DOT, FPC, USDA, COE, State and local agencies, and concerned citizens. (ELR Order No. 50262.)

SOIL CONSERVATION SERVICE

Draft

Cottonwood-Walnut Creek Watershed, Chaves and Eddy Counties, N. Mex. February 27: The statement concerns the watershed protection, flood prevention, and recreational development in Chaves and Eddy Counties, New Mexico. The project provides for land treatment on 140,000 acres of rangeland and 20,000 acres of irrigated cropland, 11 floodwater retarding structures, dams and reservoirs, spillways, floodwater diversions, channels, and recreation facilities, with 2,400 additional acres interrupted by flooding. (ELR Order No. 50282.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Savannah Harbor Modification, Chatham County, Ga., February 25: Proposed is the enlargement of the King's Island turning basin, the construction of a turning basin adjacent to Elba Island, and the incorporation of the Georgia Ports Authority LASH (Lighter Aboard Ship) turning basin adjacent to Cockspur Island for purposes of improved navigation and safety for Liquified

Natural Gas tankers. Adverse impacts include increase in turbidity and water pollution, loss of aquatic and tidal wildlife habitat and the loss of 28 acres of buffer zone adjacent to the Savannah National Wildlife Refuge (Savannah District). (ELR Order No. 50276.)

Mount Morris Flood Control Project, Livingston County, N.Y., February 25: The statement refers to the operation and maintenance of Mount Morris Dam, Lake, and Reservation. Activities include daily gage readings, periodic structural repair and landscaping, removal of floating and sunken debris and sediment. Approximately 40,000 cubic yards of sediment and debris require removal at the present time. Adverse impacts include disruption of 2,850 acres of terrestrial habitat and water pollution from dredging activities (Buffalo District). (ELR Order No. 50279.)

Olcott Small Boat Harbor, Niagara County, N.Y., February 25: The statement concerns small boat harbor improvements for recreation craft on southern Lake Ontario at the hamlet of Olcott. The proposed improvement would consist of arrowhead breakwaters, modification of the existing lake entrance navigation channel, and dredging an inner harbor navigation channel. Approximately 5.0 acres of benthic habitat would be disturbed and 2.2 acres would be eliminated. A 1.5 acre pond would be lost when the site is used for the disposal of polluted dredged materials (Buffalo District). (ELR Order No. 50281.)

Coos Bay (Supplement), Coos County, Oreg., February 24: Proposed is the construction of a channel across the outer bar of Coos Bay 45 feet deep and 700 feet wide, reducing gradually to 35 feet deep and 300 feet wide, and a 15-mile long inner channel. The project also includes the enlarging of existing turning basins. Construction will involve blasting, dredging, and disposal of an estimated 8,550,00 cubic yards of material at sea, in-Bay, and on land. Construction disruption and disturbance of 125 acres of ocean and estuarine bottom area and 437 acres of land disposal area, would result. When the project is completed, the area will require about 1 to 2 months additional dredging time each dredging interval (Portland). (ELR Order No. 50267.)

Atlantic Intracoastal Waterway, South Carolina and Florida, February 25: Proposed is the annual maintenance dredging of the Atlantic Intracoastal Waterway from Port Royal Sound, S.C. to Cumberland Sound, Florida. Approximately one million cubic yards of shoal material will be removed from this 181-mile section of the Waterway to facilitate continued navigation. The disposal areas include 17 unconfined (marshland) sites, two diked areas, and four open water disposal areas. The project will result in temporarily increased water pollution and displacement of animal and bird species utilizing selected disposal areas (Savannah District). (ELR Order No. 50273.)

Lower Granite Project, Snake River, Washington and Idaho, February 25: Proposed is the completion of a dam, generators, and navigation lock at river mile 107.5 on the Snake River, and operation of the Lower Granite project. The dam will have a power capacity of 810,000 kilowatts when all six generators are operational. The project also includes completion of highway, railroad, and utility relocations, beautification of the levees, and implementation of fish and wildlife compensation measures (Walla Walla District). (ELR Order No. 50273.)

Final

Homer Small Boat Harbor, Alaska, February 25: Proposed is the maintenance dredging of the harbor to its authorized dimensions. There will be adverse impact to marine biota (Anchorage District). Comments made by: DOI, DOC, USCG, EPA, and State agencies. (ELR Order No. 50272.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Draft

O'Hara Wastewater Conveyance System, Cook County, Ill., February 28: The statement concerns a system of conveyance tunnels and drop shafts to intercept and convey wastewater from a 58.2 square mile service area in the Northwest region of the Metropolitan Sanitary District of Greater Chicago to the proposed O'Hara Water Reclamation Plant. Occasional exfiltration into groundwater aquifers might occur, and a groundwater well monitoring program is planned to discover any problems which may develop. (ELR Order No. 50286.)

O'Hare Water Reclamation Plant, Cook County, Ill., February 28: Proposed is the construction of the O'Hare Water Reclamation Plant for the O'Hare Service Area. The plant will treat sewage in a two stage process, discharging effluent into Higgins Creek. Process solids remaining would be transported via a pipeline to the MSDGC Salt Creek Water Reclamation Plant for further treatment. Occasional odors and temporary construction disruption will result. (ELR Order No. 50287.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Draft

Border Patrol Sector Headquarters, Marfa, Presidio County, Tex., February 25: Proposed is the construction of a 4-building, 29,000 square foot complex to house the operation of the Border Patrol, a branch of the Immigration and Naturalization Service. The complex will include facilities for vehicle repair and storage and a parking lot for 35 vehicles. The existing buildings on the 8.2-acre site will be used until completion of the new facility, and then removed. Construction disruption will result. (ELR Order No. 50275.)

Drug Enforcement Administration Lease Facility, Dallas County, Tex., February 28: The action proposes the lease construction of a facility for sole occupancy by the Drug Enforcement Administration, an agency of the US Department of Justice. Although no site has been selected, the most favorable location would be in a 14 sq. mile area just North of the Dallas Central Business District encompassing Love Field. The building will supply 51,500 square feet of space, including office space, a laboratory, fire-arms range, and a helicopter landing pad. (ELR Order No. 50288.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BONNEVILLE POWER ADMINISTRATION

Draft

Satsop Integrating Transmission (Supplement), Thurston, Lewis and Grays Harbor, Counties, Wash., February 27: The statement is a draft supplement concerning facility location evaluations on the proposal for Satsop Integrating Transmission. Six alternative route locations are considered. Depending upon the final route chosen, between 62 and 73 miles of 500-kV transmission line between the proposed Satsop Substation and Olympia and Paul Substation over existing, parallel, and new right-of-way would be required. The project would clear from 560 to 1,180 acres of timber and remove from production .25 to 4 acres of agricultural land. In addition, approximately 30 acres of land would be required for the substation. (ELR Order No. 50284.)

NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546, 202–755–8433.

Final

Viking 1975 Program, February 27: The statement refers to the Viking Program, which is part of an overall NASA program designed to explore the planet Mars with automated spacecraft. In 1975 two Viking spacecraft, with Lander Capsule and Orbiter, will be launched from the Air Force Eastern Test Range by Titan/Centaur vehicles, to conduct orbital, upper atmospheric, and surface investigation of Mars. Comments made by: AEC, DOD, EPA, STAT, and State of Florida. (ELR Order No. 50283.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, NRC, Washington, D.C. 20545, 301–973–7373.

Final

Indian Point Station, Unit 3, Westchester County, N.Y., February 27: Proposed is the issuance of an operating license to the Consolidated Edison Company for Unit 3 of the Station. The Unit will employ a pressurized water reactor to produce 3,025 MWt and 965 MWe (net); future levels of 3,216 MWt and 1,033 MWe are anticipated. Exhaust steam will be condensed by a once-through flow of water from the Hudson River. The statement considers the environmental impact from simultaneous operation of all three units of the station, (two volumes). Comments made by: USDA, DOC, HEW, DOI, DOT, EPA, FPC, State and local agencies, and concerned citizens. (ELR Order No. 50285).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Final

Boston-Logan International Airport, Suffolk County, Mass., February 25: The proposed project entails the construction of a new runway 15–33, 100′ x 3,830′; extension of runway 9, 150′ x 1,855′; extension of runway 4L, 150′ x 2,020′, with associated taxiways, lighting and marking. The improvements will be located on the existing Bird Island Flats. pollution and loss of wildlife habitat. Increases in air and noise pollution will occur (approximately 300 pages). Comments made by: USDA, AEC, DOI, EPA, HUD, and State and local agencies. (ELR Order No. 50280.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

561 North-South Facility and U.S. 61-Bypass, Daven, Iowa, Scott County, February 24: Proposed is the addition of traffic facilities in the 5.5 mile north-south corridor and the 4.5 mile east-west corridors of Davenport, Iowa, which are now served by U.S. 61 and other local streets. The major environmental impacts are displacement of families and businesses, possible acquisition of publicly-owned parks, and possible displacement of

historical sites, depending upon the alternative selected. A 4(f) statement is included (182 pages). (ELR Order No. 50269.)

Railroad Relocation Demonstration Project, Elko County, Nev., February 24: Proposed is the relocation and consolidation of 5.4 miles of main line Southern Pacific and Western Pacific track from the downtown area of Elko, Nevada. This demonstration railway-road grade crossing elimination project will require approximately 46 acres of land, displacing from 65 to 115 families and from 13 to 24 commercial units, depending upon the alternative selected. (ELR Order No. 50263.)

Final

Alabama 67, Morgan County, Ala., February 24: Proposed is the reconstruction of 9.4 miles of Alabama 67 east of Decatur from two to four lanes. Adverse impact will include the displacement of 4 businesses and 10 families, and the temporary increases of air and noise pollution levels during construction (66 pages). Comments made by: HUD, DOT, USDA, TVA, DOI, HEW, EPA, COE, and State agencies. (ELR Order No. 50264.)

Inner Belt Loop, Charlotte, Mecklenburg County, N.C., February 24: The project proposes to provide a four-lane thoroughfare in the southeastern quadrant of the Charlotte urban area. The facility, which will extend from York Road (NC 49) to Central Avenue, is approximately 8.4 miles in length. Adverse impacts include acquisition of right-of-way, displacement of 9 families, loss of aesthetic quality by tree removal and erosion and siltation. Comments made by: USDA, COE, EPA, FPC, GSA, HEW, DOI, AHP, and State and local agencies. (ELR Order No. 50268.)

Madison Street Underpass, Eau Claire, Eau Claire County, Wis., February 25: The project involves construction of a railroad grade separation structure and associated street reconstruction in the City of Eau Claire. Adverse impacts include the removal of 21 buildings, acquisition of 2 to 3 acres of land, removal of 200 to 300 trees, displacement of 19 families and 4 businesses, and temporarily increased noise levels due to construction (75 pages). Comments made by: DOI, EPA, and State agencies. (ELR Order No. 50278.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-5992 Filed 3-6-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GOVERNMENT/INDUSTRY OIL SHALE IN-SITU CONFERENCE

Meeting

CROSS REFERENCE: For a document giving notice of a joint meeting by the Office of the Secretary, Department of the Interior and the Energy Research and Development Administration, see FR Doc. 75-6082, supra.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/202; FRL 341-7]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before May 6, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 6, 1975.

Dated: February 28, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (32000/202)

EPA File Symbol 1029-REI. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. CARB-EX BAIT INSECTICIDE CONTAINS 5% SEVIN WITH APPLE PUMICE ATTRACTANT. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 3533-LI. Airkem, A Div. of Airwick Indus., Inc., 111 Commerce Rd., Carlstadt NJ 07072. A-33 DISINFECTANT DETERGENT AND ODOR COUNTERACTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.8%; Essential Oils 1.0%; Tetrasodium ethylene diamine tetraacetate 1.0%; Sodium Carbonate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31.

EPA File Symbol 5481-RIL. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. PARATHION 25 W. Active Ingredients: Parathion: 0,0-diethyl 0-p-nitrophenyl phosphorothioate 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1526-LNE. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. AGRO-CHEM BRAND ZM 8% FUNGICIDE DUST. Active Ingredients: Manganese 1.6%; Zinc 0.2%; Ethylene bisdithiocarbamate ion 6.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 839-AG. Bell Chem. Co., 1421 Levee St., Dallas TX 75207. AQUA-KLEER. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 2620-AO. C-Z Chem. Co., Inc., Argyle Rd., Beloit WI 53511. "F.E.S." PLUS CLEANER #540 (FOOD EQUIPMENT SANITIZER). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C-18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 27029-G. Central Pool Supply Inc., 1519 Pioneer Parkway W., Peoria IL 61614. POOL PRIDE ALGAECIDE CONCENTRATE. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 27029-E. Central Pool Supply Inc., 1519 Pioneer Parkway W., Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 100-LIR. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. AATREX RP4L. Active Ingredients: Atrazine [2-chloro-4-(ethylamino) - 6 - (isopropylamino) - s - triazine] 40.8%; Related Compounds 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 33368-L. Culligan Water Conditioning Co., 1242 Market St., Chattanooga TN 37402. M-3008. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 33368-U. Culligan Water Conditioning Co. M-2010. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 10.0% Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 33368-G. Culligan Water Conditioning Co. M-3017 FOR COOLING TOWERS. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 33368-E. Culligan Water Conditioning Co. SPA-10. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 11741–O. D. W. Davies & Co., Inc., 3200 Phillips Ave., Racine WI 53403. TRIPLE KLEEN 100. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethyibenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 36309–R. Dept. of Health, Education and Welfare, Ofc. of Surplus Property Utilization, Washington DC 20201. CONTACT HERBICIDE. Active Ingredients: Sodium Cacodylate 26.3%; Dimethylarsinic Acid (Cacodylic Acid) 4.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 192–RRT. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL TOMATO BLOOM. Active Ingredients: p-Chiorophenoxyacetic Acid 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 192–RRO. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL SYSTEMIC HOUSE PLANT INSECTICIDE. Active Ingredients: 0,0-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 5736–UT. DuBois Chem., 3630 E. Kemper Rd., Sharonville OH 45241. HFC–11 DISINFECTANT-CLEANER-SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethyibenzyl ammonium chlorides 2.5%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 11694–AA. Dymon, Inc., 3401 Kansas Ave., PO Box 6175, Kansas City KS 66106. LOCK VALVE FOR CONTINUOUS SPRAYING FOR EXPEL. Active Ingredients: (5-Benzyi-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500%; Related compounds 0.063%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 13.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11694–AL. Dymon Inc. SYNTHA MIST. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11694–AN. Dymon, Inc. INSECTICIDE DEODORANT GRANULES. Active Ingredients: 2,2-dichorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 11694–AU. Dymon, Inc. AIR SANITIZER AND ODOR CONTROL. Active Ingredients: Isopropyl Alcohol 29.20%; Triethylene Glycol 4.70%; Propylene Glycol 4.40%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 6621–AG. Eagle Chem. Co., 2819 W. Lake St., Chicago IL 60612. MISTICIDE DISINFECTANT. Active Ingredients. n-Alkyl (60% C12, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethyibenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 279–GNNG. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. INTERMEDIATE CONC. 7.8-12.0-8.0 INSECTICIDE — FOR MANUFACTURING USE ONLY. Active Ingredients: Pyrethrins 7.8%; Piperonyl Butoxide, Technical (Equivalent to 9.6% (butylcarbityl) (6-propylpiperonyl) ether and 2.4% related compounds) 12.0%; N-octyl bicycloheptene dicarboximide 8.0%; Petroleum Distillate 72.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 279–GNNR. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. PYRENONE DURSBAN DUAL E.C. RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 3.33%; Piperonyl Butoxide, Technical (Equivalent to 13.31% (butylcarbityl) (6-propyipiperonyl) ether and to 3.33% related compounds) 16.64%; Petroleum Distillate 13.32%; Chlorpyrifos [0,0-Diethyl 0-(3,5,6-trichlor-2-pyridyi) phosphorothioate] 31.99%; Aromatic Petroleum Derivative Solvent 27.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5905–UUN. Helena Chem. Co., 5100 Poplar Ave., Memphis TN 38137. HELENA 2% LIQUID GIB A GIBBERELLIN PLANT GROWTH SUBSTANCE. Active Ingredients: Potassium Gibbereliate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2693–RNT. International Paint Co., Inc., Elmwood & Morris Aves., Union NJ 07083. FIBERGLASS BOTTOMKOTE ANTIFOULING PAINT 779 BLACK. Active Ingredients: Cuprous Oxide 42.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 25881–L. Lispar, Ltd., 3236 N. 11th St., Philadelphia PA 19140. LISPAR ALGAECIDE 10%. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 8.4%; n-di-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) methyl benzyl ammonium chlorides 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 299–ROG. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. DIAZINON PECAN AND FRUIT TREE SPRAY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6 - methyl - 4 - pyrimidinyl) phosphorothioate 12.5%; Aromatic petroleum Derivative Solvent 79.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 259–LG. Missouri-Kansas Chem. Co., 1708–16 Campbell St., Kansas City MO 64108. PLUS GERMICIDE–FUNGICIDE – DISINFECTANT – DEODORANT. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 6.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 9855–GG. Mobil Chem. Co., PO Box 250, Maintenance & Marine Coatings Dept., Edison NJ 08817. SHIPBOTTOM PAINT COASTAL SERVICE ANTI-FOULING 59–R–5 KR. Active Ingredients: Cuprous Oxide 37.3%; Copper Naphthenate 1.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 33370–G. Morton Herman Co., 207 W. University Dr., Arlington Hgts IL 60004. SUPER HERMOX *11* CLEANER, DISINFECTANT, DEODORIZER, FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 3624–RAL. Nova Products Inc., PO Box 5086, Kansas City KS 66119. NOVA FOGGING CONCENTRATE 3–6–10. Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide, Technical (Equivalent to 4.8% (butylcarbityl) (6-propyipiperonyl) ether and 1.2% related compounds) 6.00%; N-octyl bicycloheptene dicarboximide 10.00%; Petroleum distillate 12.00%; Mineral oil 69.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11620–A. Olsen Chem. Co., 62–64 E. 26th St., Paterson NJ 07514. MICRO B1 N4. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N - methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 11620–L. Olsen Chem. Co. MICRO B1 N3. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N - methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 11620–U. Olsen Chem. Co. MICRO B1 N2. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N - methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 35905–R. Polysciences, Inc., Paul Valley Indus. Park, Warrington PA 18976. GERMASONIC DISINFECTANT-ULTRASONIC CLEANER. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diaminetetraacetic acid 2.5%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 6811–LN. Research Products Co., 2423 Merrell Rd., Dallas TX 75229. ZONE RESIDUAL INSECTICIDE. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical (Equivalent to 0.08% (butylcarbityl) (6-propylpiperonyl) ether and 0.02% related compounds) 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; Baygon, 2-(1-methylethoxy) phenol methylcarbamate 0.500%; Petroleum distillates 91.730%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 201–GIR. Shell Chem. Co., Suite 200, 1025 Conn. Avenue, NW., Washington DC 20036, RABON INSECTICIDE FLOWABLE MANUFACTURING BASE CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyi phosphate 94%. Method of Support: Application proceeds under 2(b) of interim policy. PM14.

EPA File Symbol 6720–EUU. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP PYRETHRINS ULV FOGGING CONCENTRATE. Active Ingredients: Pyrethrins 3%; Piperonyi butoxide, technical (Consists of 4.8 (butylcarbityl) (6-propyipiperonyl) ether and 1.2% other related compounds) 6%; N-octyl bicycloheptene dicarboximide 10%; Petroleum distiliate 81%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11715–UA. Speer Products, Inc., 105 S. Parkway W., Memphis TN 38109. SPEER INSECTICIDE, PYRETHRUM SPACE SPRAY SYNERGIZED PYRETHRINS. Active Ingredients: Pyrethrins 0.4%; Technical Piperonyl Butoxide (6-Propylpiperonyl) Ether and 0.32% related compounds) 1.6%; Deodorized Kerosene 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10562–RG. Vasco Chem., PO Box 238, Hanford CA 93230. VASCO POOL PROTECTOR. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 1270–ROU. Zep Mfg. Co., PO Box 2015, Atlanta GA 30301. ZEP X-1075 HOSPITAL GRADE DISINFECTANT, DEODORANT, SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) Dimethyl ethylbenzyl ammonium chlorides 5.0%; Ethyl alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 10238–RO. Zimmite Corp., 810 Sharon Dr., Cleveland OH 44145. CHEMTROL 22. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 10238–RI. Zimmite Corp., 810 Sharon Dr., Cleveland OH 44145. CHEMTROL 23. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

[FR Doc.75–6011 Filed 3–6–75;8:45 am]

[FRL 342–2]

UPJOHN CO.

Establishment of Temporary Tolerances

The Upjohn Co., Kalamazoo, MI 49001, submitted a petition (PP 5G1558) requesting establishment of a temporary tolerance for the combined residues of the insecticide N'-(2,4-dimethylphenyl) -N-[(2,4-dimethylphenyl)imino]methyl-N-methylmethanimidamide and its metabolites N'-(2,4-dimethylphenyl)-N-methylmethanimidamide and N-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities apples and pears, intended for the fresh fruit market only, at 1 part per million.

It has been determined that these temporary tolerances for residues of the insecticide in or on apples and pears at 1 part per million will protect the public health. They are therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Upjohn Co. name.

These temporary tolerances expire February 28, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 28, 1975.

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

[FR Doc.75–6012 Filed 3–6–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 743]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 3, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21178–CD–P–(2)–75, A. W. Brothers (NEW) C.P. for a new station to operate on 152.21 MHz. to be located 2 mi. NW on Red Mountain, Boulder City, Nevada.

21179–CD–P–75, Communication Specialists Company, Inc. (NEW) C.P. for a new station to operate on 152.030 MHz. to be located at 1645 Southwest Highway 101, Lincoln City, Oregon.

21180–CD–P–75, Allegheny Mobile Telephone Company, Inc. (KGA252), C.P. to change antenna system operating on 152.09 MHz. at Loc. #3: 1725 Washington Road, Bethel, Pennsylvania.

21181–CD–TC–75, B and C Mobile Communications, Inc., Consent to Transfer of Control from Chester G. Cruikshank, TRANSFERROR to William O. Broyles, TRANSFEREE. Station: KUO572, Lamar, Colorado.

21182–CD–P–75, The Pacific Telephone and Telegraph Company (KMB302), C.P. to change antenna height operating on 35.38 MHz. at Loc. #1: Holly Sugar Co. 4.5 Miles SSW of Brawley, California.

21183–CD–P–75, Radio Relay Corp.—California (KME438), C.P. to relocate facilities operating on 35.22 MHz. at Loc. #2: 500 Newport Center Drive East, Newport Beach, California.

21184–CD–P–75, South Central Bell Telephone Company (KUC910), C.P. for additional Air-Ground facilities to operate on 459.875 MHz. to be located approximately 1.0 mile NE of Troy, Alabama.

21185–CD–P–(2)–75, South Central Bell Telephone Company (NEW), C.P. for a new station to operate on 454.425 and 454.525 MHz. to be located at 351 West Madison Avenue, Bastrop, Louisiana.

21186–CD–P–75, Eastex Mobilephone Company (NEW), C.P. for a new station to operate on 152.12 MHz. to be located 0.66 mi. SE of Center, Center, Texas.

21187–CD–P–75, Radiophone of Sedalia, Inc. (KRS633), C.P. to relocate facilities and change antenna system operating on 152.21 MHz. located at 1819 West Main Street, Sedalia, Missouri.

21188–CD–P–75, Central Mobile Radio Phone Service (KQK595), C.P. to change antenna system operating on 152.12 MHz. located at Commodore Perry Hotel, 505 Jefferson Ave., Toledo, Ohio.

RURAL RADIO

60286–CR–P–75, South Central Bell Telephone Company (NEW), C.P. for a new rural subscriber station to operate on 157.77, 157.83 & 158.01 MHz. to be located 4.7 miles southeast of Sweet Lake, Louisiana.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2465–CF–P–75, Southwestern Bell Telephone Company (KKW21), 401 North Broadway, Corpus Christi, Texas. Lat. 27°47'35" N., Long. 97°23'48" W. C.P. to add frequencies 3710H and 4190H MHz toward a new point of communication at Bayside, Texas on azimuth 25 degrees/09 minutes; add 4050V MHz toward Rabb, Texas on azimuth 279 degrees/11 minutes.

2466–CF–P–75, Same (KOA59), 5 Miles NE of Floresville, Texas. Lat. 29°11'21" N., Long. 98°06'20" W. C.P. to add frequency 3730V MHz toward Ecleto, Texas on azimuth 115 degrees/50 minutes.

2467–CF–P–75, Same (KOA60), Ecleto, 5.2 Miles SE of Gillett, Texas. Lat. 29°02'50" N., Long. 97°46'23" W. C.P. to add frequencies 3770V MHz toward Choate, Texas on azimuth 175 degrees/01 minute; add 3930V MHz toward Floresville, Texas on azimuth 296 degrees/00 minutes.

2468–CF–P–75, Same (KOA61), Choate, 9 Miles SE. of Kenedy, Texas. Lat. 28°43'28" N., Long. 97°44'28" W. C.P. to add frequencies 3730V MHz toward Beeville, Texas on azimuth 190 degrees/31 minutes; add 3890V MHz toward Ecleton, Texas on azimuth 355 degrees/02 minutes.

2469–CF–P–75, Same (KOA62), 4 Miles SW of Beeville, Texas. Lat. 28°23'14" N., Long. 97°48'43" W. C.P. to add frequencies 3770V MHz toward Orange Grove, Texas on azimuth 207 degrees/53 minutes; add 3930V MHz toward Choate, Texas on azimuth 10 degrees/29 minutes.

2470–CF–P–75, Same (KOA63), 7.2 Miles NW of Orange Grove, Texas. Lat. 28°00'50" N., Long. 98°02'04" W. C.P. to add frequencies 4130V MHz toward Rabb, Texas on azimuth 121 degrees/59 minutes; add 3890V MHz toward Beeville, Texas on azimuth 27 degrees/47 minutes.

2471–CF–P–75, Same (KOA64), Rabb, 5 Miles NW of Robstown, Texas. Lat. 27°50'21" N., Long. 97°43'13" W. C.P. to add frequencies 4170V MHz toward Corpus Christi, Texas on azimuth 99 degrees/02 minutes; add 4090V MHz toward Orange Grove, Texas on azimuth 302 degrees/08 minutes.

2472–CF–P–75, Same (NEW), 209 North Bridge, Victoria, Texas. Lat. 28°48'03" N., Long. 97°00'23" W. C.P. for a new station on frequencies 3750H and 4198H MHz toward a new point, of communication at Vidauri, Texas on azimuth 197 degrees/25 minutes.

2473–CF–P–75, Same (NEW), 2 Miles NW of Bayside, Texas. Lat. 28°06'44" N., Long. 97°13'39" W. C.P. for a new station on frequencies 3750H and 4198H MHz toward a new point of communication at Vidauri, Texas on azimuth 14 degrees/01 minute; 3750H and 4198H MHz toward Corpus Christi, Texas on azimuth 205 degrees/14 minutes.

2474–CF–P–75, Southwestern Bell Telephone Company (NEW), Vidauri, 12 Miles NE of Refugio, Texas. Lat. 28°26'11" N., Long. 97°08'09" W. C.P. for a new station on frequencies 3710H and 4190H MHz toward a new point of communication at Victoria, Texas on azimuth 17 degrees/22 minutes; 3710H and 4190H MHz toward a new point of communication at Bayside, Texas on azimuth 194 degrees/04 minutes.

2758–CF–P–75, American Telephone and Telegraph Company (KJK38), 400 S.W. Second Avenue, Gainesville, Florida. Lat. 29°39'03" N., Long. 82°19'45" W. C.P. to add frequency 3810H MHz toward Archer, Florida on azimuth 234 degrees/57 minutes.

2759–CF–P–75, Same (KVD94), 3.4 Miles SW of Archer, Florida. Lat. 29°30'14" N., Long. 82°34'06" W. C.P. to change azimuth and add frequency 3850H MHz toward Gainesville, Florida on azimuth 54 degrees/50 minutes; add 3850H MHz toward Chiefland, Florida on azimuth 276 degrees/52 minutes.

2760–CF–P–75, Same (KSV32), 3.8 Miles North of Chiefland, Florida. Lat. 29°31'50" N., Long. 82°49'26" W. C.P. to add frequency 3810H MHz toward Archer, Florida on azimuth 96 degrees/44 minutes.

2770–CF–P–75, Same (KYN90), 9.5 Miles NNE of Boone, Iowa. Lat. 42°09'55" N., Long. 93°47'37" W. C.P. to add frequency 3890V MHz toward Radcliffe, Iowa on azimuth 63 degrees/33 minutes.

2771–CF–P–75, Same (KAS43), 1.0 Mile SSE of Radcliffe, Iowa. Lat. 42°18'06" N., Long. 93°25'22" W. C.P. to add frequency 3930V MHz toward Hampton, Iowa on azimuth 13 degrees/14 minutes.

2772–CF–P–75, Same (KAS44), 5.0 Miles WSW of Hampton, Iowa. Lat. 42°42'55" N., Long. 93°17'27" W. C.P. to add frequency 3890H MHz toward Nora Springs, Iowa on azimuth 15 degrees/03 minutes.

2783–CF–P–75, The Lincoln Telephone and Telegraph Company (KYJ60), 1.25 Miles West, 3 Miles North of Memphis, Nebraska (Approximately 7 Miles SSE of Mead, Nebraska) Lat. 41°08'18" N., Long. 96°27'19" W. C.P. to add frequency 6360.3H MHz toward Omaha UNO, Nebraska Azimuth 70 degrees/20.8 minutes.

2761–CF–P–75, American Telephone and Telegraph Company (KJM98), 415 Clay Street, Jacksonville, Florida. Lat. 30°19'51" N., toward Omaha UNO, Nebraska on azimuth and distance, and add frequency 3990V MHz toward Middleburg, Florida on azimuth 216 degrees/20 minutes.

2762–CF–P–75, Same (KJW72), 3.5 Miles NE of Middleburg, Florida. Lat. 30°06'41" N., Long. 81°50'55" W. C.P. to change azimuth and distance, and add frequencies 3950V MHz toward Jacksonville 2, Florida on azimuth 36 degrees/15 minutes; add 3950V MHz toward Goldhead, Florida on azimuth 202 degrees/15 minutes.

2763–CF–P–75, American Telephone and Telegraph Company (KJK38), 400 S.W. Second Avenue, Gainesville, Florida. Lat. 29°39'03" N., Long. 82°19'45" W. C.P. to change azimuth and distance, and add frequency 3950V MHz toward Goldhead, Florida on azimuth 58 degrees/59 minutes.

2791–CF–P–75, Same (KJW71), Goldhead, 4.7 Miles NE of Keystone Heights, Florida. Lat. 29°50'03" N., Long. 81°58'43" W. C.P. to change azimuth and distance and add frequencies 3990V MHz toward Middleburg, Florida on azimuth 22 degrees/11 minutes; add 3990V MHz toward Gainesville, Florida on azimuth 239 degrees/09 minutes.

2778–CF–P–75, RCA Alaska Communications, Inc. (WKS47), Bird Point, 6.5 Miles WSW of Girdwood, Alaska. Lat. 60°55'47" N., Long. 149°21'01" W. C.P. to add frequency 2175.4V MHz toward a new point of communiation at Bird Creek, Alaska on azimuth 308 degrees/59 minutes.

2757–CF–ML–75, Southern Bell Telephone and Telegraph Company (KOC63), 0.1 Mile West of Jupiter, Florida. Lat. 26°56'04" N., Long. 80°06'33" W. Mod. of License to change point of communication to read West Palm Beach, Florida (WDD43) (25.6 Km).

2799–CF–75, Bell Telephone Company of Nevada (KPF81), 195 East First Street, Reno, Nevada. Lat. 39°31'35" N., Long. 119°48'38" W. C.P. to add frequency 4130V MHz toward McClellan Peak, Nevada on azimuth 161 degrees/50 minutes.

2800–CF–P–75, Same (KPR96), McClellan Peak, 3 Miles West of Silver City, Nevada. Lat. 39°15'35" N., Long. 119°41'53" W. C.P. to add antenna and frequencies 4170V MHz toward Reno, Nevada on azimuth 341 degrees/59 minutes; add 3930V MHz toward Eagle Ridge, Nevada on azimuth 52 degrees/39 minutes.

2801–CF–P–75, Same (KPF88), Eagle Ridge, 8.8 Miles SW of Farnley, Nevada. Lat. 39°-29'01" N., Long. 119°19'04" W. C.P. to add antenna, change polarization from Horizontal to Vertical on frequencies 3810 and 3730 MHz toward Black Mtn., Nevada; add 3970V MHz toward McClellan Peak, Nevada on azimuth 232 degrees/53 minutes; add 3890V MHz toward Black Mountain, Nevada on azimuth 147 degrees/01 minute.

2802–CF–P–75, Same (KPF89), Black Mountain, 3 Miles NW of Schurz, Nevada. Lat. 38°57'58" N., Long. 118°53'18" W, C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Rabbit Springs, Nevada; add 3930V MHz toward Eagle Ridge, Nevada on azimuth 327 degrees/18 minutes; add 3930V MHz toward Rabbit Springs, Nevada on azimuth 124 degrees/26 minutes.

2803–CF–P–75, Same (KPF90), Rabbit Springs, 18.5 Miles NW of Luning, Nevada. Lat. 38°39'16" N., Long. 118°18'40" W. C.P. to add antenna and change polarization from Horizontal to Vertical on frequencies 3810 and 3730 MHz toward Columbus, Nevada; add 3890V MHz toward Black Mountain, Nevada on azimuth 304 degrees/47 minutes; add 3890V MHz toward Columbus, Nevada on azimuth 154 degrees/01 minute.

2804–CF–P–75, Bell Telephone Company of Nevada (KPF91), Columbus, 10 Miles NW of Coaldale, Nevada. Lat. 38°09'26" N., Long. 118°00'16" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Montezuma, Nevada. Add 3930V MHz toward Rabbit Springs, Nevada on azimuth 334 degrees/12 minutes; add 3930V MHz toward Montezuma, Nevada on azimuth 132 degrees/34 minutes.

2805–CF–P–75, Same (KPF92), Montezuma, 8 Miles West of Goldfield, Nevada. Lat. 37°42'06" N., Long. 117°22'57" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Gold Mtn., Nevada; add 3890V MHz toward Columbus, Nevada on azimuth 312 degrees/57 minutes; add 3890V MHz toward Gold Mountain, Nevada on azimuth 166 degrees/18 minutes.

2806–CF–P–75, Same (KVU44), Gold Mountain, 7 Miles SE of Gold Point, Nevada. Lat. 37°18'00" N., Long. 117°15'36" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Bare Mtn., Nevada; add 3930V MHz toward Montezuma, Nevada on azimuth 346 degrees/23 minutes; add 3930V MHz toward Bare Mountain, Nevada on azimuth 131 degrees/50 minutes.

2807–CF–P–75, Same (KVU45), Bare Mountain, 2 Miles SE of Beatty, Nevada. Lat. 36°52'40" N., Long. 116°40'30" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Spotted Range, Nevada; add 3890V MHz toward Gold Mountain, Nevada on azimuth 312 degrees/11 minutes; add 3890V MHz toward Spotted Range, Nevada on azimuth 113 degrees/20 minutes.

2808–CF–P–75, Same (KPE96), Spotted Range, 2.2 Miles SE of Mercury, Nevada. Lat. 36°37'58" N., Long. 115°58'35" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3850 and 3770 MHz toward Angel Peak, Nevada; add 3930V MHz toward Bare Mountain, Nevada on azimuth 293 degrees/45 minutes; add 3930V MHz toward Angel Peak, Nevada on azimuth 133 degrees/28 minutes.

2809–CF–P–75, Same (KOT47), Angel Peak, 7 Miles NE of Mt. Charleston, Nevada. Lat. 36°19'15" N., Long. 115°34'14" W. C.P. to add antenna and change polarization from Horizontal to Vertical on 3810 and 3730 MHz toward Las Vegas, Nevada; add 3890V MHz toward Spotted Range, Nevada on azimuth 313 degrees/42 minutes; add 3890V MHz toward Las Vegas, Nevada on azimuth 122 degrees/32 minutes.

2810–CF–P–75, Same (KOP45), 745 East Tropicana Avenue, Las Vegas, Nevada. Lat. 36°06'03" N., Long. 115°08'49" W. C.P. to add antenna and frequency 3930V MHz toward Angel Peak, Nevada on azimuth 302 degrees/47 minutes.

2811–CF–MP–75, American Telephone and Telegraph Company (WAH615), 4.1 Miles SSE of Woodbury, Georgia. Lat. 32°57'09" N., Long. 84°32'45" W. Mod. Permit to change coordinates, azimuth, antenna system and location, and frequencies 11325H, 11485H and 11645H MHz to 5974.8V, 6034.2V and 6152.8V MHz towards Zebulon, Georgia on azimuth 60 degrees/43 minutes.

2812–CF–MP–75, Same (WAH616), 3.5 Miles South of Zebulon, Georgia. Lat. 33°02'58" N., Long. 84°20'25" W. Mod. Permit to change coordinates, azimuths, antenna system and location, and frequencies 10715H, 10875H and 11035H MHz to 6226.9H, 6286.2H and 6404.8H MHz toward Woodbury Junction, Georgia on azimuth 240 degrees/49 minutes.

2813–CF–MP–75, Same (WAH617), 1.0 Mile WSW of Goggins, Georgia. Lat. 33°04'24" N., Long. 84°06'31" W. Mod. Permit to change azimuth to read 263 degrees/05 minutes for frequency 3730V toward Zebulon, Georgia.

2814–CF–ML–75, American Telephone and Telegraph Company (KYN90), 9.5 Miles NNE of Boone, Iowa. Lat. 42°09'55" N., Long. 93°47'37" W. Mod. License to change polarization from Horizontal to Vertical on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz toward Ames, Iowa on azimuth 157 degrees/56 minutes.

2815–CF–ML–75, Same (KAS42), 6.0 Miles SW of Ames, Iowa. Lat. 41°57'07" N., Long. 93°40'40" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Vertical to Horizontal on 4010, 4090, and 4170 MHz toward Boone, Iowa on azimuth 338 degrees/01 minute; change from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, and 4150 MHz toward Des Moines, Iowa on azimuth 174 degrees/18 minutes.

2816–CF–ML–75, Same (KAA70), Adjacent Lot West of 909 High Street, Des Moines, Iowa. Lat. 41°35'17" N., Long. 93°37'46" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3890, 3970, 4050, and 4130 MHz toward Ames, Iowa on azimuth 354 degrees/20 minutes; change from Horizontal to Vertical on 3710, 3790, 3870, 3950, 4030, and 4110 MHz; and from Vertical to Horizontal on 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward Earlham, Iowa on azimuth 257 degrees/37 minutes.

2817–CF–ML–75, Same (KAA95), 3 Miles West of Earlham, Iowa. Lat. 41°29'50" N., Long. 94°10'18" W. Mod. Of License to change polarization from Horizontal to Vertical on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Vertical to Horizontal on 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Des Moines, Iowa on azimuth 77 degrees/15 minutes.

2818–CF–ML–75, Same (KBI99), 1.2 Miles SSW of Tyro, Kansas. Lat. 37°01'11" N., Long. 95°49'17" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz, and from Horizontal to Vertical on 3770, 3850, and 4170 MHz toward Herd, Oklahoma on azimuth 244 degrees/47 minutes.

2819–CF–ML–75, American Telephone and Telegraph Company (KRR52), 1.0 Mile NW of Herd, Oklahoma. Lat. 36°51'57" N., Long. 96°13'35" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3730, 3810, and 4130 MHz toward Tyro, Kansas on azimuth 64 degrees/33 minutes; change location of alarm center to read 6.0 Miles NE of LaCygne, Kansas (KAR84).

2820–CF–ML–75, Same (KKC97), 3.5 Miles WNW of Hardy, Oklahoma. Lat. 36°58'27" N., Long. 96°52'00" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz, and from Horizontal to Vertical on 3950, 4030, 4110, and 4190 MHz toward Dalton, Kansas on azimuth 314 degrees/22 minutes.

2821–CF–ML–75, Same (KAC66), 2.0 Miles North of Dalton, Kansas. Lat. 37°17'27" N., Long. 97°16'32" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz, and from Horizontal to Vertical on 3990, 4070, 4150, and 4198 MHz toward Hardy, Oklahoma on azimuth 133 degrees/55 minutes.

2822–CF–ML–75, Same (KAN24), 6.5 Miles South of Red Oak, Iowa. Lat. 40°54'53" N., Long. 94°14'10" W. Mod of License to change polarization from Horizontal to Vertical on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz, and from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, and 4150 MHz toward Braddyville, Iowa on azimuth 157 degrees/51 minutes.

2823–CF–ML–75, Same (KAR69), 2.5 Miles NW of Braddyville, Iowa. Lat. 40°36'30" N., Long. 95°04'21" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, and 4170 MHz toward Red Oak, Iowa on azimuth 337 degrees/57 minutes.

2824–CF–ML–75, Same (KST31), Main & August Streets, Mascoutah, Illinois. Lat. 38°29'23" N., Long. 89°47'18" W. Mod. of License to change polarization from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, and 4150 MHz, and from Horizontal to Vertical on 3770, 3850, 3930, 4010, and 4170 MHz toward Highland, Illinois on azimuth 15 degrees/30 minutes.

2826–CF–P–75, Illinois Bell Telephone Company (KXR46), 3 Miles South of Waltonville, Illinois. Lat.38°09'55" N., Long 89°02'06" W. C.P. to add antenna and frequencies 11035V and 10795V MHz toward a new point of communication at Mount Vernon, Illinois on azimuth 34 degrees/18 minutes.

2827–CF–P–75, Same (New), 123 South 10th Street, Mt. Vernon, Illinois. Lat. 38°19'01" N., Long. 88°54'13" W. C.P. for a new station on frequencies 11485V and 11245V MHz toward Waltonville, Illinois on azimuth 214 degrees/23 minutes.

2833–CF–P–75, United Wehco, Inc. (New), 2 Miles NE of El Dorado, Arkansas. Lat. 33°14'09" N., Long. 92°38'45" W. C.P. for a new station on 5945.2V MHz toward Farmerville, Louisiana.

2834–CF–P–75, Same (New), 4.5 Miles N of Farmerville, Louisiana. Lat. 32°50'44" N., Long. 92°23'56" W. C.P. for a new station on 6226.9H MHz toward Monroe, Louisiana.

[FR Doc.75-5931 Filed 3-6-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-4]

NON-VESSEL OPERATING COMMON CARRIERS OF USED HOUSEHOLD GOODS

Exemption From Federal Maritime Commission Tariff Filing Requirements, Order of Investigation and Hearing

The purpose of this rulemaking proceeding was to provide an exemption from the Commission's tariff filing requirements to nonvessel operating common carriers by water (NVOCC's) engaged exclusively in providing transportation for used household goods and personal effects. In lieu of the tariff filing requirements of section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) and sections 18(a) and (b) of the Shipping Act, 1916 (46 U.S.C. 817, 817 (b)), the proposed rule required the submission of a semiannual report covering, inter alia, the number of household goods shipments, the number of complaints concerning rates or service received and settled during the period, and the names of ocean carriers utilized.

Comments were invited from interested persons and were received from what can be characterized as two separate and opposing groups, to wit: (1) NVOCC's and NVOCC associations, and (2) conferences of common carriers by water. The Household Goods Carriers Bureau, Household Goods Forwarders Association of America, North American Van Lines, Inc., United Van Lines, Inc., and its subsidiary United Overseas, Inc., herein collectively referred to as "NVOCC's", supported the proposed exemption, subject to certain changes and/or conditions. The Far East Conferences, North Atlantic Mediterranean Freight Conference, and the U.S. Atlantic and Gulf/Australia New Zealand Conference, herein called VOCC's, unconditionally opposed the rule. Hearing Counsel filed a Reply, which was answered by two of the NVOCC's.

Supplementing their arguments, certain of the VOCC's and Hearing Counsel alternatively urge that an evidentiary hearing be conducted by the Commission to resolve the factual questions raised by this proceeding, e.g.:

a. The scope of operations of NVOCC's of used household goods;

b. The extent to which NVOCC's of used household goods will be competitive with the underlying carriers for the same goods;

c. The possible solutions to the tariff problems faced by the NVOCC's of used household goods;

d. The amount of control exercised over NVOCC's of used household goods by the DOD;

e. The number of shipments by individuals as opposed to the DOD and National Accounts; and

f. The problems household goods shippers incur in the domestic offshore trades as opposed to foreign trades.

In reply, the NVOCC's assert that all the important issues which have been raised have either been adequately commented upon or have not been rebutted. They pointed out that no parties have rebutted the NVOCC's allegations regarding (1) the number of shipments of and the control by both the DOD and National Accounts as concerns used household goods; (2) the fact that there is hardly any "C.O.D." traffic in the overseas/foreign household goods moving market; and (3) the scope of operations of the NVOCC's. Additionally, we are advised that it is irrelevant and unnecessary to embark upon an evidentiary hearing on the matter of the extent to which the VOCC's will compete with the

NVOCC's, especially since this proceeding is concerned with the present and not what might happen in the future.[1]

Although the NVOCC's have presented their reasons why they cannot comply with our filing requirements, we are unable to unequivocally accept their unsupported arguments. We believe that a through consideration of all matters relevant to the proposed exemption is necessary to provide the necessary background upon which to predicate a determination as to whether the requested exemption is necessary and should be granted. Without establishing a more complete record, the granting of an exemption at this time would raise the possibility that such action would run afoul of the requirements of section 35 of the Act.

The requirements of section 35 of the Act only permit an exemption where effective regulation by the Commission would not be substantially impaired or where the exemption would not unjustly discriminate nor be detrimental to commerce. At this stage in the proceedings, we are doubtful that the evidence before us is sufficient to satisfy these requirements. We are hesitant to substitute unsupported allegations for evidence of fact. Moreover, we interpret the legislative mandate behind section 35 of the Act to obligate the Commission to explore every salient facet of the used household goods industry before allowing the NVOCC's to be exempt from compliance with our filing regulations. The tariff filing requirements are an integral part of the Commission's regulatory responsibilities and any exemption therefrom must be shown to be necessary and otherwise in compliance with section 35 of the Act. Consequently, we will withhold any action on the petition for exemption until after an evidentiary hearing, as urged, has been completed.

The NVOCC's have argued that section 4 of the Administrative Procedure Act (5 U.S.C. 553) precludes the Commission from instituting the requested evidentiary hearing. It is their position that this section requires that an evidentiary hearing be held only when it is so required by the controlling statute, a condition allegedly lacking under section 35 of the Act. We do not agree with such a strained interpretation of the Administrative Procedure Act. When read in toto, section 4 states that the procedural requirements for an evidentiary hearing are required "only when the agency statute, in addition to providing a hearing, prescribes explicitly that it be 'on record.'" Siegal v. AEC, 400 F. 2d 778, 785 (1968), cited in U.S. v. Allegheny-Ludlum Steel Corp., 406 U.S. 742 (1972). Simply because this proceeding is pursuant to the exercise of legislative rulemaking power, rather than adjudication, and the Act does not require a determination "on the record", does not necessarily mean that the Commission cannot conduct an evidentiary hearing to resolve factual issues raised by the comments if such is deemed necessary and appropriate. For reasons already stated, we have determined to hold such a hearing.

Therefore, *it is ordered*, That pursuant to section 4, Administrative Procedure Act (5 U.S.C. 553), and sections 22, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 833a, 841b), an investigation and hearing be, and hereby is, instituted in this proceeding to determine whether an exemption from the Commission's filing requirements should be accorded to NVOCC's engaged exclusively in providing transportation for used household goods and personal effects. Such investigation shall consider, but not be limited to, the following matters:

a. The scope of operations of NVOCC's of used household goods;

b. The extent to which NVOCC's of used household goods will be competitive with the underlying carriers for the same goods;

c. The possible solutions to the tariff problems faced by the NVOCC's of used household goods;

d. The amount of control exercised over NVOCC's of used household goods by the DOD;

e. The number of shipments by individuals as opposed to the DOD and National Accounts; and

f. The problems household goods shippers incur in the domestic offshore trades as opposed to foreign trades; and

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge; and

It is further ordered, That the NVOCC's and VOCC's listed in Appendix B hereto are hereby named respondents in this proceeding; and

It is further ordered, That any person (other than respondents in this proceeding) who desires to participate herein shall file a petition to intervene in accordance with Rule 5(L) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure, with a copy to parties of record; and

It is further ordered, That an Initial Decision be issued containing a recommendation as to whether the proposed exemption should be granted or denied. If the proposed exemption is granted the Initial Decision will also include any proposed additions, deletions and modifications of the proposed exemption; and

It is further ordered, That notice of this order and proposed exemption for nonvessel operating common carriers of used household goods (Appendix A) be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon all parties and upon the Commission's Bureau of Hearing Counsel;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties who advise the Secretary, Federal Maritime Commission, Washington, D.C. 20573, of their desire for such notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

§§ 531.26(f) and 536.14(c) Exemptions.

The exclusive transportation of used household goods and personal effects when carried under a through bill of lading by a nonvessel operating common carrier by water when such transportation: (1) involves an intermodal movement which includes a segment either regulated or specifically exempted from such regulation under Parts 2 or 4 of the Interstate Commerce Act; and (2) is transported by water on vessels of a common carrier by water regulated by the Federal Maritime Commission; *provided, however*, That the exemption herein granted shall not be effective unless such nonvessel operating common carrier shall on or before February 28, of each year, for the six-month period ending on the preceding December 31, and on or before August 31, for the six-month period ending on the preceding June 30, file with the Federal Maritime Commission, Washington, D.C., the following report.

FEDERAL MARITIME COMMISSION, BUREAU OF COMPLIANCE, WASHINGTON, D. C. 20573

Date:----------

SEMI-ANNUAL REPORT OF NONVESSEL OPERATING COMMON CARRIERS ENGAGED IN INTERMODAL TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS

For the period: From: ------ 19-- to: ------ 19--.

1. Your Legal Business name and the English equivalent if written in a language other than English.
2. Form of organization, i.e., individual, partnership, corporation or other (explain).
3. State or jurisdiction and date of incorporation or registry.
4. Names, residence, citizenship, title of all corporate officers, partnership members, individual proprietors or other principals.
5. Name, address, business and relationship of any person controlling, controlled by or under common control with the reporting carrier.
6. Address of principal United States Office.
7. A full description of the geographical areas served.
8. Type of operation within the United States: Motor carrier or freight forwarder.
9. Ocean carriers utilized during the period covered by this report.
10. (a) Number of individual shipments handled in foreign commerce.
    (b) Number of individual shipments handled in domestic offshore commerce.
11. Number of complaints or claims regarding rates or service received during the period covered by this report. (Attach copies of each complaint, together with the actions taken to settle such complaint or claim).

[1] During the interchange of comments the VOCC's conceded that the unregulated intermodal ratemaking by NVOCC's of used household goods is of minimum threat to VOCC's. However, they qualified their admission by noting that if specific intermodal legislation is passed by Congress, it is not unforeseeable that VOCC's will be in direct competition with NVOCC's for used household goods.

12. Number of complaints or claims settled during the period of this report. (Attach a list identifying the complaint or claim, together with a report of actions taken including the amount claimed and amount of settlement and the reasons therefore).

I certify that the statements contained herein are true and correct to the best of my knowledge and belief, and that the attachments hereto represent all complaints and claims regarding rates or service and a complete record as to the disposition thereof for the period covered by this report.

By: _____
Signature of proprietor, partner or corporate officer and title.

APPENDIX B

	Representing attorney
U.S. Atlantic & Gulf/Australia-New Zealand Conference.	Stanley O. Sher, Billig, Sher, & Jones, Suite 300, 1126 16th St. NW., Washington, D.C. 20036.
United Foreign Shipping Co., United Van Lines, Inc., and United Overseas, Inc.	Gregory M. Rebman, 1230 Boatmen's Bank Bldg., St. Louis, Mo. 63102.
North American Van Lines, Inc.	Martin A. Weissert, P.O. Box 988, Fort Wayne, Ind. 46801.
North Atlantic Mediterranean Freight Conference.	Stanley O. Sher, Billig, Sher, & Jones, Suite 300, 1126 16th St. NW., Washington, D.C. 20036.
Household Goods Carriers' Bureau.	Francis L. Wyche, Dabney T. Waring, Jr., 2425 Wilson Blvd., Arlington, Va. 22201.
Household Goods Forwarders Association of America.	Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K St. NW., Washington, D.C. 20006.
Far East Conference.	Elkan Turk, Jr., Burlingham Underwood & Lord, 25 Broadway, New York, N.Y. 10004.
Bekins Van Lines Co., Bekins Moving and Storage Co. of California, and Bekins Moving and Storage Co. of Hawaii.	Thomas E. Stakem, Macleay, Lynch, Bernhard, & Gregg, Commonwealth Bldg., 1625 K St. NW., Washington, D.C. 20006.

[FR Doc.75-6040 Filed 3-6-75;8:45 am]

SOUTH JERSEY PORT CORP. AND RETLA STEAMSHIP CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 27, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Robert L. Pettegrew, Executive Director, South Jersey Port Corporation, Broadway & Morgan Boulevard, Camden, New Jersey 08104.

Agreement No. T-3066, between the South Jersey Port Corporation (Port and Retla Steamship Company (Retla) provides for a one-year berthing and operating agreement whereby Retla will endeavor to route a majority of its Delaware River cargo to Port facilities at Camden, New Jersey. Pursuant to this arrangement the parties have agreed to wharfage rates, dockage rates and charges for the hire of gantry cranes, as outlined in the agreement. All other port and terminal services and facilities will be provided at rates as set forth in the Port's current general cargo tariff.

By Order of the Federal Maritime Commission.

Dated: March 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6041 Filed 3-6-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-131(b)-1]

PRESIDENT'S LIST OF ARTICLES WHICH MAY BE AFFECTED BY INTERNATIONAL TRADE NEGOTIATIONS

Names and Locations of Hearing Rooms

On January 20, 1975, the Commission issued a public notice of investigaiton and hearings in the above-entitled investigation with respect to the President's list of articles which may be affected by international trade negotiations to be conducted under authority of section 101 of the Trade Act of 1974 (40 FR 3517).

There follows the names and locations of the hearing rooms in cities other than Washington, D.C.:

Cities:	*Dates (1975)*
Board Room, International Trade Mart, 2 Canal Street, New Orleans, La.	March 4.
Federal Executive Board Room (Room 556), Federal Building, Peachtree and Baker, Atlanta, Ga.	March 6.
U.S. Tax Court Room, Room 235, 2d Floor, Federal Building, Post Office, 522 N. Central Avenue, Phoenix, Ariz.	March 11.
U.S. Court of Claims Court Room, 450 Golden Gate Avenue, San Francisco, Calif.	March 13.
Viking Club Room, Raddison Hotel, 45 S. 7th, Minneapolis, Minn.	March 18.
Bonneville Power Administration Auditorium, 1002 Northeast Holladay, Portland, Oreg.	March 20.
Rooms 206 and 208, McGraw Hill Building, 1221 Avenue of the Americas, New York, N.Y. 10020.	April 1.
J. F. Kennedy Building, Room 2003A, Cambridge and Sudbury, Boston, Mass.	April 3.
U.S. Court of Claims Court Room, 219 South Dearborn, Chicago, Ill.	April 8.
31st Floor Reception Room, A.J.C. Federal Building, 1240 East 9th Street, Cleveland, Ohio.	April 10.
U.S. Tax Court, Room 587, 5th Floor, U.S. Federal Building and Court House, 19th and Stout Streets, Denver, Colo.	April 14.
ICC Hearing Room, Suite 620, Union Pacific Building, 1110 North 14th Street, Omaha, Nebr.	April 16.
Auditorium (Room 140), Federal Office Building, 601 E. 12th Street, Kansas City, Mo.	April 18.

By direction of the United States International Trade Commission.

Issued: March 3, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-6023 Filed 3-6-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-171]

SPACE PROCESSING AD HOC ADVISORY SUBCOMMITTEE

Notice of Determination and Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the Administrator of NASA has determined

that the establishment of the Space Processing Ad Hoc Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. This Subcommittee will review proposals for participation in the Space Processing Rocket Experiment Project and the Space Processing Shuttle Payload Definition Study. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA sponsored interagency committee, composed wholly of government employees.

The intent of this Subcommittee procedure is to obtain the advice of the scientific community on the selection of participants for the Space Processing Rocket Experiment Project and the Space Processing Shuttle Payload Definition Study.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MARCH 4, 1975.

[FR Doc.75-6038 Filed 3-6-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Atmospheric Sciences to be held at 9 a.m. on March 25 and 26, 1975, at 1800 G Street, NW., Washington, D.C. The sessions will convene each morning in room 338; other room numbers are indicated in the agenda below.

The purpose of this Panel is to advise the Foundation of the impact of its research support program on the scientific community in atmospheric sciences. The agenda for this meeting shall include:

MARCH 25—MORNING

9:00 Introductory Remarks—Panel Chairman; Record of Actions, 9/24-25, 1974, Meeting—Vice Chairman.
9:30 Division Highlights—Division Director, Environmental Sciences.
9:45 Overview of Federal Atmospheric Sciences Program FY 1976—Executive Secretary, Interdepartmental Committee for Atmospheric Sciences.
10:00 Health of Solar Physics—Program Director, Solar Terrestrial Program; Panel Member Zirin; and Scientific Coordinator, National Center for Atmospheric Research (NCAR).
12:00 Recess for Lunch.

AFTERNOON

1:00 Review of Atmospheric Sciences Program (Rm. 540).
3:00 Discussion of Long-Range Plans (Rm. 338).
5:30 Adjourn.

MARCH 26—MORNING

9:00 NCAR Activities—Head, National Centers & Facilities Operations, and Scientific Coordinator, NCAR.
10:00 Current Status of NSF Global Atmospheric Research Program (GARP) and Climate Programs—Head, Office for Climate Dynamics, and Program Director, GARP.
10:30 Status of International Magnetospheric Study (IMS)—Program Director, Solar Terrestrial Program.
11:00 Program Discussions:
1. Lower Atmosphere, Panel Member (Rm. 388).
2. Upper Atmosphere, Panel Member (Rm. 511).

AFTERNOON

1:30 Reassembly of Full Panel (Rm. 338): Panel Discussion on Evaluation of NSF Supported Research, and Comments on NSF Atmospheric Sciences Program.
3:30 Adjourn.

This meeting shall be open to the public. Anyone who wishes to attend or would like more information about this Panel should contact Dr. Fred D. White, Section Head, Atmospheric Sciencies, Rm. 312, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4198. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

MARCH 4, 1975.

[FR Doc.75-6048 Filed 3-6-75;8:45 am]

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Meeting

The Advisory Panel for Human Cell Biology will meet at 9 a.m. on March 29, 1975, at the Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts, in room E17-614 in the Center for Cancer Research. This Panel functions in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

From 9 to 11 a.m. the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The remainder of this meeting shall be open to the public. The Panel will be reviewing the policies, guidelines, and effectiveness of the Human Cell Biology Program. Individuals who wish to attend or would like more information about this Panel should contact Dr. Herman W. Lewis, Head, Cellular Biology Section, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4200.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Office, MAO, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

MARCH 4, 1975.

[FR Doc.75-6049 Filed 3-6-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

Order Extending Construction Completion Date

Consolidated Edison Company of New York, Inc. is the holder of Provisional Construction Permit No. CPPR-62 issued by the Commission on August 13, 1969, for construction of the Indian Point Nuclear Generating Unit No. 3 presently under construction at the Company's site on the Hudson River in the Village of Buchanan, Westchester County, New York.

On January 18, 1974, the Company filed a request for an extension of the completion date because construction has been delayed due to, among other things, (1) insufficient qualified laborers, (2) delayed shipment of critical materials, and (3) unexpected work resulting from design changes. On April 12, 1974 and February 3, 1975, the Company filed additional information in support of its request. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated February 24, 1975.

It is hereby ordered That the latest completion date for CPPR-62 is extended from March 1, 1974 to July 1, 1975.

Date of Issuance: February 28, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Acting Assistant Director for Light Water Reactors Group 1, Division of Reactor Licensing.

[FR Doc.75-6033 Filed 3-6-75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the

NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.64, Revision 1, "Quality Assurance Requirements for the Design of Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for the design of all types of nuclear power plants. Revision 1 reflects the development of ANSI N45.2.11–1974 from the proposed version referenced in the original issue of this guide to the final version approved by the American National Standards Institute.

Regulatory Guide 1.95, "Protection of Nuclear Power Plant Control Room Operators Against an Accidental Chlorine Release," describes design features and procedures that are acceptable to the NRC staff for the protection of nuclear power plant control room operators against an accidental chlorine release.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.64 (Rev. 1) and 1.95 will, however, be particularly useful in evaluating the need for early revisions if received by May 2, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copy-righted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Investigation of Material Underneath Nuclear Power Plant Foundations.
Protective Coatings for Light-Water Nuclear Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel during the Construction Phase of Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Design of Main Stream Line Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Reactor Nuclear Power Plants.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 26th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-6004 Filed 3-6-75;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 6 and 4 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and the Atlantic City Electric Company which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of date of issuance.

The amendments delete the provisions in the Technical Specifications which require that the maximum worth of any operable control rod be less than 1.25 percent when the reactor is operated above 30 percent rated power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment in connection with this action was published in the FEDERAL REGISTER on November 6, 1974 (39 FR 39311). No request for a hearing or petition for leave to intervene was filed following the notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated August 29, 1974, (2) Amendments Nos. 6 and 4 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 7 and 4, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 28th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-6006 Filed 3-6-75;8:45 am]

[License No. 04-16163-01E]

ULTRA ELECTRONICS, INC.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 04-16163-01E to Ultra Electronics, Incorporated, 10315 Woodley Avenue, Granada Hills, California 91344, which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responsing to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in each detector is americium in the oxide form contained in foils manufactured by Amersham/Searle (Model AMMW-871). The maximum activity contained in the unit is 0.3 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Ultra Electronics, Inc., and the byproduct material, americium 241, contained in the unit and recommending that the unit be returned to Ultra Electronics, Inc., for disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, February 28, 1975.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-6005 Filed 3-6-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Supplemental Survey Regarding Interest Rate Information Reported on Form F.R. 835, F.R. 835, single-time, commercial banks, Hulett, D. T., 395-4730.

ENVIRONMENTAL PROTECTION AGENCY

Survey on Economic Welfare Impacts of Urban Noise, single-time, households, Weiner, N., 395-4890.

DEPARTMENT OF AGRICULTURE

Forest Service, Consumer Responsiveness to Pure Maple Syrup Price and Grade Combinations, single-time, households using maple-flavored table syrups, Lowry, R. L., 395-3772.

Soil Conservation Service:
- Summary Actual Costs of Installing Wellton-Mohawk Irrigation Improvement Practices, AZ-CONS-7, annually, owners and operators in Wellton-Mohawk District, Lowry, R. L., 395-3772.
- Application for Payment for Federal Cost Share Wellton-Mohawk Irrigation Improvement Program, AZ-B&F-1, semiannually, land unit owners and operators, Lowry, R. L., 395-3772.
- Application for Participation—Wellton-Mohawk Irrigation Improvement Program, AZ-CONS-6, on occasion, land owners and operators, Lowry, R. L., 395-3772.
- Wellton-Mohawk Irrigation Improvement Program Contract, AZ-AS-3, on occasion, land unit operations in Wellton-Mohawk Irrigation District, Lowry, R. L., 395-3772.

Farmer Cooperative Service, New Cooperative Volume and Structure Information, on occasion, people interested in forming a cooperative, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Department of the Air Force:
- Orbital Requirements Documentation, on occasion, government agencies, National Security Division, 395-4734.
- Satellite Control Orbital Support Plan Documentation, on occasion, government agencies, National Security Division, 395-4734.

Department of the Navy, Comprehensive Junior College Survey of Navy Recruitment Potential, single-time, males, community and junior college students, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, State Dissemination Application Package, NIE 95, annually, Sea's, Lowry, R. L., 395-3772.

Office of Education, Institutional Application for Public Service Programs, OE404, annually, institutions of postsecondary education, Lowry, R. L., 395-3772.

Health Resources Administration:
- Application to Participate in the Nursing Capitation Grant Program, annually, schools of nursing, Lowry, R. L., 395-3772.
- Application for Grant to Assist Schools of Nursing Which are in Financial Distress, annually, schools of nursing, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
- Application for Verification of Information From Service Records, G-641, on occasion, individuals, Lowry, R. L., 395-3772.
- Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act, G-639, on occasion, individuals, Lowry, R. L., 395-3772.

REVISIONS

VETERANS ADMINISTRATION

Medical Certificate and History, VA-10-10M, on occasion, veterans, Caywood, D. P. 395-3443.

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority, Commodity Futures: Positions of Special Accounts, CFTC-01, other (see SF-83), futures commission merchants, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, Application for Veterans' Cost-of-Instruction Payments to Institutions of Higher Education, OE 269, annually, Caywood, D. P., 395-3443.

Health Resources Administration:
- Fellowship Health Surveys for Evaluating Selected Neighborhood Health Centers, none, singletime, Human Resources Division, 395-3532.
- Restudy of Rural Physicians in Twenty Rural Missouri Counties, 0426, single-time, rural and metropolitan Missouri physicians, Caywood, D. P., 395-3443.

Social Security Administration, Uses of Medicare & Medicaid Funds by Teaching Hospitals, SSA-9766, single-time, individuals in hospitals and medical/osteo school, Human Resources Division, 395-3532.

EXTENSIONS

VETERANS ADMINISTRATION

Trainee Request for Leave (Vocational Rehabilitation), 22-1905H, on occasion, Evinger, S. K., 395-3648.

Application for Readmission to Hospital or Domiciliary, VA-10-10R, on occasion, veterans, Evinger, S. K., 395-3648.

Consumer Sampling Letter—VA Hospitals, FL23-652A, on occasion, veterans, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration, Special Report—Status of Custodial Bank Account for Shippers Proceeds (a Protection for the Absent Shipper), P&SA 131, on occasion, Evinger, S. K., 395-3648.

Extension Service, Evaluation of Food and Nutrition Education Program, ES-255, ES-256, semiannually, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities, Redevelopers Statement for Public Disclosure and • • • Statement of Qualifications and Financial Responsibility, HUD 6004, annually, Evinger, S. K., 395-3648.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Petition, LMSA 60, on occasion, Lowry, R. L., 395-3772.

Employment Standards Administration, Claim for Compensation in Death by Dependents Other Than Widows and Children of Deceased, LS 263, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-6120 Filed 3-6-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5607; 31-747]

AMERICAN NATURAL GAS CO. AND WISCONSIN GAS CO.

Proposed Distribution of Common Stock of Subsidiary by Holding Company; Exemption of Holding Company; Order Authorizing Solicitation of Proxies

FEBRUARY 28, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, and its wholly-owned public utility subsidiary, Wisconsin Gas Company ("Wisconsin Gas"), 626 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, have filed an application-declaration and an amendment thereto, together with an exemption statement (Form U-3A-2) pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 3(a)(1), 6(a), 7, 9(a)(1), 9(a)(2), 10, 12 and 12(c) of the Act and rules 2, 43, 60, 61 and 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended application-declaration and exemption statement, which are summarized below, for a more complete statement of the proposed transactions.

American Natural, a Delaware corporation, is solely a holding company. It has two gas utility subsidiary companies, Wisconsin Gas and Michigan Consolidated Gas Company ("Michigan Consolidated"). In addition, it controls directly or indirectly a number of subsidiaries which are non-utility companies within the meaning of the Act. As of September 30, 1974, the total consolidated assets of American Natural and its subsidiaries amounted to approximately $1,957,000,000 (after reserves for depreciation and depletion) and consolidated revenues amounted to approximately $748,685,000 in the 12 months ended on that date. On the same date, American Natural's capital stock, all publicly-held, consisted of 18,432,532 common shares, with a par value of $10 per share. The issue and sale of an additional 2,000,000 shares in February 1975 (HCAR No. 18829) increased the number of outstanding shares to 20,432,532.

Wisconsin Gas, a Wisconsin corporation, is a gas public-utility company as defined in the Act. It is the largest gas distributing company in the State of Wisconsin where it conducts all of its business. It serves natural gas to approximately 367,000 retail customers in some 352 communities (including the City of Milwaukee), with an estimated 1970 census population of 1,668,000. Approximately 93 percent of the company's gas supplies are purchased, pursuant to long-term service agreements, from Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), an affiliated System company, and the balance is purchased from two non-affiliated pipeline suppliers. In the 12-month period ended September 30, 1974, Wisconsin Gas has total operating revenues of $149,465,000, and its total assets on that date (after valuation reserves) amounted to $236,586,000. As of the same date, its capital structure was as shown below.

	Amount	Percent
First mortgage bonds	$100,291,000	50.3
Sinking fund debentures	12,600,000	6.3
Total long-term debt	[1] 112,891,000	56.6
Common stock equity	86,738,491	43.4
Total capital and surplus	199,629,491	100.0

[1] Exclusive of current maturities.

Of the total long-term debt, $16,616,000 principal amount of first mortgage bonds matures in November 1975; the balance matures variously from 1981 through 1994. The company also has outstanding $12,910,000 of short-term debt pending permanent financing. The equity consists of 5,946,746 authorized and outstanding shares of $12 par value common stock, all held by American Natural, plus accumulated retained earnings. Wisconsin Gas' rates, accounting, and related matters are subject to the jurisdiction of the Public Service Commission of Wisconsin.

Michigan Consolidated, a Michigan corporation, is a gas utility company as defined in the Act. It is the largest natural gas distribution company in Michigan, where all of its utility business is conducted. Its total assets amounted to $701,880,000 at September 30, 1974, and total revenues in the year then ended were $459,158,000. Approximately 84 percent of Michigan Consolidated's gas supply is purchased from Michigan Wisconsin, and the balance from non-affiliated suppliers and from an affiliated System company, Great Lakes Transmission Company ("Great Lakes").

Michigan Wisconsin owns and operates an interstate natural gas transmission and underground storage system. Its pipeline facilities extend to the Midwest from gas production areas of Texas and Oklahoma and from onshore and offshore Louisiana. Michigan Wisconsin provides gas service to 54 distribution wholesale customers (including Wisconsin Gas and Michigan Consolidated) in nine states, principally Michigan and Wisconsin. During the 12 months ended September 30, 1974, approximately 80 percent of Michigan Wisconsin's gas supply (874 billion cubic feet) was purchased from numerous independent producers and the balance from its affiliate, Great Lakes, and four non-affiliated suppliers. In the same period, its sales amounted to 837 billion cubic feet, of which about 50 percent was sold to Michigan Consolidated, 16 percent to Wisconsin Gas, and the balance to non-affiliated distributors. Its total revenues in that period were $512,202,000, and its total assets on September 30, 1974 amounted to $816,719,000 (after valuation reserves). Michigan Wisconsin's rates, service and accounting are subject to the jurisdiction of the Federal Power Commission.

American Natural also has two wholly-owned subsidiaries: American Natural Gas Production Company, engaged in oil and gas exploration and development, and American Natural Gas Service Company ("Service Company"), a mutual service company rendering various services at cost to affiliated System companies; and it owns a 50 percent common stock interest in Great Lakes which operates a 1,000-mile pipeline system transporting Canadian natural gas, including deliveries of 70 million cubic feet daily to Michigan Wisconsin and Michigan Consolidated.

American Natural's proposals include the following transactions:

(1) American Natural will distribute to the holders of its common stock all the outstanding shares of common stock of Wisconsin Gas, in the ratio of one share of Wisconsin Gas for each five shares of American Natural common stock held on the effective date of distribution. No fractional shares of Wisconsin Gas will be distributed, but the number of full shares equal to the aggregate of all fractional shares to which American Natural's stockholders would otherwise be entitled will be sold by an agent and the cash proceeds of the sale, net of selling expenses, will be paid pro-rata to the stockholders. American Natural has requested a ruling from Internal Revenue Service to the effect that, among other things, the distribution of the Wisconsin Gas stock will be "tax-free", i.e., that the distribution will not result in any taxable gain or loss to the recipient stockholders of American Natural.

(2) Prior to the distribution, Wisconsin Gas' $12 par value outstanding common stock will be reclassified into approximately 4,087,000 shares of $1 par value per share, equal to one-fifth of American Natural's then outstanding shares of common stock; and Wisconsin Gas will decrease the number of its authorized shares of common stock to 5,000,000. The difference, approximately $67,000,000, between the total par value of its presently outstanding common stock and total par value of the reclassified common stock, will be credited by Wisconsin Gas to "other paid-in capital." Application will be made to the New York Stock Exchange to list the shares of Wisconsin Gas stock to be distributed.

(3) American Natural, now a Delaware corporation, will be reincorporated as a Michigan corporation. This will be accomplished by (i) organizing a new Michigan corporation named American Natural Gas Company ("American Natural (Michigan)") which will initially issue and American Natural will acquire for $100, 100 shares of $1 par value common stock; and (ii) after distribution of the Wisconsin Gas stock to American Natural's stockholders, merging

American Natural into American Natural (Michigan). All of the outstanding shares of American Natural, $10 par value will be converted as a result of the merger into an equal number of shares of American Natural (Michigan) with a par value of $1 per share. The aggregate reduction in par value ($165,893,000 as of September 30, 1974) will be credited to "other paid-in capital." The assets and liabilities, and all the rights, privileges and obligations, of American Natural (Michigan) immediately following the merger will be the same as those of American Natural just prior to the merger; and the rights and privileges pertaining to American Natural (Michigan's) common stock will be essentially similar to those attaching to the present common stock of American Natural.

(4) The proposed reorganization will be submitted to the stockholders of American Natural pursuant to a proxy and proxy-statement at the annual stockholders meeting scheduled for April 30, 1975. A majority vote of the stockholders is required to effectuate the reorganization. Copies of the proxy and proxy-statement have been submitted for appropriate review.

It is stated that the separation of Wisconsin Gas from American Natural will not affect the former's gas supplies, and that its long-term supply contracts with Michigan Wisconsin will remain in effect. It is also stated that none of the officers or directors of Wisconsin Gas will serve on the Board of American Natural or any of its subsidiaries. Service Company will continue to provide billing and accounting services for Wisconsin Gas at cost on substantially the same basis as now provided until Wisconsin Gas is able to substitute others to render these services.

The divestment of Wisconsin Gas will reduce the American Natural System's revenues and earnings by 10–11 percent. American Natural states that it presently contemplates continuation of its current dividend rate of $2.54 per annum; and that the dividend policy of Wisconsin Gas will be determined by its Board of Directors, but based on an assumed 60 percent pay-out ratio followed generally by independent gas utilities and using Wisconsin Gas' earnings for the 12 months ended September 30, 1974, the indicated annual dividend rate would be $1.32 per share of Wisconsin Gas' reclassified common stock.

American Natural, reincorporated in Michigan, will have a single public-utility subsidiary company, Michigan Consolidated, also a Michigan corporation conducting substantially all of its business within that State. American Natural has filed herein an exemption statement on Form U–3A–2 requesting that the Commission enter an order pursuant to section 3(a)(1) of the Act exempting American Natural (Michigan) and its subsidiary companies from all provisions of the Act except section 9(a)(2) thereof.

The proposed reclassification of Wisconsin Gas' common stock is subject to approval of the Public Service Commission of Wisconsin, to which an application will be made. It is stated that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed herein by amendment.

Notice is further given that any interested person may, not later than March 25, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

On the basis of the record it is found that the application-declaration as amended, insofar as it pertains to the proposed solicitation of consents of American Natural's stockholders, satisfies the provisions of section 12(e) of the Act and rule 62 thereunder; and that it is appropriate in the public interest and in the interest of investors and consumers that the solicitation be permitted:

It is ordered, Pursuant to section 12(e) of the Act and rule 62 thereunder, That said application-declaration as amended, insofar as it pertains to the solicitation of American Natural's stockholders, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and provisions prescribed in rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–6026 Filed 3–6–75;8:45 am]

[812–3736, etc.]

CNA MANAGEMENT CORP. ET AL.

Application for Exemption

FEBRUARY 28, 1975.

In the matters of CNA Management Corporation, Manhattan Fund, Inc., Hemisphere Fund, Inc., Liberty Fund, Inc., Fundex, Inc., Schuster Fund, Inc., 245 Park Avenue, New York, New York 10017 (812–3736); CNA-Larwin Advisors, Inc., 16255 Ventura Boulevard, Encino, California 91316; CNA-Larwin Investment Company, 9100 Wilshire Boulevard, Beverly Hills, California 90212 (812–3746); Pro Services, Inc., Pro Fund, Inc., Pro Income Fund, Inc., Valley Forge Colony Office Building, Valley Forge, Pennsylvania (812–3731); National Industries Fund, Inc., NIF Management Co., Inc., Inverness Counsel, Inc., 1800 Century Park East, Los Angeles, California 90067 (812–3734); CNA Management Corporation, The Knickerbocker Fund, Knickerbocker Growth Fund, 245 Park Avenue, New York, New York 10017 (812–3726).

Notice is hereby given of the filing of the following applications pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for temporary exemption from the provisions of section 15 (a) and (c) of the Act: (1) by Manhattan Fund, Inc., Hemisphere Fund, Inc., Liberty Fund, Inc., Fundex Inc., registered under the Act as open-end diversified investment companies, Schuster Fund, Inc., a registered open-end nondiversified investment company and CNA Management Corporation, filed on November 22, 1974, and amended on February 3, 1975; (2) by The Knickerbocker Fund and Knickerbocker Growth Fund, Inc., both registered open-end diversified investment companies, and CNA Management Corporation, filed on December 9, 1974, and amended on February 3, 1975; (3) by Pro Fund, Inc., and Pro Income Fund, Inc., registered open-end diversified investment companies and Pro Services, Inc., filed on December 2, 1974; (4) by National Industries Fund, a registered open-end diversified investment company, NIF Management and Inverness Counsel, Inc., filed on December 6, 1974; and (5) by CNA-Larwin Investment Company, a registered closed-end diversified investment company and CNA-Larwin Advisors, Inc., filed on January 6, 1975, and amended on February 14, 1975. All of the above companies are hereinafter collectively referred to as "Applicants," and the registered investment companies are collectively referred to as "Funds." Each Applicant which is not a fund is an investment adviser to one or more of the Funds. All interested persons are referred to the applications on file with the Commission, for statements of the representations contained therein which are summarized below.

Each of the funds is a party to an investment advisory agreement with one of the aforementioned investment advisers (hereinafter "advisers"). Each adviser is a wholly owned subsidiary of CNA Financial Corporation ("CNA").

On November 11, 1974, Loews Corporation ("Loews") made an offer to purchase at least 20,000,000 shares of CNA voting stock, if such shares were tendered by 4 p.m. Chicago time on November 26, 1974. The offer terminated on that date and Loews announced that more than

20,000,000 shares of CNA voting stock were tendered and would be purchased by Loews. Loews also agreed to purchase for $25,000,000 a new series of CNA convertible preferred stock. These transactions resulted in Loews ownership of approximately 56.6 percent of CNA's outstanding voting stock.

Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company, and requires that such written contract provide for its automatic termination in the event of its assignment. Section 15(c) of the Act prohibits any registered investment company having a board of directors from entering into, renewing or performing any contract or agreement whereby a person undertakes to serve as an investment adviser of the company unless such contract or agreement has been approved by a vote of a majority of directors who are not parties to such agreement or contract or interested persons of any such party.

Applicants state that the Boards of Directors of the Funds, including a majority of those persons who are not interested persons, held meetings at which they approved the continuation of the agreements in view of the conclusion by the members of each of the Boards that control of CNA by Loews did not presently appear to have a detrimental effect upon the ability of the adviser subsidiaries to provide services under the agreements.

The Applicants request an order of temporary exemption, commencing at the time of the termination of the agreements, from section 15 (a) and (c) to permit the advisers to continue to furnish services to the Funds under the existing agreements until such time as the Funds seek shareholder approval of new advisory agreements. Applicants state that the compensation payable to the adviser from the date of termination of the agreement to the shareholder meetings of each fund is to be the lesser of the fee specified in each agreement or cost. Each Fund, in addition, undertakes, if the exemptive order is granted, to submit to shareholders at the aforementioned shareholder meetings the question of ratification of the payment of the full contract fees to the adviser during the period of exemption. Manhattan Fund proposes to solicit the requisite shareholder approval at the annual meeting to be held on March 19, 1975, Hemisphere, Liberty, and Fundex propose to solicit approval at meetings to be held on March 24, 1975, and Schuster Fund proposes to solicit approval at the annual meeting scheduled for March 25, 1975. Knickerbocker Fund and Knickerbocker Growth Fund intend to seek shareholder approval at meetings to be held on March 19, 1975. CNA-Larwin Investment Company proposes to solicit approval at meetings to be held in March, 1975, as do Pro Income Fund and National Industries Fund. Pro Fund shareholders approved the new advisory agreement at a meeting held on December 18, 1974.

Applicants have submitted that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for among others, the following reasons:

1. The continuation of the investment advisory agreements with the advisers on the same basis during the limited period of time of the exemption would eliminate the possibility that the Funds, which do not have any independent investment research and management capability or housekeeping personnel, might be adversely affected during a period when they might otherwise be deemed to be operating without investment advisory agreements.

2. The offer of Loews to obtain control of CNA appears not to have been made for the prime purpose of acquiring control of the adviser subsidiaries of CNA and terminating the agreements but rather such termination was an incidental effect of an offer having other objectives.

3. The Funds understand at this time that the transfer of control of CNA to Loews will not involve any fundamental change in the operation or personnel of the CNA adviser subsidiaries.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the applications herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6025 Filed 3-6-75;8:45 am]

[812-3738]

CONTINENTAL ASSURANCE COMPANY ET AL.

Application for Exemption

FEBRUARY 28, 1975.

Notice is hereby given that Continental Assurance Company Separate Account (B) ("Separate Account (B)"), an open-end diversified investment company registered under the Investment Company Act of 1940 ("Act") and CNA Income Shares, Inc. ("Income Shares"), a closed-end diversified investment company registered under the Act (collectively the "Funds"), and Continental Assurance Company ("CAC"), Chicago, Illinois, investment adviser to each of the Funds and principal underwriter for Separate Account (B), filed an application on December 13, 1974, and an amendment thereto on February 10, 1975, pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15 (a), (b) and (c) of the Act. (The Funds and CAC are hereinafter collectively called "Applicants.") All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

CAC is a wholly-owned subsidiary of CNA Financial Corporation ("CNA"), a holding company with insurance and other financially oriented interests. On November 11, 1974, Loews Corporation ("Loews"), made a tender offer for the purpose of obtaining control of CNA. The tender offer expired on November 26, 1974, and, on November 27, 1974, it was announced that Loews would purchase 20,000,000 shares of CNA voting stock which had been tendered and an additional block of preferred stock, and that these purchases would give Loews voting control of CNA.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company, and requires that such contract provide for its automatic termination in the event of its

assignment. Section 15(b) of the Act provides that it shall be unlawful for any registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract which has been approved by the board of directors or by a vote of a majority of the outstanding voting securities of such company and which provides for its automatic termination in the event of its assignment. Section 15(c) of the Act prohibits any registered investment company having a board of directors from entering into, renewing or performing any contract or agreement whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless such contract or agreement has been approved by the vote of a majority of directors who are not parties to such agreement or contract or interested persons of any such party. Section 2(a)(4) of the Act defines "assignment" to include the direct or indirect transfer of a contract or a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Loew's offer to purchase indicated that if Loews acquired control of CNA pursuant to the offer the investment advisory agreements of CNA's subsidiaries would terminate. Applicants state that the consummation of the purchases of CNA stock announced on November 27, 1974, confers upon Loews voting control of CNA and terminates the investment advisory contracts between CAC and the Funds and the underwriting agreement between CAC and Separate Account (B).

The Board of Directors of Income Shares and the Committee of Separate Account (B), including a majority of those persons who are not interested persons of the Funds or of CAC unanimously concluded at meetings held on December 5, 1974 and December 6, 1974, respectively, that control of CNA by Loews would not have a detrimental effect on the ability of CAC to provide services to the Funds and that the continuation of the agreements would serve the best interests of stockholders of both Funds. The Committee, including a majority of those persons on the Committee who are not interested persons of the Funds or CAC approved the underwriting agreement on the same terms as prior to its assignment. The applicants represent that the Board and the Committee further approved the submission of the investment advisory agreements to the shareholders at meetings which are presently scheduled no later than the end of March, 1975.

Applicants seek an exemption to permit CAC to serve as investment adviser to the Funds from the date of Loews' assumption of control of CNA until the annual meetings of stockholders of Income Shares and Separate Account B, on March 21, 1975, and March 24, 1975, respectively, under the agreements existing just prior to the date of the transfer of control of CNA to Loews; and to permit CAC to serve as principal underwriter for Separate Account (B) for the time from the change in control of CNA until December 6, 1974, on the same terms as those under the previously existing agreement. At such meetings, shareholders will also be asked to approve the payment to the investment advisers of the full fee specified in the agreements, for the period during which the contracts were not in effect.

Applicants have submitted that the granting of the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for, among others, the following reasons:

1. The Funds have no independent investment research or management capability.

2. The Funds understand at this time that control of CAC by Loews does not involve a fundamental change in CAC or its ability to perform under the agreements in the next several months.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 24, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interests, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-6024 Filed 3-6-75;8:45 am]

[File No. 81-173]

ESB INCORPORATED

Application and Opportunity for Hearing

FEBRUARY 26, 1975.

Notice is hereby given that ESB Incorporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") for exemption from filing a Form 10–K required by the provisions of sections 13 and 15(d) of the 1934 Act.

Section 13 provides that each issuer of a security which is registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation provisions under sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of Section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part:

1. At the end of its fiscal year on March 31, 1974, Applicant, a Delaware corporation, had outstanding one class of securities registered pursuant to section 12(b) of the 1934 Act.

2. In July, 1974, Applicant filed a registration statement on Form S–8 with respect to employee stock options.

3. As a result of a tender offer made during the summer of 1974 by The International Nickel Company of Canada, Limited ("International Nickel"), a Canadian corporation, through its wholly-owned subsidiary, Inco Holdings Incorporated ("Inco"), a Delaware corporation, Inco owned approximately 98 percent of Applicant's outstanding common stock.

4. Applicant's common stock was delisted by the New York and PBW Stock Exchanges, and on December 11, 1974, the stock was deemed registered under section 12(g)(1) of the 1934 Act.

5. On December 20, 1974, Applicant's parent, Inco, was merged into Applicant, and the public shareholders of Applicant were given cash in exchange for their shares.

6. As a result of the merger, all of Applicant's issued and outstanding shares of stock are owned by International Nickel through a wholly-owned subsidiary, The International Nickel Company, Inc., a Delaware corporation.

7. On December 31, 1974, Applicant filed a Certification pursuant to section 12(g)(4) of the 1934 Act indicating that it had less than 300 shareholders of record.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the period from April 1, 1974 through December 31, 1974 as required by the provisions of section 13 as well as under the provisions of section 15(d).

Applicant argues that no useful purpose would be served in filing the report.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than March 24, 1975 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

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

[FR Doc.75-6027 Filed 3-6-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 715]

ASSIGNMENT OF HEARINGS

MARCH 4, 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 130276, John Torino and M. Ellen Torino, a partnership, d.b.a. Torino Travel Tours, now being assigned April 28, 1975, at New Haven, Conn. (2 days), in a hearing room to be later designated.

MC 130257, Topper and Ken Luciani Travel, Inc., now being assigned April 30, 1975 (3 days), at New Haven, Conn., in a hearing room to be later designated.

MC 114211 Sub-233, Warren Transport, Inc., now assigned March 6, 1975, at Dallas, Texas, is canceled and application is dismissed.

MC 139721, All World Travel, Inc., now being assigned May 6, 1975 (3 days), at Newark, N.J., in a hearing room to be designated later.

MC 71459 Sub-43, O.N.C. Freight Systems, now being assigned May 5, 1975, at Phoenix, Arizona (1 week), in a hearing room to be later designated.

MC 91811 Sub-13, Milton K. Morris, Inc., now assigned March 18, 1975, at New York, N.Y., is postponed indefinitely.

MC-C-8339, Quick Air Freight, Inc., et al. v. Mt. Vernon Aviation now assigned April 1, 1975 at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Blvd.

MC-F-12090, MC 114273 Sub 158, Cedar Rapids Steel Transportation Inc.—Purchase—The Kinnison Trucking Company, now assigned April 2, 1975, at Columbus, Ohio, will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC-F-12199, MC 97841 Sub-20, FD 27697, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co., now assigned April 7, 1975, at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Blvd.

MC 129291 Sub-8, McDaniel Motor Express, Inc., now assigned April 21, 1975, at Columbus, Ohio, will be held in Room 325 Federal Office Building, 85 Marconi Blvd.

MC 115654 Sub-29, Tennessee Cartage Co., Inc., now being assigned May 6, 1975 (3 days) at Lexington, Ky., in a hearing room to be designated later.

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

[FR Doc.75-6060 Filed 3-6-75;8:45 am]

[EX PARTE NO. 241; Rule 19; eighth revised Exemption No. 91]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

All Railroads

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service rules 1(a), 2(a) and 2(b). (See Exception.)

Exception. This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company. Reporting marks: AWP.
Bangor and Aroostook Railroad Company. Reporting marks: BAR.
[1] Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees). Reporting marks: BM-B&M.
Burlington Northern Inc. Reporting marks: BN-CBQ-GN-NP-SPS.
Central Vermont Railway, Inc. Reporting marks: CV-CVC.
Duluth, Winnipeg and Pacific Railway. Reporting marks: DWP.
Erie Lackawanna Railway Company (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees). Reporting marks: DL&W-EL-ERIE.
Illinois Central Gulf Railroad Company. Reporting marks: ICG-CLG-GMO-IC.
The Kansas City Southern Railway Company. Reporting marks: KCS-LA.
Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee). Reporting marks: LV.
Maine Central Railroad Company. Reporting marks: MEC.
Norfolk and Western Railway Company. Reporting marks: N&W-NKP-WAB.
St. Louis Southwestern Railway Company. Reporting marks: SSW.
Southern Pacific Transportation Company. Reporting marks: SP.
The Western Pacific Railroad Company. Reporting marks: WP.
The Western Railway of Alabama. Reporting marks: WA.

Effective February 24, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 20, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-6061 Filed 3-6-75;8:45 am]

[Notice No. 15]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 21, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

[1] Addition.

MOTOR CARRIERS OF PROPERTY

No. MC 17002 (Sub-Nos. 24, 28, 29, 36, 38, and 40) (Notice of Filing of Petition To Modify Certificates), filed February 3, 1975. Petitioner: CASE DRIVEWAY, INC., P.O. Box 1156, 100 22nd Street, Huntington, W. Va. 25714. Petitioner's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Petitioner holds motor *common carrier* certificates in No. MC 17002 (Sub-Nos. 24, 28, 29, 36, 38, and 40) issued April 21, 1966, August 3, 1966, November 21, 1966, February 14, 1967, July 12, 1967, and June 2, 1967, respectively, authorizing transportation, as pertinent, over irregular routes: in Sub-No. 24, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Cabell and Wayne Counties, W. Va., to points in Arkansas, Oklahoma, and Missouri (except St. Louis and points in Missouri within the St. Louis commercial zone), restricted against the transportation of building materials and commodities which because of size or weight require the use of special equipment; in Sub-No. 28, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except building materials and articles which because of size or weight require special equipment), From Huntington, W. Va., to points in Iowa; in Sub-No. 29, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those commodities which, because of size or weight require special equipment, and except those articles of iron and steel which are building materials), From Huntington, W. Va., to points in Kansas, South Dakota, and Wisconsin.

In Sub-No. 36, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those commodities which, because of size or weight require special equipment, and except those articles of iron and steel which are building materials), From Huntington, W. Va., to points in Maine, New Hampshire, and Vermont; in Sub-No. 38, of *Iron and steel, and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those articles, the transportation of which, because of size or weight, requires the use of special equipment), From Huntington, W. Va., to the ports of entry on the United States-Canada Boundary line at or near Sweetgrass, Mont.; International Falls, Minn.; Port Huron and Detroit, Mich.; and Niagara Falls and Alexandria Bay, N.Y., restricted to traffic destined to points in Canada; and in Sub-No. 40, of *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except such commodities the transportation of which because of size or weight requires the use of special equipment), From Huntington, W. Va., to points in Arizona, California, Colorado, Minnesota, Montana, Nevada, New Mexico, Oregon, and Wyoming.

By the instant petition petitioner seeks to remove the restrictions in the above commodity descriptions pertaining to building materials and those commodities which because of size or weight require the use of special equipment, so as to read, *Iron and steel and iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The territorial descriptions will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 112822 (Sub-No. 117) (Notice of Filing of Petition to Modify a Territorial Description), filed February 3, 1975. Petitioner: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Petitioner's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Petitioner holds a motor *common carrier* certificate in No. MC 112822 (Sub-No. 117) issued July 17, 1969, authorizing transportation, over irregular routes, of *Malt beverages*, from Fort Worth, Tex., to Las Cruces, Roswell, Albuquerque, and Santa Fe, N. Mex., and Grand Junction, Greely, Denver, Glenwood Springs, Sterling, Durango, Pueblo, Colorado Springs, Craig, and Salida, Colo. By the instant petition, petitioner seeks to substitute Hayden, Colo., in lieu of Craig, Colo., as a destination point in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 106001 (Notice of Filing of Petition to Modify a Commodity Description), filed February 11, 1975. Petitioner: DENNIS TRUCKING COMPANY, INC., 2519 Morris Street, Philadelphia, Pa. 19145. Petitioner's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Petitioner holds a motor *common carrier* certificate in No. MC 106001 issued November 29, 1965, authorizing transportation, as pertinent, over irregular routes, of *Iron and steel*, Between Ambler and Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Delaware, and Maryland, within 150 miles of Philadelphia. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read, *Iron and steel articles*. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114552 (Sub-No. 76) (Notice of Filing of Petition To Modify Commodity Description), filed January 31, 1975. Petitioner: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, S.C. 29100. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Petitioner holds a motor *common carrier* certificate in No. MC 114552 (Sub-No. 76) issued November 22, 1974, authorizing transportation, over irregular routes, of *Roofing materials, gypsum and gypsum products, composition board, insulation materials, and urethane and urethane products* (except commodities in bulk), from Cincinnati, Ohio, to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky and Florida, restricted to the transportation of shipments originating at the facilities utilized by the Celotex Corporation at the named origin. By the instant petition, petitioner seeks to change the above commodity description so as to read, *Construction materials* (except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118468 (Sub-No. 31) (Notice of Filing of Petition To Modify a Commodity Description), filed February 10, 1975. Petitioner: UMTHUN TRUCKING CO., a corporation, 910 South Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* permit in No. MC 118468 (Sub-No. 31), issued June 27, 1974, authorizing transportation, over irregular routes, of *Lumber and lumber products*, (a) From points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming, to Eagle Grove, Iowa, Madison, Wis., and St. Paul, Minn.; (b) From Eagle Grove, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (c) From Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri; and (d) From St. Paul, Minn., to points in Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, under a continuing contract, or contracts, with Emmer Bros. Company, Inc., of Minneapolis, Minn., subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read: *Lumber*,

lumber products, and building materials (except iron and steel and iron and steel products, and except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123778 (Sub-Nos. 1 and 19) (Notice of Filing of Petition To Change a Contracting Shipper), filed February 5, 1975. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Road, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *contract carrier* permits in No. MC 123778 (Sub-Nos. 1 and 19), issued December 10, 1974 and October 22, 1974, respectively. authorizing transportation, as pertinent, over irregular routes, in Sub-No. 1, of *Magazines, magazine racks, and advertising matter* shipped with magazines, From Woodbridge, N.J., to Wilmington, Del., and points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass., restricted to the transportation of shipments having an immediately prior carrier movement from points beyond New Jersey; and in Sub-No. 19, of (1) *Newspapers* (otherwise exempt from economic regulation under section 203 (b) (7) of the Interstate Commerce Act) when transported in the same vehicle with a regulated commodity (otherwise authorized): (a) From Woodbridge, N.J., to Wilmington, Del., and points in New Jersey and Connecticut, and points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and east of New York Highway 14, under a continuing contract, or contracts, with Midnight Publishing Corporation of Montreal, Province of Quebec, Canada, and Norman D. Smith Company, of West Springfield, Mass.; and (b) From Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass,; and (2) *Magazines and advertising matter* shipped with magazines, From Woodbridge, N.J., to Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Norman D. Smith Company, of West Springfield, Mass. By the instant petition, petitioner seeks to substitute Trans-Continental Printing, Inc. in place of Norman D. Smith Company as a contracting shipper in the above authorities, Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments for or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124652 (Sub-No. 1) (Corrected Notice of Filing of Petition To Modify a Permit), filed January 17, 1975, and published in the FEDERAL REGISTER issue of February 5, 1975, and partially republished as corrected this issue. Petitioner: DUNCAN TRANSPORTATION CO., a corporation, P.O. Box 1, Riverton, Va. 22652. Petitioner's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. By the instant petition, petitioner seeks to modify its authority so as to read: (2) *Materials, equipment and supplies* used in the manufacture of masonry cement and mortar cement, from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, Pennsylvania (except cement from points in Northampton County, Pa.), New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts, to Riverton, Va. The purpose of this partially corrected republication is to indicate that the destination point in (2) above is Riverton, Va. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of this corrected publication in the FEDERAL REGISTER.

No. MC 129600 (Sub-Nos. 5, 9, and 12) (Notice of Filing of Petition To Modify Permits), filed February 6, 1975. Petitioner: POLAR TRANSPORT, INC., P.O. Box 44, 176 King Street, Hanover, Mass. 02339. Petitioner's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Petitioner holds motor *contract carrier* permits in No. MC-129600 (Sub-Nos. 5, 9, and 12), issued March 19, 1973, September 13, 1973, and June 24, 1974, respectively, authorizing transportation, over irregular routes, in Sub-No. 5, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, and table sauces* (except in bulk): (a) From Baltimore, Md., to points in Delaware, Michigan, Ohio, the District of Columbia, and points in that part of Virginia east of the Chesapeake Bay; and (b) From Atlanta, Ga., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, West Virginia, and Wisconsin; (2) *Packaging materials and pallets, and frozen eggs and salt* (except in bulk): (a) From the destination points in 1(a) above, to Baltimore, Md.; and (b) From the destination points in 1 (b) above, to Atlanta, Ga., under a continuing contract, or contracts with J. H. Filbert, Inc., of Baltimore, Md.; in Sub-No. 9, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, and table sauces* (except in bulk), From Atlanta, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture and distribution of the above-indicated commodities (except in bulk), From points in the above-described destination states to Atlanta, Ga., under a continuing contract, or contracts, with J. H. Filbert, Inc., of Baltimore, Md.

In Sub-No. 12, of (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, table sauces, vegetable oil, and shortening* (except in bulk): (a) From Atlanta, Ga., to points in Alabama, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia; and (b) From Baltimore, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *Pallets, packaging materials, and materials, supplies and ingredients* used in the manufacture of the above-described commodities (except commodities in bulk), From the above-described destination points to the above-described origin points, under a continuing contract, or contracts, with J. H. Filbert, Inc., of Baltimore, Md. By the instant petition, petitioner seeks to modify and consolidate the above commodity and territorial descriptions so as to read: (1) *Foodstuffs and animal foods* (except in bulk): (a) From Atlanta, Ga., to points in the United States (except Georgia, Alaska and Hawaii); and (b) From Baltimore, Md., to points in the United States (except Maryland, Alaska and Hawaii); and (2) *Pallets, packaging materials, and materials, supplies and ingredients* used in the manufacture of the above-described commodities (except commodities in bulk) From the above-described destination points to the above-described origin points, under a continuing contract or contracts with J. H. Filbert, Inc., of Baltimore, Md. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133123 (Notice of Filing of Petition to Modify a Permit, filed February 10, 1975. Petitioner: RUJAC TRUCKING CORP., 1133 6th Ave., Room 3210, New York, N.Y. 10009. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner

holds a motor *common carrier* permit in No. MC–133123 issued February 10, 1975, authorizing transportation, over irregular routes, of *Electrical goods*, from points in the New York, N.Y. Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203 (b) (8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to Atlantic City, N.J., points in that part of New Jersey on and north of New Jersey Highway 33, and points in New York, under a continuing contract, or contracts with Matsushita Electric Corporation of America. By the instant petition, petitioner seeks to modify the above commodity and territorial descriptions so as to read, *Electrical goods, and bicycles*, from points in the New York, N.Y. Commercial Zone, as defined in Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be provided under the exemption provided by Section 203(b)(8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to points in New Jersey and New York, and points in that portion of Pennsylvania in and east of Susquehannna, Wyoming, Luzerne, Schuylkill, Berks and Montgomery Counties, Pa., and the commercial zone of Philadelphia. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136532 (Notice of Filing of Petition to Change an Origin Point), filed February 6, 1975. Petitioner: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston St., Durant, Okla. 74701. Petitioner's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Petitioner holds a motor *common carrier* certificate in No. MC 136532 issued December 4, 1972, authorizing transportation, over irregular routes, of *Nursery pots and sleeves*, From Leominster, Mass., Troup, Tex., and points in Florida, to San Francisco and Half Moon Bay, Calif. By the instant petition, petitioner seeks to substitute New London, Tex. in place of Troup, Tex. as one of the origin points in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 38650 (Sub-No. 5), filed January 28, 1975. Applicant: SALTER'S EXPRESS CO., INC., West Street, Simsbury, Conn. 06070. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), within a radius of 35 miles of the Town Hall of Belchertown, Mass.

NOTE.—Applicant seeks to Purchase (Portion) of R. C. Gay Express, Inc. This is a matter directly related to the Section 5 proceeding in MC–F–12426 published in the FEDERAL REGISTER issue of February 12, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Springfield, Mass.

No. MC 60203 (Sub-No. 8), filed January 30, 1975. Applicant: MONAHAN TRANSPORTATION CO., INC., 99 Colorado Avenue, Warwick, R.I. 02888. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Harford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Connecticut.

NOTE.—Applicant seeks to Purchase (Portion) of the Connecticut Paper Corporation. This is a matter directly related to the Section 5 proceeding in MC–F–12428 published in the FEDERAL REGISTER issue of February 12, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Providence, R.I.

No. MC–F–11775 (Supplemental) (J. V. McNicholas Transfer Company—control—Tom's Express, Inc.), published in the January 24, 1974, issue of the FEDERAL REGISTER, on pages 2368 and 2369.

Petitioner requests modification of the prior Commission, Division 3, order served April 18, 1974, which in turn had modified the order of the Commission, Review Board No. 5, served December 27, 1973, to authorize it to tack its previously held authority with the acquired authority at Hancock County, W. Va. (gateway) to perform through service in the transportation of steel and related specified commodities from certain points in Pennsylvania to points in West Virginia, Michigan, New York, Ohio and Pennsylvania; at specified points in Ohio (gateway) to perform through service in the transportation of pipe and tubing from points in West Virginia to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Wisconsin and the District of Columbia; at a specified point in Ohio (gateway) to perform through service in the transportation of steel and related specified commodities from points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia to points in West Virginia, Michigan, New York, Ohio, and Pennsylvania; at Wierton, West Virginia (gateway) and then at Youngstown, Ohio (gateway) to perform through service in the transportation of specified commodities from points in West Virginia, Michigan, New York, Ohio, Pennsylvania, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Wisconsin, Missouri, Minnesota, and West Virginia and from points in West Virginia to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia. Petitioner further proposes to eliminate the gateways, above described, for the performance of through service under the combined rights.

The following notice of proposal 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), 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 the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC F 12030 (Supplemental) (Convoy Company—Control and Merger—Colorado Midland Transport Company) published in the November 7, 1973 issue of the FEDERAL REGISTER on page 30804.

Under the proposed transaction vendee proposes to tack vendor's authority with vendee's present authority at Colorado to provide a through service in the transportation of automobiles, trucks and buses in secondary movements between points in Colorado on or south of U.S. Highway 50 and on or east of U.S. Highway 285 on the one hand, and, on the other Arizona.

Vendee, herein has also filed an application to eliminate the resulting gateway.

No. MC 52858 (Sub-No. 110) is a directly related proceeding.

No. MC F 12434. Authority sought for purchase by TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730, of the operating rights of BROWNSBERGER ENTERPRISES, INC., R.F.D. #1, Box 243, Butler, MO 64730, and for acquisition by JIM TIONA, JR., also of Butler, MO 64370, of control of such

rights through the purchase. Applicants' attorney: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, OK 73112. Operating rights sought to be transferred: *Plastic pipe*, as a *contract carrier* over irregular routes, from Linn Creek, Mo., to points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Kentucky, Iowa, Nebraska, Tennessee, Louisiana, Mississippi, Ohio, Indiana, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Wisconsin, Virginia, Florida, and West Virginia, from Linn Creek, Mo., to points in Colorado and New Mexico, from Linn Creek, Mo., to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington; *materials and supplies* used in the manufacture, distribution, and installation of plastic pipe, from points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Kentucky, Iowa, Nebraska, Tennessee, Louisiana, Mississippi, Ohio, Indiana, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Wisconsin, Virginia, Florida, and West Virginia, to Linn Creek, Mo., with restrictions. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Nebraska, Tennessee, Mississippi, Arkansas, Iowa, Minnesota, Missouri, Texas, Colorado, Indiana, Kentucky, Michigan, North Dakota, Ohio, Wisconsin, Illinois, South Dakota, Louisiana, Alabama, New Mexico, Virginia, West Virginia, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC F 12435. Authority sought for purchase by TOM INMAN TRUCKING, INC., P.O. Box 7608, 6015 So. 49th Ave., Tulsa, OK 74105, of a portion of the operating rights of BREDEHOEFT PRODUCE COMPANY, INC., P.O. Box 7, Decatur, AR 72722, and for acquisition by TOM INMAN, also of Tulsa, OK 74105, of control of such rights through the purchase. Applicants' attorneys: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, OK 73112, and Edward T. Lyons, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80203. Operating rights sought to be transferred: *Frozen bakery goods*, as a *common carrier* over irregular routes, from Tulsa, Okla., to points in the United States (except those in Alaska, Hawaii, and Oklahoma); *materials, equipment, and supplies* used in the production of the commodities named above, from points in Arkansas, California, Indiana, Michigan, Minnesota, and New Jersey, to Tulsa, Okla., with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC F 12436. Authority sought for control by EAGLE FOODS, INC., doing business as RUTHERFORD'S, Box 8, Tamenend Ave., New Britain, PA 18901, of C.S.I., INC., doing business as CONTRACT SERVICE, INC., Trewington Rd., Colmar, PA 18915, and for acquisition by PAUL J. KEATING, 232 Fairhill Rd., Hatfield, PA 19440, of control of C.S.I., INC., doing business as CONTRACT SERVICE, INC., through the acquisition by EAGLE FOODS, INC., doing business as RUTHERFORD'S. Applicant's attorney: Maxwell A. Howell, 1511 K St. NW., Washington, DC 20005. Operating rights sought to be controlled: *Soil pipe and fittings*, as a *common carrier* over regular routes, from Quakerstown, Pa., to Rosslyn, Va., serving the intermediate point of Washington, D.C., restricted to delivery only; and the off-route point of Lansdale, Pa., restricted to pickup only; *asbestos* and *asbestos products*, over irregular routes, from Ambler, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia, from Meredith, N.H., to Ambler, Pa., from the plant site of Nicolet Industries, Inc., at Norristown, Pa., to points in Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New York (except points in Nassau and Westchester Counties, N.Y., and those points in New York within the New York, N.Y., Commercial zone, as defined by the Commission), and New Jersey (except points in Essex, Union, and Hudson Counties, N.J., and Paterson, Clifton, Passaic, Hackensack, Teaneck, Garfield, Rutherford, Ridgefield, Ridgefield Park, Palisades Park, Cliffside Park, and Fort Lee, N.J.), and the District of Columbia.

Asbestos products, from Lansdale and Quakertown, Pa., to Baltimore and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *tile*, from Landsdale, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Massachusetts, Rhode Island, Connecticut, and the District of Columbia; *soil pipe* and *soil pipe fittings*, from Lansdale and Quakertown, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, Massachusetts, Rhode Island, Connecticut, and the District of Columbia, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, from Ambler, Pa., to Baltimore and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *plumbers' castings*, from Lansdale, Quakertown, and Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia; *plumbing supplies*, from Ambler, Lansdale, and Quakertown, Pa., to Baltimore, and Crisfield, Md., Bridgeton, Camden, and Newark, N.J., Wilmington, Del., and Washington, D.C.; *manufactured fertilizers* and *fertilizer ingredients*, dry, in bags (not including fertilizers for flower beds or garden use), from Baltimore, Md., and points within 15 miles of Baltimore, to points in Montgomery, Bucks, Lehigh, Chester, and Delaware Counties, Pa.; *dry earth pigments*, in bags, casks and barrels, between Bethlehem, Pa., on the one hand, and, on the other, Newark, N.J., and points in New Jersey within 25 miles of Newark, points in New York within the New York Commercial Zone as defined by the Commission in New York, N.Y., Commercial Zone, 1 M.C.C. 665, 2 M.C.C., 191, Baltimore, Md., and the District of Columbia; *materials* used in the manufacture of tile, from points in Kentucky, Tennessee, New Hampshire, Massachusetts, Maine, Virginia, Delaware, West Virginia, New Jersey, North Carolina, New York, and Maryland to Lansdale, Pa.; *scrap iron* and *other materials* used in the manufacture of soil pipe and soil pipe fittings, from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, to Lansdale and Quakertown, Pa.; *clay facing tile*, and chinaware bathroom fixtures, from Lansdale, Pa., to Chicago, Ill., Detroit, Mich., Kansas City, Mo., and points in Florida.

Plumbers' castings, soil pipe and soil pipe fittings, from Lansdale and Quakertown, Pa., to points in Maine, New Hampshire, and Vermont, with restriction; *conduit, pipe* and *accessories* for installation of such conduit and pipe, from ambler, Pa., to Philadelphia, Pa.; *tile*, from the plant site of the American Olean Tile Company, Inc., Richland Township, Pa., to Lansdale, Pa.; *asbestos-cement pipe and conduit; plastic pipe and conduit; asbestos-cement building materials; the following building materials: sidings, building, wall and insulating boards, gutters, spouts*, and *roofing materials;* and *fittings, accessories and equipment* to be used in the installation of the foregoing commodities, excluding, as to all of the transportation authorized in this paragraph the transportation of commodities in bulk, and the transportation of commodities which, because of size or weight, requires special equipment, from the plant site and warehouse of Certain-Teed Products Corporation, Cheektowaga, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and return with returned shipments; *paper* and *paper products*, from New Hope, Pa., to points in Michigan, New York, and Ohio, with restriction; *metal shelving* and *parts, components, and attachments therefor*, from Perkasie, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (1) *ceramic facing* and *flooring tile*, and (2) *commodities* used in the manufacture or installation of the commodities in (1) above, from Olean, N.Y., to Lansdale,

Pa. EAGLE FOODS, INC., doing business as RUTHERFORD'S is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.75-6062 Filed 3-6-75;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 7, 1975.

[Notice No. 245]

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 signficant 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 27, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC FC 75420. By order of February 24, 1975, the Motor Carrier Board approved the transfer to John J. Paduan, doing business as Ray's Airport Limousine, 705 W. Baraga Avenue, Houghton, Mich. 49931, of the Certificate of Registration in No. MC 99907 (Sub-No. 1) issued December 27, 1965, to Reino E. Kantola, Box 44, Shafter Street, Hancock, Mich. 49930, evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Common Carrier Certificate No. L-8996 issued prior to October 15, 1962, currently renewed, by the Michigan Public Service Commission.

No. MC FC 75558. By order of February 26, 1975, the Motor Carrier Board approved the transfer to Mosaic Trucking Company, Inc., Avenel, N.J., of a portion of the operating rights in Certificate No. MC 43587 (Sub-No. 2) issued August 8, 1958, to United Haulage Co., Inc., Long Island City, N.Y., authorizing the transportation of general commodities, with exceptions, between points in Monmouth, Somerset, and Union Counties, N.J., Lakewood and Point Pleasant, N.J. and a described portion of Middlesex County, N.J., on the one hand, and, on the other, Newark N.J. A. David Millner, 744 Broad St., Newark, N.J., 07102, Attorney for applicants.

No. MC FC 75613. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Morgan Trucking Co. a corporation, Muscatine, Iowa, of the operating rights in Certificates No. MC 125254 (Sub-No. 2), MC 125254 (Sub-No. 3), MC 125254 (Sub-No. 4), MC 125254 (Sub-No. 6), MC 125254 (Sub-No. 8), MC 125254 (Sub-No. 9), MC 125254 (Sub-No. 12), MC 125254 (Sub-No. 14), MC 125254 (Sub-No. 16), MC 125254 (Sub-No. 17), and MC 125254 (Sub-No. 19) issued February 20, 1964, September 1, 1966, November 30, 1967, May 2, 1968, January 29, 1973, July 23, 1973, January 11, 1973, January 8, 1974, June 8, 1973, May 29, 1974, and December 20, 1973, respectively to Donald L. Morgan, doing business as Morgan Trucking Co., Muscatine, Iowa, authorizing the transportation of various commodities from, to and between specified points and areas in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa, 50309 Attorney for applicants.

No. MC FC 75638. By order of February 24, 1975, the Motor Carrier Board approved the transfer to Super M Ltd., Linden, N.J., of the operating rights in Permits Nos. MC 7832 and all subnumbers thereunder issued August 1, 1974, and on respective dates, to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M Foods Delivery, Linden, N.J., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, household cleaning products (except in bulk), frozen foods (except frozen bakery products and supplies, in vehicles equipped with mechanical refrigeration), and certain other specified commodities, for the accounts of named shippers, including Food Fair Stores, Inc., of Linden, N.J., Great Eastern Food Markets, Inc., of Elmont, L.I., N.Y., and J. L. Prescott Co., between specified points in New York, New Jersey, Pennsylvania, Maryland, Connecticut, Massachusetts, Rhode Island, Delaware, Virginia, and Washington, D.C. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048 Registered Practitioner for applicants.

No. MC FC 75654. By order of February 24, 1975, the Motor Carrier Board approved the transfer to All-Ways Freight Lines, Inc., Leavenworth, Kans., of the operating rights in Certificate No. MC 138772 issued January 22, 1974, to Delbert D. McClelland, doing business as All Ways Freight Line, Leavenworth, Kans., authorizing the transportation of general commodities, with usual exceptions, between Havensville, Kans., and Kansas City, and St. Joseph, Mo., and between Holton, Kans., and St. Joseph, Mo., serving named intermediate and off-route points in Missouri. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603 Attorney for applicants.

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

[FR Doc.75-6058 Filed 3-6-75;8:45 am]

[Notice No. 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52917 (Sub-No. 63TA), filed February 25, 1975. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and foodstuffs*, in vehicles equipped with temperature control, and (2) *related advertising paraphernalia, materials, equipment and supplies* used in the preparation and serving of foods in restaurants, cafeteria, hotels or commissaries, in mixed shipment with the commodities named in (1), between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington and Baltimore Counties, Md., Delaware, New Jersey, Baltimore, Md., and Washington, D.C., and New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, New York, points in Virginia on and east of U.S. Interstate Route 95, points in Stafford, Prince William and Fairfax Counties, Virginia west of U.S. Interstate 95, and points in Pennsylvania east of the Susquehanna River, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate

Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 61403 (Sub-No. 232TA), filed February 25, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11–W, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Garyville, La., to points in the United States except points in Alaska, Connecticut, Delaware, Hawaii, Kentucky, on and east of U.S. Highway 421 from the Kentucky-Virginia state line to the junction of Kentucky State Highway 11, thence north on Kentucky State Highway 11 to the Kentucky-Ohio state line, Maine, Maryland, Massachusetts, Michigan on and east of U.S. Highway 127 north from Michigan-Indiana state line to Lansing, thence U.S. Highway 27 to junction of Interstate 75, thence Interstate 75 to the U.S.-Canadian border, New Hampshire, New Jersey, New York, North Carolina, Ohio on and east of U.S. Highway 68 north from Ripley to Findlay, thence Interstate 75 to the Ohio-Michigan state line, Pennsylvania, Rhode Island, Tennessee on and east of U.S. Highway 25E from the Tennessee-Virginia state line south to Newport, thence U.S. Highway 25 to the Tennessee-North Carolina state line, Vermont, Virginia, West Virginia, for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oakbrook, Ill. 60521. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A–422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 107403 (Sub-No. 931TA), filed February 24, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee and Texas), for 180 days. Supporting shipper: James E. Carr, Corporate Traffic Manager, Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 114725 (Sub-No. 71TA), filed February 25, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa to points in Minnesota, South Dakota, Nebraska, North Dakota, Kansas, Missouri, and Wisconsin, for 180 days. Supporting shipper: NaChurs Plant Food Co., 1705 North Broadway, Red Oak, Iowa 51566. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 116077 (Sub-No. 363TA), filed February 25, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company at or near Garyville, La., to points in the United States (except Alabama, Alaska, Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Oklahoma, Tennessee and Texas), for 180 days. Supporting shipper: Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 107403 (Sub-No. 932TA), filed February 24, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campari concentrate*, in bulk, in tank vehicles, from Baltimore, Md., to Lawrenceburg, Ky., for 180 days. Supporting shipper: Thomas R. McCarthy, Executive Vice President, Austin, Nichols & Co., Inc., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 991TA), filed February 25, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of corn syrup and liquid sugar*, in bulk, from Memphis, Tenn., to points in Alabama, for 180 days. Supporting shipper: Sugar Services Corporation, P.O. Box 18375, Memphis, Tenn. 38118. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 116077 (Sub-No. 364 TA), filed February 25, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, from Port Arthur, Tex., to Hibbing, Minn., for 180 days. Supporting shipper: Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 116273 (Sub-No. 190TA), filed February 20, 1975. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: C. T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Hydraulic system fluid, other than petroleum*, in bulk, in tank vehicles, and (B) *Spent or waste hydraulic system fluid, other than petroleum*, in bulk, in tank vehicles, (A) from St. Charles, Ill., to Bedford and Lafayette, Ind., and (B) from Bedford and Lafayette, Ind., to St. Charles, Ill., for 90 days. Supporting shipper: Robert A. Damiani, President, Radco Industries, 1480 Dean Street, St. Charles, Ill. 60174. Sent protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126817 (Sub-No. 3 TA), filed February 24, 1975. Applicant: A.L.A. DELIVERY CORP., 545 West 22nd Street, New York, N.Y. 10011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Deer Park, N.Y., to New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Germaine Monteil Cosmetique Corporation, of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y., Tuvache Rare Perfumes, Inc., of Deer Park, N.Y. Irregular routes: *Infants', children's and boys' shirts, sweaters, pajamas, pants, and swimwear*, from New Hyde Park, N.Y., to New York, N.Y.; Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone),

and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y. and *Samples, and refused, rejected, and* returned shipments of the above described commodities, from New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) and those in New Jersey within 5 miles of New York, and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., to New Hyde Park, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y., for 180 days. Supporting shippers: Scandia Cosmetics Corp., 40 West 57th St., New York, N.Y. Tuvache Rare Perfumes, Inc., 40 West 57th St., New York, N.Y. Germaine Monteil Cosmetique Corp., 40 West 57th St., New York, N.Y. Donmoor, Inc., 34 West 33rd St., New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128086 (Sub-No. 4TA), filed February 24, 1975. Applicant: A & M HAULING, INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre cut log buildings, knocked down, and materials and supplies used in the construction and erection thereof*; from the facilities of Real Log Homes, Inc., near Missoula, Montana, to points in the United States in and west of Ohio, Kentucky, Tennessee, Arkansas and Texas, for 180 days. Supporting shipper: Real Log Homes, Inc., Route 2, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 116289 (Sub-No. 3TA), filed February 25, 1975. Applicant: BYARS OIL COMPANY, INC., P.O. Box 5537, Greenville, S.C. 29606. Applicant's representative: Harry A. Chapman, Jr., P.O. Box 10167 F.S., Greenville, S.C. 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from the plantsite and storage facilities of Koppers Company, Inc., at or near Greer, S.C., to Georgia Counties: Elbert, Hart, Franklin, Stephens, Rabun, Habersham, Banks, Madison, Jackson, Towns, White, Hall, Forsyth, Dawson, Lumpkin, Union, Fannin, Gilmer, Pickens, Cherokee, Bartow, Gordon, and Murray and refused or returned material in the reverse direction, for 180 days. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 129184 (Sub-No. 13TA), filed February 25, 1975. Applicant: KENNETH L. KELLAR, 810 Peace Portal Drive, P.O. Box 449, Blaine, Wash. 98230. Applicant's representative: Michael D. Duppenthaler, Room 411, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor and cigarettes*, restricted to the transportation of traffic either originating at points in Canada or having a prior movement by water, between Blaine, Wash., on the one hand, and, on the other, Sweetgrass, Mont., and from Blaine, Wash., to Great Falls, Mont., for 180 days. Supporting shipper: Exports, Inc., 810 Peace Portal Drive, P.O. Box 449, Blaine, Wash. 98230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 133478 (Sub-No. 15TA), filed February 25, 1975. Applicant HEARIN TRANSPORTATION, INC., 8565 S.W. Beaverton-Hillsdale Hiway, Portland, Oreg. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Bldg., Six Ten Southwest Alder, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal ingots, exothermics and metal shots*, from Fontana, Long Beach, Lynwood and Rodeo, Calif., to the plantsite of Western Industrial Supply at Portland, Oreg., and Seattle, Wash., and from the plantsite of Western Industrial Supply at Portland, Oreg., to Seattle, Spokane, Longview, Chehalis and, at or near Blaine, Wash., for 180 days. Supporting shipper: Dalta Oil Products Corporation, 16200 S.W. 72nd Avenue, Portland, Oreg. 97225. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136553 (Sub-No. 32TA), filed February 24, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Missouri and Kansas, for 180 days. Supporting shipper: Soil Chem, Inc., 311 East College Drive, Marshall, Minn. 56258. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140662 (Sub-No. 1TA), filed February 24, 1975. Applicant: RALPH KLINGE, doing business as KLINGE TRUCKING, Box 31, Wright, Kans. 67882. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the plantsite and/or storage facilities of Holl-Tex, Inc., at or near Garden City, Kans., and the plantsite and/or storage facilities of HyPlains Dressed Beef, Inc., at/or near Dodge City, Kans., to the plantsite and/or storage facilities of A. J. Hollander and Co., Inc., located at/or near Amarillo, Tex., under contract with A. J. Hollander and Co., Inc., for 180 days. Supporting shipper: A. J. Hollander and Co., Inc., P.O. Box 4247, Amarillo, Tex. 79105. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140667 (Sub-No. 1TA), filed February 25, 1975. Applicant: JOYCE E. HAYNES TRUCKING, INC., 221 Davidson, Independence, Mo. 64056. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail variety, discount, and drug stores, and wholesale houses serving such stores, from the warehouse and plant facilities of Shawnee Evans Company, located at or near Lenexa, Kans., to Minneapolis, St. Paul, St. Cloud, Litchfield, and Stillwater, Minn., New Glarus, Madison and Delavan, Wis., and points in Nebraska and Iowa, under a continuing contract or contracts with Shawnee Evans Company, of Lenexa, Kans., for 180 days. Supporting shipper: Shawnee Evans Company, 13917 West 101st Street, Lenexa, Kans. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 140667 (Sub-No. 2TA), filed February 25, 1975. Applicant: JOYCE E. HAYNES TRUCKING, INC., 221 Davidson, Independence, Mo. 64056. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail, variety, discount, and drug stores, and wholesale houses serving such stores, from the warehouse and plant facilities of Shawnee Evans Company, located at or near Lenexa, Kans., to Hartford and Louisville, Ky., and points in Missouri, Illinois, and Indiana, under a continuing contract or contracts with Shawnee Evans Company, of Lenexa, Kans., for 180 days. Supporting shipper: Shawnee Evans Company, 13917 West 101st Street, Lenexa, Kans. Send protests too: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140675 TA, filed February 21, 1975. Applicant: CHARLES C. KVARE, INC., Rural Route #3, Pelican Rapids, Minn. 56572. Applicant's representive:

Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized ground refuse screenings*, from the ports of entry located on the International Boundary Line between the United States and Canada, located in North Dakota, Minnesota, and Montana, to points in Montana and Wyoming, for 180 days. Supporting shipper: Agra By-Products, 1601 7th Avenue North, Fargo, N. Dak. 58102. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140676 TA, filed February 20, 1975. Applicant: D. G. ARMSTRONG, doing business as MID-WAY TRANSPORTION CO., 8800 Oakdale Drive, Waco, Tex. 76710. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick, glazed tile, glazed brick, patio tile, unglazed tile, fire brick and refractory tile, on pallets or in bundles*, from Bastrop County, Tex., to points in Louisiana, Mississippi, Florida, and Alabama, for 180 days. Supporting shipper: Elgin-Butler, Brick Company, P.O. Box 1947, Austin, Tex. 78767. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 140682 TA, filed February 25, 1975. Applicant: NEW (TRANS) PORT, INC., P.O. Box 118 (Highway 17 S), Riceboro, Ga. 31323. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 33202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, for 180 days. Supporting shipper: Interstate Paper Corporation, Riceboro, Ga. 31323. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139953 (Sub-No. 1TA), filed February 24, 1975. Applicant: PENETANG-MIDLAND COACH LINES LIMITED, 475 Bay Street, Midland, Ontario, Canada L4R 1L1. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from ports of entry on the International Boundary line between the United States and Canada in Michigan and New York to Daytona Beach, Fla., Corpus Christi, Tex., Washington, D.C., Williamsburg, Va., and New York, N.Y., and return. Restricted to transportation of passengers having a prior movement in foreign commerce, for 180 days. Supporting shippers: Canada Tours, P.O. Box 4370, London, Ontario, Canada. St. Theresa's High School, Dominion Avenue, Midland, Ontario, Canada. O.K. Johnson Tours, 113 Dunlop St., East, Barrie, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140674 TA, filed February 18, 1975. Applicant: LEE E. COTTRELL, doing business as GREAT NORTHWEST BUS LINE, Cox Municipal Airport, Dayton, Ohio 45377. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers with baggage under charter operations*, between Dayton, Ohio and Wright-Patterson Air Base, Ohio, on the one hand, and, points and places in the United States (except Alaska and Hawaii), on the other, for 180 days. Supporting shippers: Director of Aviation, Cox Municipal Airport, City of Dayton, Ohio. United States Air Force, Wright-Patterson AFB, Ohio. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

By the Commission.

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

[FR Doc.75-6063 Filed 3-6-75;8:45 am]

[AB 37 (Sub-No. 1)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Line

MARCH 4, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor;

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Umatilla County, Oreg., on or before March 10, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of February, 1975.

By the Commission, Commissioner Tuggle.

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

[AB 37 (Sub-No. 1)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT—PORTION OF PENDLETON BRANCH LINE, UMATILLA COUNTY, OREGON

The Interstate Commerce Commission hereby gives notice that by order dated February 14, 1975, it has been determined that the proposed abandonment by the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company of its line between Pendleton and Athena, Umatilla County, Oreg., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) nearby rail service will continue to be available upon abandonment at Pendleton and Athena over existing rail lines of the Union Pacific Railroad Company and the Burlington Northern, Inc., (2) the increase in vehicle emissions and fuel consumption resulting from the diversion of rail traffic will be minimal because of the low volume of freight movements, (3) degradation of the area's environment will be minimal, and (4) there are no definitive local economic development plans for the area dependent upon the continuation of direct rail access. A number of State agencies have expressed interest in purchase of the right-of-way for highway widening or for recreation trail development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 25, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc. 75-6057 Filed 3-6-75; 8:45 am]

[Notice No. 28]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
New England Steamboat Lines, Inc., MCW–1263 Sub 3	MCW–1263 Sub-4	Jan. 6, 1975
Neuman Transit Co., Inc., MC–116045 Snb 38	MC–116045 Sub-39	Apr. 5, 1974
Motor Service Co., Inc., MC–117565 Sub 67	MC–117565 Sub-62	Apr. 5, 1974
Donald M. Bowman, Jr., MC–117613 Sub 10	MC–117613 Sub-12	Apr. 8, 1974
Pulley Freight Lines, Inc.:		
MC–117815 Snb-172	MC–117815 Sub-182	Apr. 9, 1974
MC–117815 Sub 204	MC–117815 Sub-205	Apr. 1, 1974
National Refrigerated Transport, Inc., MC–118159 Sub 133	MC–118159 Sub-135	Apr. 19, 1974
N. A. B. Trucking Co., Inc., MC–119726 Sub 35	MC–119726 Sub-34	Apr. 1, 1974
Diamond Transportation System, Inc., MC–123048 Sub 262	MC–123048 Sub-271	Apr. 5, 1974
B & L Motor Freight, Inc., MC–123255 Sub 25, 26	MC–123255 Sub-24	Apr. 1, 1974
Warsaw Trucking Co., Inc., MC–123294 Sub 29	MC–123294 Sub-30	Apr. 5, 1974
Labara's, Inc., MC–124920 Sub 11	MC–124920 Sub-12	Apr. 2, 1974
Richard B. Brunzlick MC–125140 Sub 17	MC–125140 Sub-18	June 10, 1974
Auto Driveaway Co., MC–125985 Sub 13, 14, 15, 16	MC–125985 Sub-9	Apr. 22, 1974
Boyd Brothers Transportatiou Co., Inc., MC–126305 Sub 35	MC–126305 Sub-27	Apr. 10, 1974
Jack Walker Trucking Service, Inc., MC–126402 Sub 11, 13	MC–126402 Sub-12	Apr. 15 1974
Gaston Feed Transports, Inc., MC–126489 Sub 17	MC–126489 Sub-18	Apr. 22, 1974
Customers Truck Service MC–126594 Sub 2	MC–126594 Snb-3	June 10, 1974
Petroleum Carrier Corp. of Florida, MC–126736 Sub 67	MC–126736 Sub-68	Apr. 11, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–6064 Filed 3–6–75;8:45 am]