Vol.40—No.197
10–9–75
PAGES
47469–47749

federal register

THURSDAY, OCTOBER 9, 1975

highlights

reminders

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

Rules Going Into Effect Today

EPA—Approval and promulgation of implementation plans; Nebraska.... 41778; 9–9–75

DOT/FAA—Alteration of transition area. 33819; 8–12–75

Airways; jet routes and reporting points; redesignation and designation. 17007; 5–16–75

Alteration of transition area; Spokane, Wash 34334; 8–15–75

Alteration of transition area; San Diego, Calif 34334; 8–15–75

Alaska; designation and recision of airways and reporting points..... 17549; 4–21–75

Alteration of transition area; Helena, Mont 34333; 8–15–75

Alteration of controlled airspace. 23724; 6–2–75

Alteration of control zone and transition area; Rhinelander, Wisc..... 28076; 7–3–75

Alteration of control zone and transition area; Hagerstown, Md..... 33966; 8–13–75

Alteration of jet routes and area high routes 28077; 7–3–75

Alteration of transition area; Park Rapids, Minn..... 28076; 7–3–75

Control zone; Dallas, Tex..... 29550; 7–14–75

Control zones and transition areas; Sacramento, California (McClellan AFB) and Fort Bridger, Wyoming.... 30464; 7–21–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; alteration of transition area 26504; 6–24–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; transition area. 34087; 8–14–75

Designation of Federal airways; Goldsboro, N.C..... 33655; 8–11–75

Designation of Federal airways, area low routes, controlled airspace, and transportation; alteration of control zone and transition area..... 30099; 9–17–75

Designation of Federal airways.. 33655; 8–11–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; transition area. 33435; 8–8–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; transition area. 29273; 7–11–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; alteration of terminal control area at Atlanta, Georgia. 36311; 8–20–75

Control and transition areas..... 36108; 8–19–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points; change of reporting points 36311; 8–20–75

Designation of Federal airways, area low routes, controlled airspace, and reporting points..... 30933; 7–24–75

Federal airways, area low routes, controlled airspace, and reporting points; Valparaiso, Fla..... 37030; 8–25–75

Operations of foreign air carriers; security program..... 29273; 7–11–75

Standard instrument approach procedures; amendments..... 44127; 9–25–75

Transition area, Starkville, Miss.. 39495; 8–28–75

Transition area; Jackson, Miss.. 33654; 8–11–75

Transition area; Brunswick, Ga.. 33654; 8–11–75

Transition area, Carlos, Ariz..... 36560; 8–21–75

Transition area; Jacksonville, Fla. 29551; 7–14–75

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

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

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

contents

CONTENTS

CONTENTS

list of cfr parts affected

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

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

3 CFR

EXECUTIVE ORDERS:

10016 (Revoked by 11884) 47469
11884 47469

4 CFR

51 47511
52 47512
53 47513
54 47513
55 47513

PROPOSED RULES:

413 47517

5 CFR

213 47513

7 CFR

24 47473
908 47476
1808 47477

PROPOSED RULES:

17 47514

10 CFR

211 (2 documents) 47477, 47478

11 CFR

PROPOSED RULES:

116 47688
130 47688
131 47688
132 47688
133 47688

13 CFR

123 (2 documents) 47480

14 CFR

71 (5 documents) 47481, 47482
75 47482

16 CFR

1009 47482

20 CFR

416 47487

21 CFR

PROPOSED RULES:

210 47516
225 47516
1301 47514

24 CFR

PROPOSED RULES:

2700 47694
2705 47694
2710 47694
2715 47694
2720 47694
2725 47694

27 CFR

245 47490

29 CFR

94 47722
97 47722
2555 47491

PROPOSED RULES:

97 47744
1910 47652
1952 (2 documents) 47515, 47516

31 CFR

210 47492

32 CFR

2102 47746

33 CFR

207 47495

40 CFR

52 47495

PROPOSED RULES:

6 47714
52 (4 documents) 47519

41 CFR

Ch. 9 47495

43 CFR

PUBLIC LAND ORDERS:

5543 47496

47 CFR

21 47496

PROPOSED RULES:

74 47522
76 47521
78 47522
89 47522

49 CFR

1115 47504

PROPOSED RULES:

230 47522

50 CFR

17 47505
32 47506
33 47509
81 47509

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

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

1 CFR
Ch. I 45157

3 CFR
PROCLAMATIONS:
4262 (See Proc. 4398) 46085
4397 45791
4398 46085
4399 46087
EXECUTIVE ORDERS:
10016 (Rovoked by EO 11884) 47469
11388 (Superseded by EO 11880) 46089
11345 (Amended by EO 11882) 46293
11371 (Amended by EO 11882) 46293
11578 (Amended by EO 11882) 46293
11658 (Amended by EO 11882) 46293
11659 (Amended by EO 11882) 46293
11811 (Superseded by EO 11883) 47091
11812 (Superseded by EO 11883) 47091
11832 (See Proc. 4398) 46085
11880 46089
11881 46291
11882 46239
11883 47091
11884 47469

4 CFR
51 47511
52 47512
53 47513
54 47513
55 47513
400 45417
412 45417
PROPOSED RULES:
413 47517

5 CFR
151 47101
213 ..... 45793, 47513
591 45417
2413 45417
PROPOSED RULES:
1705 46062

7 CFR
2 ..... 45157, 45158
24 47473
51 46295
68 47101
908 ..... 45417, 47476
910 45795
913 45794
915 47102
924 45418
927 46091
930 45418
948 45794
980 45794
989 46299
1046 45158
1201 46091
1808 47477
PROPOSED RULES:
17 47514
51 46115
52 46116
911 45442
929 45443
982 45175

7 CFR—Continued
PROPOSED RULES—Continued
993 45443
1001 47316
1002 47316
1015 47316
1207 45176
1251 45176
1464 45444

8 CFR
103 46092

9 CFR
78 45795
92 46092
97 46300
101 ..... 45419, 46093
112 46093
113 ..... 45419, 46092, 46093
114 46093
307 45798
331 45801
381 45801

10 CFR
206 45609
211 ..... 47477, 47478
708 45308
715 45321
PROPOSED RULES:
212 ..... 45447, 47147

11 CFR
PROPOSED RULES:
107 45297
109–111 47146
116 47688
130 47688
131 47688
132 47688
133 47688

12 CFR
204 46301
217 46301
226 46301
261a 45617
265 46093
310 46274
329 46301
335 47346
524 46302
545 47103
555 47103
561 46094
563 ..... 46094, 46303
564 46095
569 46095
571 46096
720 46276
PROPOSED RULES:
545 ..... 47149, 47150
555 47151
563 46323
571 47151

13 CFR
102 46280
123 47480

14 CFR
39 ..... 45420, 45802, 46097, 46303, 47103
71 ..... 45158, 45420, 45803, 45804, 46097, 46304–46306, 47104, 47481, 47482
73 ..... 45804, 46097
75 ..... 46306, 47482
97 45421
288 46098
PROPOSED RULES:
39 ..... 46320, 46321
71 ..... 45846, 46116, 46321, 47141
75 45192
103 45197
217 46321
241 46321

15 CFR
4b 45619
369 45421
370 45159
377 45159
PROPOSED RULES:
4b 45632

16 CFR
13 ..... 46306, 46308
1009 47482

17 CFR
200 46107
210 46111
240 ..... 45422, 45853, 46111
249 ..... 45422, 46111
271 45424
275 45162
PROPOSED RULES:
210 46117
240 ..... 45203, 45448
249 46118
270 47152
275 46118

18 CFR
301 45313
701 45675

19 CFR
210 45163
PROPOSED RULES:
141 45825
142 45825
143 45825
159 45825

20 CFR
404 45805
405 46309
416 47487
PROPOSED RULES:
200 45736
410 45190

21 CFR
121 ..... 46099, 47104
123 45163
201 46099
369 46100

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
45157–45415	1
45417–45789	2
45791–46083	3
46085–46290	6
46291–47090	7
47091–47468	8
47469–47749	9

presidential documents

Title 3—The President

Executive Order 11884 • October 7, 1975

Prescribing the Official Coat of Arms, Seal, and Flag of the Vice President of the United States

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The Coat of Arms of the Vice President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch proper and in his sinister a bundle of thirteen arrows gray, and in his beak a gray scroll inscribed "E PLURIBUS UNUM" sable.

CREST: Behind and above the eagle a radiating glory or, on which appears an arc of thirteen cloud puffs gray, and a constellation of thirteen mullets gray.

SEC. 2. The Seal of the Vice President of the United States shall consist of the Coat of Arms encircled by the words "Vice President of the United States."

SEC. 3. The Color and Flag of the Vice President of the United States shall consist of a white rectangular background of sizes and proportions to conform to military custom, on which shall appear the Coat of Arms of the Vice President in proper colors within four blue stars. The proportions of the element of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military services.

SEC. 4. The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications attached hereto and made a part of this Order. These designs shall be used to represent the Vice President of the United States exclusively.

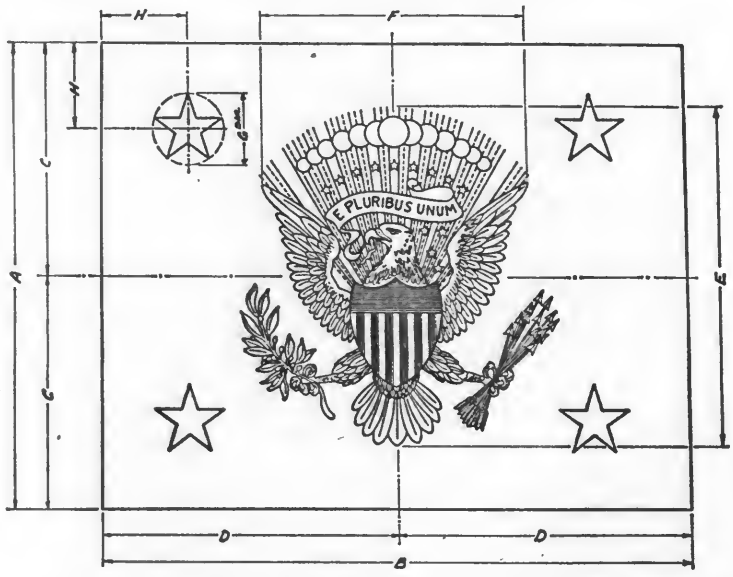
SEC. 5. This Order shall become effective immediately. Executive Order No. 10016 of November 10, 1948, is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
October 7, 1975.

SPECIFICATIONS FOR VICE PRESIDENT'S FLAG

Flag base—white.
Stars, large—dark blue; stars, small—silver gray.
Shield:
  Chief—dark blue.
  Stripes—white and red.
Eagle:
  Wings, body, upper legs—shades of brown.
  Head, neck, tail—white, detailed silver gray.
  Beak, feet, lower legs—yellow.
  Talons—dark gray, white highlights.
Arrows—silver gray.
Olive branch:
  Leaves—shades of green; stem—brown.
  Olives—green.
Rays—yellow.
Clouds—silver gray.
Scroll—silver gray.
Letters—black.
All dimensions are exclusive of heading and hems.
Device to appear on both sides of flag but will appear reversed on reverse side of flag, except that the motto shall read from left to right on both sides.



RELATIVE PROPORTIONS OF DESIGN TO HOIST OF FLAG								
DIMENSIONS OF DESIGN	A(HOIST)	B	C	D	E	F	G (DIA)	H
RELATIVE DIMENSIONS	1.		.5		.72596	.57692	.15865	.1875

[FR Doc.75-27291 Filed 10-7-75;11:34 am]

rules and regulations

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Rules of Procedure

The Rules of Procedure of the Board of Contract Appeals currently in effect were prescribed in 7 CFR 24.21 (39 FR 30914, 32004) and became effective on September 25, 1974. Under 7 CFR 24.9 of the Secretary's regulations, the Chairman of the Board may prescribe amendments of such Rules consistent with the Secretary's regulations.

Experience under the current Rules indicates that certain amendments of a clarifying nature would be helpful to counsel and the parties. The various Boards of Contract Appeals in the Executive Branch have been cognizant of the desirability of moving toward more uniform rules to simplify the burden facing contractors who may deal with more than one Government agency.

The current Rules of this Board were patterned after the Rules of Procedure of the Armed Services Board of Contract Appeals. The Rules of the GSA Board (40 FR 3291; January 21, 1975), the proposed Uniform Rules for Government Boards of Contract Appeals recommended on May 15, 1975, by the National Conference of Boards of Contract Appeals Members, the Recommendation and Report of the Council of the Section of Public Contract Law of the American Bar Association circulated in July 1975, as well as other Board procedures have all been given careful consideration. The revisions adopted for the AGBCA Rules of Procedure move toward greater uniformity with the Rules of other Boards.

The revised Rules of Procedure of the Agriculture Board of Contract Appeals are set forth in full and shall take effect on November 10, 1975.

Since these amendments involve internal management and technical clarifications of procedural rules, it is hereby found and determined that compliance with the notice of proposed rulemaking and public procedures requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest.

Subpart B—Rules of Procedure of Part 24, Subtitle A, Title 7 of the Code of Federal Regulations is revised to read as follows:

Subpart B—Rules of Procedure

Sec.

AUTHORITY: (5 USC 301) (40 USC 486(c)) sec. 4, 62 Stat 1070, as amended (15 USC 714b); 30 Stat. 35, as amended (16 USC 551); 50 Stat. 525, as amended (7 USC 1011(f)); secs. 9, 10, 62 Stat. 1072, 1073 (15 USC 714g, 714h).

§ 24.21 Rules of Procedure of Agriculture Board of Contract Appeals—AGBCA.

(a) *Preface to Rules.* (1) *Jurisdiction.* The jurisdiction, organization and functions of the Agriculture Board of Contract Appeals—AGBCA—are prescribed by the Secretary of Agriculture in Subpart A of this Part 24 (7 CFR §§ 24.1 *et seq.*; 39 FR 30912, 32004, 40 FR 32109). The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Secretary of Agriculture.

(2) *Organization and location of the Board.* The Board is located in Washington, D.C. and its mailing address is Board of Contract Appeals, Room 2912 South Building, United States Department of Agriculture, Washington, D.C. 20250. Its telephone number is AC 202 447-7023.

(i) The Board consists of a Chairman and three other full-time members who are qualified attorneys admitted to the practice of law together with as many as three part-time members who are employees of the Department. Full-time attorney members are designated as Administrative Judges and the Chairman is designated as Chief Administrative Judge.

(ii) The Chairman acts as the Presiding Officer or designates a Board Member as the Presiding Officer for each appeal. The Presiding Officer is primarily responsible for the handling of the case and presides at the hearing. Except in appeals handled under the accelerated procedures where the Presiding Officer is the sole deciding Member (7 CFR 24.3), decisions of the Board are rendered by a panel of three Members designated by the Chairman and the decision of the majority of the panel constitutes the decision of the Board.

(3) *Decisions on questions of law.* When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider and decide all questions of law necessary for the complete adjudication of the issues. In the consideration of an appeal, if it appears that a claim is involved which is not cognizable under the terms of the contract, the Board may make Findings of Fact with respect to such a claim without expressing an opinion on the question of entitlement.

(4) *Board of Contract Appeals procedure.* Appeals referred to the Board are handled in accordance with these Rules of Procedure. Emphasis is placed upon the sound administration of these Rules in specific cases because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These Rules will be interpreted so as to assure a just and inexpensive determination of appeals without unnecessary delay. Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(5) *Time, computation and extensions.* All time limitations specified for various procedural actions are computed as maximums and are not to be fully exhausted if the action described can be accomplished in a lesser period. Except as otherwise provided by law, in computing any period of time prescribed by these rules or any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day. If mailing is required, the date of the postmark shall be treated as the date action was taken. Requests for extensions of time by either party shall be in writing and state good cause for the requested extension. The Board may grant such extensions on good cause shown except that the Board shall not extend the time prescribed under 7 CFR § 24.5 for taking an appeal.

RULES OF PROCEDURE

DOCKETING, PLEADINGS, PRELIMINARY PROCEDURES

Rule 1. Appeals, How taken. Notice of an appeal shall be in writing and the original, together with two copies, shall be mailed or otherwise furnished to the contracting officer from whose decision the appeal is taken, addressed to the Secretary of Agriculture, within the time specified in the contract or allowed by applicable provision of regulation or law. (See 7 CFR § 24.5)

Rule 2. Notice of Appeal, Contents of. A notice of appeal shall clearly identify the decision from which the appeal is taken, the date of the decision, the contract number, the agency or field office of the Department cognizant of the dispute and shall indicate that an appeal is thereby intended. The notice of appeal need not follow any prescribed form. It may be in the form of a letter. It should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 4 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint if it otherwise fulfills the requirements of a complaint.

Rule 3. Forwarding of Appeals. When a notice of appeal in any form has been received by the contracting officer, the date of mailing (or date of receipt, if otherwise conveyed) shall be endorsed thereon by the contracting officer. The contracting officer shall forward the original and one copy of the notice of appeal to the Board within 10 days through agency channels. The agency office receiving such notice of appeal shall forward the original and one copy to the Board of Contract Appeals, United States Department of Agriculture, Washington, D.C. 20250, not later than 15 days from the date of receipt from its contracting officer. Following receipt by the Board of such notice of appeal, the Board will notify the appellant (contractor) and the contracting officer of the docketing of the appeal and will furnish a copy of these rules to the appellant.

Rule 4. Complaint. A complaint shall be filed by appellant with the Board not later than the date prescribed by letter from the Board except where the Board treats the notice of appeal as the complaint. The complaint shall contain simple, concise and direct statements of each claim and the dollar amount claimed, alleging the basis for each claim with appropriate reference to contract provisions. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. If a complaint is not timely filed, the Board may treat the notice of appeal as the complaint if it deems the issues to be sufficiently defined. The Board will notify the Government attorney of any such determination.

Rule 5. Appeal File.—(a) *Duties of contracting officer.* The contracting officer shall assemble and file with the Board within the time prescribed by letter from the Board, three copies of all documents pertinent to the appeal as an appeal file including as applicable but not necessarily limited to:

(1) the decision and findings of fact from which appeal is taken;

(2) the contract including pertinent specifications, amendments, plans and drawings;

(3) all correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) any additional information considered pertinent.

(b) *Organization of appeal file.* Documents in the appeal file may be originals or legible facsimile or authenticated copies thereof, and shall be arranged in chronological order, where practicable, numbered sequentially, tabed, and indexed to identify the contents of the file.

(c) *Board action upon receipt of appeal file.* The Board upon receipt of the appeal file from the contracting officer will send a copy thereof to appellant and to the Government attorney. The appellant and the Government attorney may supplement the appeal file by filing with the Board three copies of any additional documents not contained in the appeal file assembled by the contracting officer which appellant or the Government attorney believes are also pertinent to the appeal. Such filings shall be made with the Board within the time prescribed by the Board. The Board upon receipt of any such additional documents will send a copy thereof to the other party.

(d) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of closing the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record as evidence.

(e) *Lengthy documents.* The Board may waive the requirement of including in the copy of the appeal file to be furnished to the other party copies of bulky, lengthy, or out-of-size documents when a party shows to the satisfaction of the Board that providing such documents would impose an undue burden, provided that such documents are available for inspection at the office of the party filing only one copy thereof. Such documents will also be available for inspection at the office of the Board.

Rule 6. Answer. The Government attorney will be requested by the Board to file an answer on behalf of the contracting officer after the complaint has been filed. The answer shall be filed with the Board within the time prescribed by letter from the Board and shall be in an original and two copies setting forth simple, concise, and direct statements of defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims as appropriate. The Board will send a copy of the answer to appellant. If a counter-claim is filed, an opportunity will be afforded to appellant to file a response. If an answer is not timely filed, the Board may, in its discretion, enter a general denial and so notify the appellant.

Rule 7. Additional pleadings and motions. The presiding officer may permit or require such additional pleadings or amendments thereto and motions to be filed as may be desirable in the interests of defining the issues and affording the parties full opportunity to prepare their cases. When issues within the proper scope of the appeal, but not raised by the pleadings or the appeal file are tried by express or implied consent of the parties, or by permission of the presiding officer, such issues shall be treated in all respects as if raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or appeal file, it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable such party to meet such evidence.

Rule 8. Hearing election. A hearing before the Board shall be a matter of right which shall be afforded to appellant. The Government attorney may request a hearing in any case. If the parties waive a hearing the case shall be submitted on the record except where the presiding officer requires a hearing. The Board will ascertain from the parties whether a hearing is requested and ordinarily this will be done after the appeal file and pleadings have been received by the Board.

Rule 9. Accelerated procedure.—(a) *Election.* Either party may notify the Board of its election to have the appeal handled under this Rule 9. If both parties agree to handling under accelerated procedure, the presiding officer shall determine whether the appeal falls within the dollar limitation prescribed in paragraph (b) of this Rule 9 and whether the case otherwise is appropriate, taking into consideration the nature of the dispute, for handling under accelerated procedure. The determination of the presiding officer to handle or not handle the appeal under accelerated procedure shall be final.

(b) *Dollar amount limitation.* In order to be eligible for handling under accelerated procedure, the appeal shall involve $25,000 or less consisting of the claim of appellant together with the amount involved in any counter-claim filed by the Government attorney. If no dollar amount of claim or counter-claim is involved, the presiding officer shall determine whether the appeal can be properly disposed of under this Rule 9.

(c) *Elimination of procedures.* In cases proceeding under this Rule 9, parties are encouraged to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery and briefs.

(d) *Presiding officer as decision maker.* The presiding officer in any appeal handled under accelerated procedure shall issue a short written decision as soon as practicable after closing of the record and such decision shall be the final decision of the Board.

Rule 10. Prehearing or presubmission procedures.—(a) *Prehearing orders.* The presiding officer may issue an order in cases where a hearing will be held prescribing as to one or more of the following that the parties shall:

(1) exchange a list of witnesses giving titles and a brief description of the subject matter of the testimony;

(2) exchange proposed exhibits and prepare an additional set thereof for the presiding officer; and

(3) exchange a list of expert witnesses with a summary of their qualifications and testimony.

(b) *Prehearing orders in complex cases.* The presiding officer may issue a more comprehensive order in cases where a hearing will be held and it appears that the issues are confused, complex, that the hearing will be unduly long, or where quantum is involved. Such order, in addition to covering one or more of the items under (a) of this rule, may prescribe as to one or more of the following that the parties shall:

(1) submit to the presiding officer a stipulation of all facts not in dispute;

(2) attempt preparation of an agreed statement of factual and legal issues and, failing therein, submit separate statements; and

(3) submit to the other party, where the issue of quantum will be heard, a statement of the monetary claim in detail with ac-

counting schedules and explanations and afford the other party the right to an audit with the audit report to be available to both parties.

(c) *Prehearing or presubmission briefs and oral argument.* The presiding officer may require or allow the filing of prehearing or presubmission briefs in such manner as prescribed and may also require or allow oral argument in such manner as prescribed prior to hearing or submission on the record.

(d) *Prehearing or presubmission conference.* The presiding officer may require a prehearing or presubmission conference to consider:

(1) the simplification or clarification of the issues;

(2) the possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record or similar agreements which will avoid unnecessary proof;

(3) the limitation of the number of expert witnesses, or avoidance of similar cumulative evidence if the case is to be heard;

(4) the possibility of agreement disposing of all or any of the issues in dispute;

(5) such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the presiding officer and this writing shall constitute part of the record.

Rule 11. Submission without a hearing. Either party may elect to waive a hearing and if the other party as well as the Board do not require a hearing, the case shall be submitted upon the record before the Board. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument and briefs.

Rule 12. Discovery procedures.—(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the presiding officer may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and such order may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the presiding officer may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the presiding officer.

(d) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

(e) *Interrogatories to parties.* After an appeal has been docketed, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the presiding officer will determine the extent to which the interrogatories will be permitted.

(f) *Admission of facts.* After an appeal has been docketed, a party may serve on the other party a request for the admission of specified facts. The party served shall answer each requested item or file objections thereto within 30 days after service. The presiding officer will rule on any such objections. The factual propositions set out in the request shall be deemed admitted upon the failure of a party to respond or object to the request for admission.

(g) *Production, inspection and copying of documents.* After an appeal has been docketed, a party may arrange with the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot agree thereon, the presiding officer shall specify just terms and conditions in making the inspection and making copies and photographs. Expenses of making copies and photographs shall be borne by the party seeking to make or cause to be made copies and photographs.

Rule 13. Sanctions. If any party fails or refuses to obey an order issued by the presiding officer, the presiding officer may make such order in regard to the failure deemed necessary to the just and expeditious conduct of the appeal.

Rule 14. Subpoena power. The Chairman has authority by delegation from the Secretary to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 USC 304.

HEARINGS

Rule 15. Hearings, Notice of. The presiding officer shall give notice of the time and place set for hearing which shall be scheduled as may best serve the interests of the parties and the Board. Such notice shall be sent to the parties in writing not less than 30 days in advance of the date for such hearing unless the parties waive notice.

Rule 16. Unexcused absence of a party. The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

Rule 17. Hearings, open to public, verbatim transcript. Hearings shall be open to the public. Testimony shall be reported verbatim. Transcripts of the proceedings shall be made available by the Board to the Government attorney. Appellant may order transcripts of the proceedings from the contract reporter at the hearing at actual cost of duplication (Pub. L. 92-463, October 6, 1972, 86 Stat. 770, 5 USC App. I).

Rule 18. Hearings, Conduct of.—(a) *General.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. The parties may offer such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding officer in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding officer. The presiding officer shall receive only evidence which is germane to the issues involved and shall exclude, insofar as practicable, evidence which is immaterial, irrelevant or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board members considering the case, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The presiding officer may in any case require evidence in addition to that offered by the parties.

(b) *Examination of witnesses.* Witnesses will be examined under oath or affirmation subject to cross-examination and questions from the presiding officer and Board members. If the testimony of a witness is not given under oath, the presiding officer may warn the witness that statements made may be subject to provisions of law imposing penalties for knowingly making false representations (18 USC 287, 1001).

(c) *Burden of proof and order of proceeding.* The burden of proof rests on the appellant asserting the claim or error in the decision except that the burden of proof in case of counter-claims rests on the party asserting them. Unless otherwise permitted by the presiding officer, the appellant shall proceed first at the hearing followed by the presentation of the Government attorney and any rebuttal case permitted by the presiding officer.

(d) *Objections.* If a party objects to the admission or rejection of any evidence or to a limitation of the scope of any examination or cross-examination, such party shall state briefly the grounds of such objection and the presiding officer shall rule thereon or reserve ruling.

(e) *Records and documents.* Upon proof of authenticity, papers, books, records or documents shall be admissible in evidence without the production of the person who made or prepared the same except that the person who prepared documents specially for use at the hearing should be available to explain such documents.

(f) *Exhibits.* All documents offered in evidence at a hearing shall be marked for identification by number or letter as prescribed by the presiding officer. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each proposed exhibit shall be made available to the other party when offer is made or prior to the hearing, if possible.

(g) *Offer of proof.* Whenever evidence is excluded from the record the offering party may make an offer of proof briefly stating the evidence proposed to be received into evidence.

(h) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice of matters so noticed and shall be given adequate opportunity to show that such facts are erroneously noticed.

(i) *Depositions.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or im-

peach the testimony of the witness given at the hearing. In cases submitted on the record, the presiding officer may receive depositions as evidence in supplementation of that record.

POSTHEARING OR POSTSUBMISSION PROCEDURES

Rule 19. Posthearing briefs. The presiding officer shall prescribe the manner of filing any posthearing briefs.

Rule 20. Closing the record.—(a) *Contents.* The record consists of the appeal file described in Rule 5 and, to the extent the following have been filed, the pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs and documents which the presiding officer has specifically designated be made part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) *Closing or settling of record.* Except as the presiding officer may otherwise order, no proof shall be received in evidence after completion of a hearing or in cases submitted on the record, after the parties have been notified that the case is ready for decision. The weight to be attached to any evidence of record will rest within the sound discretion of the Board members considering the case. The presiding officer may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

Rule 21. Copies of papers. When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during or after the hearing.

Rule 22. Withdrawal of exhibits. After a decision has become final the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

Rule 23. Decisions. The Board shall issue written decisions containing findings of fact and conclusions and shall send copies simultaneously to the parties by certified mail or, if delivered directly, with a notation of the date of delivery. Decisions of the Board will be made solely upon the record as described in Rule 20.

Rule 24. Reconsideration, Motion for. A motion for reconsideration of a Board decision, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion and shall be filed within 30 days from the date of receipt of a copy of the Board decision by the party filing the motion. The Board, in its discretion, may deny the motion or permit such additional proceedings as deemed necessary.

DISMISSALS

Rule 25. Dismissals.—(a) *Lack of jurisdiction.* A motion to dismiss for lack of jurisdiction may be filed by a party at any time. The Board may also raise the question of jurisdiction at any time on its own motion. The presiding officer shall prescribe any necessary proceedings including but not limited to written arguments, briefs or hearing on the issue of jurisdiction. The presiding officer shall issue a Ruling on the issue of jurisdiction unless the Chairman requires a full three member panel to consider the issue of jurisdiction in which event the designated panel shall issue the Ruling on the issue of jurisdiction.

(b) *Failure to prosecute.* Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the presiding officer, comply with orders of the presiding officer, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the presiding officer may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the presiding officer may issue an Order of Dismissal for failure to prosecute or take such other action deemed reasonable and proper under the circumstances.

(c) *Without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the presiding officer, exercising sound discretion, may dismiss such appeals without prejudice to restoration to the docket when the cause of suspension has been removed. Unless either party or the Board acts within 3 years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

(d) *Settlement or withdrawal.* The parties may settle the issues at any state of the proceedings before issuance of a decision of the Board. The appellant may withdraw the appeal at any time. The presiding officer in the event of settlement or withdrawal shall issue an Order of Dismissal.

MISCELLANEOUS

Rule 26. Representation of parties. Appellant may appear before the Board in person or be represented by an authorized representative or attorney subject to the limitations prescribed in 7 CFR 1.26 regarding representation before the Department. The Government shall be represented by the Government attorney.

Rule 27. Exparte Communications. No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communication concerning the Board's administrative functions or procedures.

Effective date: The provisions of this Subpart B of Part 24 shall take effect on November 10, 1975.

Signed at Washington, D.C., on September 5, 1975.

PAUL H. RAPP,
Chairman,
Board of Contract Appeals.

[FR Doc.75-27183 Filed 10-8-75;8:45 am]

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

[Valencia Orange Reg. 519]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 10–16, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.819 Valencia Orange Regulation 519.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges failed to improve during the past week. Prices f.o.b. averaged $3.65 per carton on a reported sales volume of 682,000 cartons last week, compared with an average f.o.b. price of $3.93 per carton and sales of 694,000 cartons a week earlier. Track and rolling supplies at 405 cars were down 34 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation 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 Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 7, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 10, 1975, through October 16, 1975, are hereby fixed as follows:

(i) District 1: 147,000 cartons;

(ii) District 2: 328,000 cartons;

(iii) District 3: Unlimited movement."

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

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 60–674)

Dated: October 8, 1975.

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

[FR Doc.75-27500 Filed 10-8-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 440.6]

PART 1808—TRUTH-IN-LENDING—DISCLOSURE STATEMENTS AND NOTICE OF RIGHT TO RESCIND—REAL ESTATE SETTLEMENT PROCEDURES ACT

Implementation

Sections 1808.1(b), 1808.2 (b) and (e) of Part 1808 of Title 7, Code of Federal Regulations, Chapter XVIII (40 FR 26258; 40 FR 33197) are amended. Section 1808.1(b) is amended to further implement the requirements of the Truth-In-Lending Act and Regulation Z of the Federal Reserve System. It exempts the disclosure requirements of Regulation Z and the Truth-In-Lending Act in credit transactions primarily for agricultural purposes, including real property transactions where the amount financed exceeds $25,000; § 1808.2(b) is amended to remove the requirements similar to those of the Real Estate Settlement Procedures Act (RESPA) in transactions involving the construction of 1–4 family residential units; § 1808.2 (e) is amended to require the designated attorney or escrow agent to certify to Farmers Home Administration (FmHA) that a copy of the resettlement statement was delivered to the buyer and seller as appropriate.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. However, the change to § 1808.1(b) is not published for proposed rulemaking because it further implements new provisions of the Truth-In-Lending Act and Regulation Z of the Federal Reserve Board which were effective August 8, 1975 and proposed rulemaking is unnecessary. The changes to § 1808.2 (b) and (e) are made pursuant to comments received in response to the publication of these regulations as amended on August 7, 1975 at 40 FR 33197 and therefore proposed rulemaking is unnecessary.

As amended, § 1808.1(b) and 1808.2 (b) and (e) read as follows:

§ 1801.1 Truth in lending.

* * * * *

(b) *Scope.* This paragraph applies to all natural persons (individuals) who apply for loans, assumptions or credit sales, except applicants which are corporations, associations, cooperatives, public bodies, partnerships or other organizations, Rural Rental Housing (RRH), loans; or credit transactions primarily for agricultural purposes, including real property transactions in which the amount financed exceeds $25,000.

* * * * *

§ 1808.2 Real Estate Settlement Procedures Act.

* * * * *

(b) *Scope.* This paragraph applies to all loans, assumptions, and credit sales involving the sale of 1–4 family residential units (502 Rural Housing, 1–4 family RRH, 1–4 family Labor Housing, loans to purchase farm tracts on which a 1–4 family residence is located) secured by a lien on the real estate, regardless of the nature of the borrower. Except that this paragraph does not apply to any loan financing the purchase or transfer of a property of 100 or more acres; or any loan financing the purchase or transfer of a property of less than 100 acres but more than 10 acres where the value of the 1–4 family residence, including related residential facilities (e.g. garage), and a reasonable parcel of land on which the residence is located, is less than the value of the remaining security property (i.e. land and existing buildings and facilities, and buildings and facilities to be constructed with proceeds of the loan).

* * * * *

(e) *Settlement statements.* For all loans, assumptions, or credit sales described in paragraph (b) of this section closed after June 20, 1975, Form FmHA 440–59 (HUD–1) will be completed as indicated in the Form by the designated attorney or escrow agent as a settlement statement, and a copy will be given to both the borrower and seller at loan closing. The designated attorney or escrow agent will certify to FmHA that a copy of Form FmHA 440–59 (HUD–1) was delivered to the buyer and seller as appropriate. If the loan is covered by § 1808.1(b) and paragraph (b) of this section, Form FmHA 440–58 will be completed as indicated in the Form and attached as a third page to Form FmHA 440–59 (HUD–1).

Effective date. This revision is effective on October 9, 1975.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; Pub. L. 93–357, 88 Stat. 392)

Dated: October 1, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-27150 Filed 10-8-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Motor Gasoline Supplier/Purchaser Relationships

On June 4, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 24365, June 6, 1975), proposing to amend FEA regulations concerning supplier/purchaser relationships for branded wholesale purchaser-resellers of motor gasoline.

No requests to make oral presentations were received by FEA before 4:30 p.m., EDT, June 23, 1975. Consequently, the public hearing was cancelled (40 FR 27259, June 27, 1975).

Written comments were invited through June 26, 1975. FEA received 26 timely comments and eight late comments. All comments directly addressing the proposed amendment were considered. In light of those comments and other considerations, FEA has decided to adopt the proposed amendment with certain modifications.

In the notice of proposed rulemaking FEA sought specific comments with respect to which base period supplier could

be designated as a wholesale purchaser-reseller's sole base period supplier. The choice was between the December 1972 base period supplier or any one base period supplier. Of those persons addressing this issue in their comments, the great majority favored permitting the purchaser to choose its December 1972 supplier for the reason stated in the notice of proposed rulemaking; namely, the most recent supplier/purchaser relationship during the base period year reflects the most agreeable arrangement among the parties. The amendment, as adopted, reflects this approach.

Several persons suggested that the amendment make it clear that the purchaser's designation is a voluntary, one-time option. Also, it was recommended that a time limit be established for exercising the option. The amendment, as adopted, specifies that the designation must be made by no later than February 29, 1976, shall be effective for the duration of the Mandatory Petroleum Allocation Program and may be made only if the wholesale purchaser-reseller terminates its relationship with all of its other base period suppliers.

Several persons urged that the designation by the purchaser should not be effective without the consent of the designated supplier. An alternative suggestion was that FEA determine the appropriateness of a designation made by a purchaser if the designation is disputed by the chosen supplier. FEA believes that subpart D—Exceptions of Part 205, Administrative Procedures and Sanctions Regulations, affords an adequate remedy for those suppliers who believe designations made pursuant to the amendment will result in serious hardship or gross inequity.

Some persons suggested that the amendment be limited to retail sales outlets only. FEA believes that jobbers which are branded independent marketers have experienced the same hardships as retail sales outlet operators as a result of having to shift from one branded supplier to another during the calendar year. The reasons set forth in the notice of proposed rulemaking for providing relief to branded independent marketers are as valid for branded jobbers and other wholesale purchaser-resellers in the refinery-to-pump distribution chain as they are for retail sales outlets. Therefore, the amendment, as adopted, is not restricted to retail sales outlets but is applicable to all branded wholesale purchaser-resellers which fall within the class specified in § 211.105.

Some persons recommended that the amendment be expanded to give non-branded independent marketers of gasoline the same option offered to branded independent marketers. Based on the information available to FEA, the hardships imposed on branded independent marketers of motor gasoline have been rarely experienced, if at all, by other classes of marketers or purchasers of products other than motor gasoline. Therefore the amendment, as adopted, applies only to branded independent marketers of motor gasoline.

The proposed amendment did not make it clear that if a wholesale purchaser-reseller chooses to designate its December 1972 supplier as its sole base period supplier, the designated supplier will be the supplier for each of the periods corresponding to a base period in a calendar year. The amendment, as adopted, clarifies this point.

Two persons suggested that a designated supplier be permitted to purchase from the terminated supplier a volume of gasoline equal to the amount of gasoline the purchaser could have purchased from the terminated supplier. FEA believes this suggestion would be difficult to implement without major substantive changes in the regulations. The provisions of part 205 with respect to assignments, adjustments and exceptions should provide adequate means of relief in those few instances where designated suppliers need to obtain additional supplies of motor gasoline to meet their requirements.

Finally, it was pointed out that as proposed the amendment was not self-effectuating since the designated supplier was not required to begin deliveries at any particular time. The amendment, as adopted, provides that the designated supplier shall begin deliveries reflecting its increased supply obligation, if any, starting with the first period corresponding to a base period after receipt of the notice required from the wholesale purchaser-reseller by § 211.105(c).

The amendment adopted today has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

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

Issued in Washington, D.C., October 3, 1975.

ROBERT E. MONTGOMERY, Jr.
General Counsel.

Section 211.105 is revised to read as follows:

§ 211.105 Supplier/purchaser relationships.

(a) Unless otherwise specified in this section or in § 211.106, the provisions of §§ 211.9-211.13 of this part apply to this subpart.

(b) Notwithstanding the provisions of subpart A of this part, for periods corresponding to base periods commencing after October 3, 1975, any wholesale purchaser-reseller of motor gasoline which is a branded independent marketer, and which during the calendar year has two or more base period suppliers, may at its option terminate its supplier/purchaser relationship with one or more of its base period suppliers for periods during a calendar year which correspond to base periods and during which the purchaser is entitled to an allocation from those suppliers. A wholesale purchaser-reseller of motor gasoline which terminates a supplier/purchaser relationship pursuant to this paragraph may by no later than February 29, 1976, designate its supplier as of December 1972 as the base period supplier for all periods during a calendar year which correspond to base periods and during which the purchaser was entitled to an allocation from the terminated base period supplier(s). This designation may be made once and shall be for the duration of the Mandatory Petroleum Allocation Program unless otherwise ordered by FEA pursuant to part 205 of this chapter.

(c) A wholesale purchaser-reseller of motor gasoline which designates a base period supplier pursuant to paragraph (b) of this section shall provide written notice to the terminated base period supplier(s) and to the designated supplier at least twenty (20) days prior to the beginning of the first period corresponding to a base period affected by the termination. The notice shall include the names and addresses of the designated and terminated base period suppliers and of the wholesale purchaser-reseller; the location of any facility, including any retail sales outlet, concerned; and the portion of the wholesale purchaser-reseller's base period use which was formerly supplied by the terminated base period supplier(s) and which is to be supplied by the designated base period supplier. The designated base period supplier shall begin deliveries reflecting its increased supply obligation, if any, to the wholesale purchaser-reseller pursuant to paragraph (d) of this section starting with the first period corresponding to a base period after receiving the notice from the wholesale purchaser-reseller required by this paragraph (c).

(d) For each period corresponding to a base period, the portion of the wholesale purchaser-reseller's base period use supplied by a supplier designated as a base period supplier pursuant to paragraph (b) of this section shall be that portion of the wholesale purchaser-reseller's base period use supplied by the terminated supplier(s) plus any portion supplied by the designated supplier prior to the termination made pursuant to paragraph (b) of this section.

[FR Doc.75-27086 Filed 10-6-75;9:46 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment Adopting Special Rule No. 5 for Refiners Buy/Sell Program

The crude oil allocation notice for the refiners buy/sell program (10 CFR 211.65) issued on August 26, 1975 (40 FR 39932; August 29, 1975), specified that the notice would become effective

for the allocation quarter commencing September 1, 1975, only if the Emergency Petroleum Allocation Act of 1973 ("EPAA") was extended beyond its then scheduled expiration date of August 31, 1975. On September 29, 1975, the President signed an extension of the EPAA through November 15, 1975, retroactive to September 1. Thus, as provided in the notice, the purchase opportunities and sale obligations for the allocation quarter commencing September 1, 1975, are now effective.

Special Rule No. 5 for Subpart C adopted hereby specifies the transaction and directed sale periods for the September 1, 1975 allocation quarter. These periods are normally calculated under § 211.65 (h) by reference to the publication date of the crude oil allocation notice for each allocation quarter; however, since the notice for the current quarter did not become effective until the extension of the EPAA was accomplished, FEA has determined that immediate specification of these periods for the current quarter is necessary to enable the buy/sell program to function effectively for this quarter.

Accordingly, the Special Rule adopted herein provides that, notwithstanding the provisions of § 211.65(h), a refiner-buyer that is unable to negotiate a contract to purchase crude oil within seven days of the issuance of the Special Rule may request after the expiration of such seven day period, in accordance with the procedures established under Subpart G of Part 205 of this chapter, that FEA direct one or more refiner-sellers to sell an acceptable type of crude oil to such refiner-buyer. Such a request must be made within 20 days of the issue date of the Special Rule. Upon such request, FEA may direct one or more refiner-sellers that have not sold their required allocation quarter quantity to sell crude oil to the refiner-buyer making the request. If that refiner-buyer declines to purchase the crude oil specified by FEA, the rights of the refiner-buyer to purchase that volume of crude oil during the current allocation quarter are forfeited, provided that the refiner-seller or refiner-sellers have fully complied with all of the provisions of § 211.65. A refiner-seller that has not negotiated sales with refiner-buyers of the required volume of crude oil within seven days of said issue date shall notify FEA, which may then direct that refiner-seller to sell its unsold volume to a refiner-buyer which has not obtained its total amount permitted under the crude oil allocation notice and as provided in the Special Rule.

Secondly, the Special Rule adopted herein provides for a prorating of purchase opportunities of refiner-buyers and sale obligations of refiner-sellers in the event that tht EPAA is not extended beyond November 15, 1975. In the event that the EPAA does expire on that date, each refiner?buyer's purchase opportunity will be 7 6/91 of the amount shown nity will be 7%1 of the amount shown on the crude oil allocation notice, and each refiner-seller's obligation will be prorated as shown on the Appendix to the Special Rule. FEA suggests that refiner-buyers and refiners-sellers negotiate with each other based on the full volumes shown on the list, but that either the delivery or sale price of amounts representin gthe contingent portion of the full volumes be made dependent upon whether the EPAA is extended beyond November 15, 1975.

Section 7(1)(1)(B) of the Federal Energy Administration Act of 1974, Pub. L. 93–275 ("FEAA"), provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined that strict compliance with the requirements of section 7(1)(1)(B) of the FEAA would not enable the buy/sell program to be effectively implemented for the allocation quarter commencing September 1, 1975, since the industry needs immediate advice as to the transaction and directed sale periods now that the EPAA has been extended. By not waiving the requirements of the FEAA referred to above, FEA would cause serious harm and injury to the public safety and welfare, in that supply disruptions to small and independent refiners may result from a failure by FEA to specify the appropriate transaction and directed sale periods. Accordingly, such requirements must be waived, and this Special Rule is made effective immediately.

FEA is submitting a copy of this emergency amendment concurrently with the issuance thereof to the Administrator of the Environmental Protection Agency for his review and comments.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views has not been possible prior to its promulgation. However, a public hearing on the amendment will be held beginning at 9:30 a.m., e.s.t., October 23, 1975, in Room 2105, 2000 M Street NW., Washington, D.C., to receive comments from interested persons, and such comments will be considered by the FEA for purposes of determining whether Special Rule No. 5 should be amended on either a retroactive or prospective basis to the extent it is possible to do so. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., October 15, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 17, 1975. Each person selected to be heard will be so notified by FEA before 5:30 p.m., e.s.t., October 17, 1975 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., October 21, 1975.

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

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., October 21, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

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

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

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

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Special Rule

No. 5". Fifteen copies should be submitted. All comments received by October 20, 1975, will be considered by FEA.

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

This amendment has been reviewed in accordance with Executive Order 11821 and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

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

Issued in Washington, D.C., October 3, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

The Appendix to Subpart C of Part 211 is amended by the addition of a Special Rule No. 5 to read as follows:

SPECIAL RULE NO. 5

1. *Scope.* Notwithstanding any other provision in § 211.65 to the contrary, this Special Rule specifies for the allocation quarter commencing September 1, 1975, the transaction and directed sale periods and provides for prorating of purchase opportunities and sale obligations under § 211.65 in the event that the FEA's authority to allocate crude oil, which authority it currently has under the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA"), is not extended beyond November 15, 1975.

2. *Failure to negotiate transactions.* (a) Each refiner-buyer shall use its best effort to consummate the purchases of crude oil under this Subpart from refiner-sellers prior to requesting assistance from the FEA. For the allocation quarter commencing September 1, 1975, a refiner-buyer that is unable to negotiate a contract to purchase crude oil within seven days of the issuance of this Special Rule may request after the expiration of such seven day period, in accordance with the procedures established under Subpart G of Part 205 of this chapter, that the FEA direct one or more refiner-sellers to sell an acceptable type of crude oil to such refiner-buyer. Such request must be made within 20 days of the issuance of this Special Rule. Upon such request, the FEA may direct one or more refiner-sellers that have not sold their entire allocation obligation for the allocation quarter commencing September 1, 1975 to sell crude oil to such refiner-buyer, subject to the provisions of this Special Rule. If such refiner-buyer declines to purchase the crude oil specified by the FEA, the rights of that refiner-buyer under § 211.65 to purchase that volume of crude oil during that allocation quarter are forfeited, provided that each refiner-seller whose offer to sell is declined by such refiner-buyer has fully complied with all of the provisions of this Special Rule and of § 211.65.

(b) Refiner-sellers which within seven days of the issuance of this Special Rule have not negotiated sales of their entire allocation obligation for the allocation quarter commencing September 1, 1975, shall so notify the FEA. The FEA may then direct that refiner-seller to sell all or a portion of the unsold obligation to one or more refiner-buyers that have requested a directed sale pursuant to paragraph (a) of this section.

3. *Prorating of Purchase Opportunities and Sale Obligations.* (a) In the event that the FEA's authority to allocate crude oil is not extended beyond November 15, 1975, for the allocation quarter commencing September 1, 1975, (i) each refiner-buyer's purchase opportunity shall be 76/91 of the amount shown on the crude oil allocation notice for that allocation quarter, and (ii) each refiner-seller's sale obligation shall be as shown on the Appendix to this Special Rule; *provided*, that refiner-sellers shall offer for sale the full volumes required by any directed sale orders issued by the FEA on or before November 15, 1975

(b) In the event that the FEA's authority to allocate crude oil is extended beyond November 15, 1975, purchase opportunities and sale obligations of refiners for the allocation quarter commencing September 1, 1975, shall be equal to the amounts shown on the crude oil allocation notice for that allocation quarter.

(c) In directing sales pursuant to paragraph (a) of section 2 of this Special Rule for the allocation quarter commencing September 1, 1975, FEA shall take into account the provisions of paragraph (a) of this section, both with respect to the volume or volumes required to be sold to the refiner-buyer requesting the directed sale and with respect to the refiner-seller or refiner-sellers which FEA directs to make the sale.

4. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 shall remain in full force and effect except as expressly modified by the provisions of this Special Rule.

APPENDIX.—*Revised seller obligations for the period*

September 1, 1975 through November 15, 1975

	Share	Sales (Barrels)	
		Primary obligation	Secondary obligation
Amoco	0.099	1,308,355	2,552,183
Atlantic Richfield	.072	537,133	1,874,187
Cities Service Oil	.023	1,047,962	599,351
Continental Oil Co	.034	0	0
Exxon Corp	.112	7,739,063	2,886,834
Getty/Skelly	.020	130,937	516,930
Gulf Oil Corp	.086	9,113,491	2,220,066
Marathon Oil Co	.022	693,906	556,899
Mobil Oil Corp	.089	4,334,892	2,292,476
Phillips Petroleum	.039	0	1,008,145
Shell Oil Co	.107	8,795,067	2,768,454
Socal/Chevron	.096	3,842,225	2,474,780
Sun Oil Co	.052	3,417,260	1,352,265
Texaco, Inc	.107	10,891,658	2,770,704
Union Oil Co. of California	.043	2,475,454	1,113,771
Total		54,326,603	24,987,045
Total allocation obligation			79,313,648

[FR Doc.75-27087 Filed 10-6-75;9:46 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 9—Amendment 4]

PART 123—DISASTER LOANS

SBA Incorporates Provisions of RESPA in Disaster Policy

The Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601, has an impact on SBA's residential relocation physical disaster loans. This amendment is to reflect this impact in SBA's disaster policy.

Because this amendment only incorporates a statutory requirement, it is effective upon publication. However, persons wishing to comment on this amendment are invited to send their comments to the Associate Administrator for Finance and Investment, 1441 L Street NW., Washington, D.C. 20416.

In consideration of the foregoing, § 123.3(a)(1) is amended as follows:

§ 123.3 Purposes of Loans.

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages; SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location; and loans to relocate a 1 to 4 family residential structure will be subject to the Real Estate Settlement Procedures Act of 1974. SBA shall cancel any loan made in connection with a disaster occurring on or after January 1, 1972, and prior to April 20, 1973, if declared by the President or the SBA Administrator but in no event shall such cancellation of a loan exceed $5,000 and the cancellation shall not apply to any amount refinanced. Loans made in connection with a disaster occurring on or after April 20, 1973, will not be canceled in any amount.

* * * * *

Effective date: October 9, 1975.

Dated: September 30, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27147 Filed 10-8-75;8:45 am]

[Revision 9—Amendment 5]

PART 123—DISASTER LOANS

SBA Corrects Disaster Refinancing Policy and Emphasizes Flood Insurance Requirements

When Revision 9, Part 123, was published (40 FR 3210D), an error was made in § 123.3(a)(2), Refinancing. Revision 9 liberalized the definition of "substantially damaged" but omitted the condition that such refinancing must be to avoid undue hardship for the disaster

victim, a condition of the liberalized definition of "substantially damaged." This amendment corrects that omission.

This amendment also makes it clear that the refinancing of prior loans is considered "financial assistance" and is subject to the provisions and restrictions of the Flood Disaster Protection Act of 1973.

Since this amendment merely corrects a previous publication and clarifies an existing policy, it is being published in final form without public comment. However, all persons wishing to comment on this amendment are invited to write to the Associate Administrator for Finance and Investment, 1441 L Street NW., Washington, D.C. 20416.

Section 123.3(a)(2) is hereby amended to read as follows:

§ 123.3 Purposes of loans.

(a) * * *

(2) *Refinancing.* A part or all of existing loans secured by recorded liens on real property lost or damaged by the disaster may be refinanced with a portion of disaster loan proceeds, provided (i) the property suffered damage of 30 percent or more of the market value at the time of the disaster, and (ii) such refinancing is necessary to avoid undue hardship for the disaster victim. However, existing loans secured by liens on real estate located within a special flood hazard area will be refinanced only when the community is participating in the Federal Flood Insurance program and Federal Flood Insurance can be purchased as a condition of approval of the SBA disaster loan. Such refinancing shall be limited to an amount which is not greater than the disaster-caused damage or loss in business loans, or home loans approved as the result of disaster occurring on and after July 1, 1973. In the case of a home loan, the monthly repayment of principal and interest may not be less than the amount of such payment made prior to the refinancing loan, on any loan approved as the result of a disaster occurring prior to July 1, 1973. Refinancing of personal property is not permitted in disaster home loans. Refinancing is permitted only when the uninsured (or otherwise uncompensated for) damaged property is to be repaired, rehabilitated, or replaced.

Effective date: October 9, 1975.

Dated: September 30, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27148 Filed 10-8-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-GL-56]

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

Establishment of a Military Operating Area

On page 36144 of the FEDERAL REGISTER dated August 19, 1975, the FAA published a Notice of Proposed Rule Making which would amend §§ 71.123 and 71.181 of Part 71 of the Federal Aviation Regulations so as to establish a military operating area.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendments. Two comments were received objecting to the proposed airspace action. The Air Transport Association objected to the establishment of the MOA and the capping of the airway V177 from Duluth to Ely, Minnesota because the MOA will require North Central Airlines charter flights into Ely to operate at 9,000 feet and below when the MOA is in use. It does not appear that all of the charter flights will be required to operate below 9,000 feet, as the MOA will not be used continuously. When it is not in use the higher altitudes will be available. There should be very little impact on North Central Airlines operation.

Mr. R. J. McNutt, a Consulting Civil Engineer of Las Vegas, Nevada, objected to the designation of controlled airspace in the remaining uncontrolled portions of the State of Minnesota on the basis that the Snoopy MOA does not require that all of the remaining uncontrolled portion of Minnesota be designated as controlled airspace. It is our policy in areas where a majority of the area has been designated as controlled airspace to designate the entire area as controlled airspace. By so doing, the irregular areas of uncontrolled airspace are eliminated thereby making the controlled airspace more easily defined for pilots and air traffic controllers.

Controlled airspace is also required for aircraft operating between Fargo and Grand Forks, North Dakota, Duluth, Minnesota and the Beaver and the proposed Snoopy MOAs. Accordingly, the proposed amendments are hereby adopted.

These amendments shall be effective 0901 G.m.t., December 4, 1975.

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

Issued in Des Plaines, Illinois, on October 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.123, the following airways are amended:

V55—delete "13 miles, 29 miles, 27 MSL" and "7 miles, 58 miles 30 MSL, 31 miles 28 MSL".

V82—delete "20 miles, 51 miles, 29 MSL".

V129—delete "24 miles, 47 miles 30 MSL" and "24 miles 30 MSL" and "25 miles 30 MSL".

V161—delete "15 miles, 59 miles, 30 MSL".

V177—add "excluding the airspace 10,000 MSL and above Duluth to Ely".

In § 71.181 (40 FR 441), the following transition area is amended to read:

MINNESOTA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Minnesota.

[FR Doc.75-27091 Filed 10-8-75;8:45 am]

[Airspace Docket No. 75-SO-101]

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

Alteration of Transition Area

On August 25, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 37045), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Dillon, S. C., transition area.

Interest persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T.,

In § 71.181 (40 FR 441), the Dillon transition area is amended as follows:

All after " * * * longitude 79 22'00" W.); * * *" would be deleted and " * within 3 miles each side of the 233 bearing from the Dillon RBN (lat. 34 26'59" N., long. 79 22'10" W.), extending from the 5-mile radius area to 8.5 miles southwest fo the RBN * * *" would be substituted therefor. (Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on October 1, 1975.

W. B. RUCKER,
Acting Director,
Southern Region.

[FR doc75-27092 Filed 10-8-75;8:45 am]

[Airspace Docket No. 75-RM-29]

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

Designation of Control Zone and Transition Area

On August 29, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 39898) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area at Hayden, Colorado.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.M.T., December 4, 1975.

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

Issued in Aurora, Colorado, on October 8, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.171 (40 FR 354) the following control zone is added:

HAYDEN, COLORADO

Within a 5 mile radius of Yampa Valley Airport (latitude 40°28'53" N, longitude 107°13'08" W), within 3.5 miles each side of the Hayden VOR 301° radial extending from the 5 mile radius zone to 11.5 miles northwest of the VOR.

This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

In § 71.181 (40 FR 441) designate a transition area for Hayden, Colorado to read:

HAYDEN, COLORADO

That airspace extending upward from 1200 feet above the surface within an area bounded by a line beginning at latitude 40°-06'00" N, longitude 107°00'00" W; to latitude 40°43'00" N, longitude 107°00'00" W; to latitude 40°43'00" N, longitude 107°41'00" W; to latitude 40°07'05" N, longitude 107°-41'00" W; thence along the north edge of V200 to the point of beginning.

[FR Doc.75-27093 Filed 10-8-75;8:45 am]

[Airspace Docket No. 75-SW-55]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Magnolia, Ark.

On August 18, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 34605) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Magnolia, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

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

MAGNOLIA, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Magnolia Municipal Airport (latitude 33°13'45" N., longitude 93°13'00" W.); within 3.5 miles each side of the 171° bearing from the NDB (latitude 33°13'40" N., longitude 93°13'07" W.) extending from the 8.5-mile radius area to 12 miles south of the NDB.

(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 September 30, 1975.

ALBERT H. THURBURN,
Director,
Southwest Region.

[FR Doc.75-27094 Filed 10-8-75;8:45 am]

[Airspace Docket No. 75-SW-53]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Carrizo Springs, Tex.

On August 13, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 33998) stating the Federal Aviation Administration proposed to designate the Carrizo Springs, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 F.R. 441), the following transition area is added:

CARRIZO SPRINGS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dimmit County Airport (latitude 28°31'25" N., longitude 99°49'30" W.) and within 3 miles each side of the 124° bearing from the NDB (latitude 28°31'19" N., longitude 99°49'38" W.) extending from the NDB to 8.5 miles southeast.

(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 September 30, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-27095 Filed 10-8-75;8:45 am]

[Airspace Docket No. 75-RM-30]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Area High Route Extensions

On September 16, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 42756) starting that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend J-906R and J-920R and relocate the MESIC waypoint.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 75.400 (40 FR 724) is amended as follows:

a. In J-801R "MESIC 35°42'41"N. 115°36'17"W. Boulder City, Nev." is deleted and "MESIC 35°44'20" N. 115°32'01" W. Boulder City, Nev." is substituted therefor.

b. In J-904R "MESIC 35°42'41"N. 115°36'17" W. Boulder City, Nev." is deleted and "MESIC 35°44'20"N. 115°32'01"W. Boulder City, Nev." is substituted therefor.

c. J-906R is amended to read as follows:

Los Angeles, Calif., to Ogden, Utah.
Los Angeles, Calif. 33°55'59"N. 118°25'52"W.
Palmdale, Calif. Hector, Calif. 34°47'49"N. 116°27'43"W. Boulder City, Nev.
MESIC 35°44'20" N. 115°32'01" Boulder City, Nev.
ADAPT 37°40'22" N. 113°31'53" W. Wilson Creek, Nev.
FOOLS 39°38'15" N. 112°18'42" W. Delta, Utah.
Ogden, Utah 41°13'27" N. 112°05'51" W.
Malad City, Mont."

d. In J-920R "KRUMS 49°00'00"N. 109°14'25"W. Lewistown, Mont. is added prior to MILLE. . .

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

Issued in Washington, D.C., on October 2, 1975.

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

[FR Doc.75-27096 Filed 10-8-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1009—GENERAL STATEMENTS OF POLICY OR INTERPRETATION

Importation of Consumer Products

The purpose of this notice is to issue the Consumer Product Safety Commission's Statement of Policy on the Importation of Consumer Products and to respond to comments submitted on the Proposed Statement of Policy on the Importation of Consumer Products. The proposed statement was published in the August 7, 1974, FEDERAL REGISTER (39 FR 28455).

Although the matter is considered a general statement of policy and, therefore, exempt from the notice and public procedure provisions of 5 U.S.C. 553 (b) and (c), the Commission decided, in view of the importance of the policy, to allow public comment on the proposed policy. Sixteen comments were submitted to the Commission. Comments were received from one association of importers, five importers, two public interest groups, five trade associations, one individual, and two foreign governments.

A summary of the comments and the Commission's responses to these comments are as follows:

AGREEMENT WITH POLICY

Four of the comments expressed general agreement with the Commission's

policy, although one requested clarification of ambiguities concerning the action the Commission will take to avoid creating barriers to free trade. The Commission has revised its policy statement to delineate specifically the kinds of accommodations it will make to avoid creating barriers to free trade.

SPECIAL TREATMENT FOR IMPORTERS

Four comments questioned the equivalency of importers and manufacturers and indicated that imports have a special status and should be given special consideration. One comment urged that the "principle of equivalence" be abandoned. The comment argued that this Commission ought not routinely to assume that, because certain requirements may be imposed pursuant to the Consumer Product Safety Act, any "principle of equivalence" exists under that Act or that the Commission may disregard the statutory framework of the other laws which it enforces.

Another comment asserted that imports cannot, and should not, be treated in the same way as domestic products. The comment contended that explicit recognition of imports, importers and foreign manufacturers as special cases within the scope of the Commission's activities is the only way to achieve even-handed enforcement and realistic placement of responsibilities under the various acts and regulations administered by the Commission.

The Commission did not intend to imply that there is a precise equivalency between importers and manufacturers. The Commission recognizes that the importer may not technically "manufacture" the goods and, thus, may not be in the same position as the actual manufacturer to directly control the safety aspects of a product's design and production. However, the Commission also recognizes that the importer is in a unique position in the chain of distribution. By influencing the foreign manufacturer and monitoring the safety of the products imported, the importer can indirectly control product design and production. Because the importer determines what foreign goods are brought into the United States, the importer must be the one to bear the primary responsibility for the safety of those products.

It is clear that Congress intended that under the Consumer Product Safety Act the importer be faced with the same basic responsibilities as the domestic manufacturer. The Congress specifically defined the term "manufacturer" to include any person who imports a consumer product. (Section 3(a)(4); 15 U.S.C. 2052(a)(4)). The House Committee Report explains that "importers are made subject to the same responsibilities as domestic manufacturers." (H.R. Rep. No. 92–1593, 92d Cong., 2d Sess. 28 (1972).* Thus, every time the Congress placed a responsibility on the domestic manufacturer, it placed the same responsibility on the importer. Although the other acts administered by the Commission do not contain an express statement to the effect that the manufacturer and the importer are to bear equal responsibility, the provisions of the acts do indicate that the importer and the manufacturer are to have equal responsibilities. In those acts, for every responsibility imposed upon a manufacturer, there is a parallel responsibility placed on importers. For instance, the Flammable Fabrics Act prohibits the manufacture for sale of those articles which do not comply with the provisions of the Act. If also proscribes the sale, the offering for sale, or the importation into the United States of noncomplying items (Section 3(a); 15 U.S.C. 1192). Such proscriptions would clearly apply to the importer and give him or her the same responsibility as the domestic manufacturer for keeping unsafe items out of commerce. The provisions of the Act relating to enforcement, injunctions, and condemnation draw no distinctions between manufacturers and importers (Sections 5 and 6; 15 U.S.C. 1194, 1195). Further, the provisions for the maintenance of records, inspections, testing and guaranties are not limited solely to domestic manufacturers and domestic products (Sections 5 (c) and (d), 8; 15 U.S.C. 1194 (c), (d) 1197).

Similarly, the Federal Hazardous Substances Act imposes equal responsibilities on the importer and on the manufacturer. The thrust of the Federal Hazardous Substances Act is to keep hazardous substances out of the channels of interstate commerce. To this end, the Act subjects the importer to the same proscriptions as the domestic manufacturer. In those instances where the Federal Hazardous Substances Act imposes affirmative obligations on persons, it is clear that those obligations fall upon importer and domestic manufacturer alike. The importer must allow the inspection of his or her premises (Section 11(b), 15 U.S.C. 1270(b)), must permit sampling of products (Sections 11(b) and 14(a); 15 U.S.C. 1270(b), 1273(a)) and the importer, like the domestic manufacturer, has the ultimate responsibility under the Federal Hazardous Substances Act to repurchase banned hazardous substances (Section 15(b); 15 U.S.C. 1274(b)).

It is clear from the statutes which the Commission has the responsibility of enforcing that Congress did not intend that the importers be given any "special" treatment. Congress recognized the important role every entity in the chain of distribution has in seeing that the public is protected from unsafe goods. For the Commission to carve out special treatment status for the importer would be directly contrary to the Commission's congressional mandate.

There may be instances in which special consideration can be given foreign manufacturers and importers regarding purely administrative matters. So long as the safety of the American public will not be adversely affected, the Commission will in instances where good cause is shown consider practices which alleviate administrative burdens for the importer and foreign manufacturer.

One comment suggested that the policy should distinguish between the importation of a consumer product by one who operates primarily as a distributor and one who is both the manufacturer and the importer. The comment recommended that in instances in which the importer is not also the manufacturer, the foreign manufacturer should be required to produce a certificate of compliance to its importer, to maintain an office in the United States, and to show proof of liability insurance covering all of its products. Under such circumstances, the importer would not bear any liability for the manufacturer's products unless the importer had assembled or modified the products.

The Commission does not have the authority to require foreign manufacturers to maintain offices in the United States or to show proof of liability insurance covering their products imported into the United States. If the Commission were to accept the suggestion that it impose such requirements on the foreign manufacturer, it would be exceeding its statutory authority. However, the importer, through contractual relation with the foreign manufacturer, may be able to insist that the foreign manufacturer maintain offices in the U.S. or show proof of liability insurance.

One of the comments expresses the fear that the Commission may step beyond the bounds of its statutory authority in implementing a policy of equivalence. The Commission certainly does not intend to exceed its statutory authority, but neither does it intend to shrink from exercising the full authority which it has been given. It is this Commission's policy that all laws, standards and regulations will be enforced to the maximum extent, including the use of civil and criminal actions where appropriate. This means that all responsible individuals, including importers, distributors, retailers and manufacturers will be expected to assume their responsibilities under the Acts. When importers introduce banned hazardous substances or products that contain substantial product hazards into commerce, they will be held responsible for repurchase or repair, refund, or replacement just as domestic concerns are held responsible. To impose such requirements on domestic products and not on imported products would be unfair to domestic manufacturers and would not, the Commission believes, adequately protect the American consumer.

RESTRICTIONS ON THE FREE MOVEMENT OF GOODS THROUGH PORTS OF ENTRY

Three comments addressed the issue of the past and continuing practices of government agencies sampling and detaining consumer products at a port of entry while the agency secures samples, runs tests and makes a determination that such product is or is not in violation of a regulation. The comment stated that such practices often impede the free flow of commerce and create delay and expense by incurring demurrage

charges on products that do not violate a law or regulation. Further, the argument is given that no such restriction applies to domestic manufacturers.

Additionally, comments from the British and Hong Kong governments and a comment from the Confederation of British Industry urged that the Commission endeavor to avoid procedural requirements which create nontariff barriers to trade. Particular concern was expressed over regulations governing certification and labeling requirements, the implementation of which could cause delays to goods entering the country.

One comment, while critical of past practices, suggests that the Commission use bonding procedures which permit goods to be delivered and held under bond while compliance documents or other compliance requirements are being met. If the importer fails, upon demand, to redeliver goods under bond to customs custody, the importer is fined by forfeiting a portion of the bond. The comment argued that it would be reasonable for the Commission to think in such terms since it is unlikely, particularly for some period of time, that the Commission will be able to conduct tests for compliance within the 'free time' period within which importers must move their goods away from the port without incurring demurrage charges. The same comment recommended that the Commission policy statement recognize the need to establish and implement procedures which will minimize delay and expense involved in holding cargo at a port of entry.

The Commission agrees with the recommendation that importers not be subjected to requirements in excess of those placed on domestic manufacturers. However, in accepting this goal, the Commission believes that a distinction must be drawn between importers and imported products. While the Commission does not intend to subject importers to requirements in excess of those placed on domestic manufacturers, imported products are subject to certain restraints which may not exist for domestically produced products. Congress has instructed that certain defective products be denied entry altogether into the territory of the United States, whereas the counterpart domestic product may have been distributed in commerce prior to action being taken against the manufacturer, distributor, or retailer. The Commission does not view such provisions as inconsistent, but rather regards them as an indication that Congress intended to protect the American consumer whenever possible from unnecessary exposure to unsafe products.

The Commission cannot accept the suggestion that it rely primarily on the bonding authority of the Customs Service to secure redelivery of goods found to be violative of the Act after the goods have moved from Customs custody. The Commission feels that a primary reliance on the bonding authority would be ineffective in carrying out the Commission's obligation to protect the public from unsafe products. Forfeiture of the bond by an importer whose products do not comply with the law would provide inadequate motivation for assuring conformity with applicable regulations.

The Commission prefers to rely on its ability to motivate all individuals in the chain of distribution—manufacturers, importers, distributors, and retailers—to comply with their obligations to see that the public is protected from unsafe products. Such motivation will be effected by utilizing civil and criminal penalties when violations are found and by requiring repurchase, repair, refund or replacement of defective goods where appropriate.

The Commission intends to rely upon its authority to inspect and test consumer products at all points in the distribution chain to determine if the law is being complied with. As a result the Commission can be expected to select samples of consumer goods at the port of entry for testing.

The importer may not be required to hold intact the entire shipment of goods from which testing samples have been selected. The importer may be free to distribute the goods, but if this course of action is adopted, the importer will be required to recognize that he or she bears a responsibility to see that those goods are in compliance with the law and that the importer faces action by the Commission if they are not. In this manner the Commission's sampling and testing would serve as a method of insuring that importers are complying with their obligations under the laws, rather than serving as a clearance process. However, the Commission can request the Customs Service to deny entry altogether of those shipments which it has reason to believe are violative of the law and the Commission regulations. The Commission has an obligation under the laws it administers to do so.

Concern was expressed that the certification and labeling requirements could become non-tariff barriers to trade. The Commission views the certification and labeling provisions as a means of insuring a freer flow of goods than presently exists. Proper certification and labeling can reduce the need for the government to test products at ports of entry and, if applied in an equitable manner to both domestic and foreign made goods, would not become non-tariff barriers to trade.

Definition of Importer

One association suggested that the policy statement define the term "importer" so as to exclude customs brokers who are not the actual owners of goods being imported. Although the Commission does not foreclose the possibility of developing a clarification of the term "importer" in the future, reasons for the exclusion were not sufficiently supported in the comment. The Commission therefore declines to include such an exclusion in the policy statement.

Obligations of Foreign Manufacturers and the Role of Foreign Governments

The British and Hong Kong governments express a concern that the placing of responsibility on importers for the certification and recordkeeping liabilities of overseas manufacturers will make importers reluctant to purchase goods from abroad. There is concern that through such a practice domestic products would receive an advantage over imports because distributors would have an added incentive to deal with domestic manufacturers whose recordkeeping ability is more readily ascertainable and will probably be more acceptable to the relevant authorities. Further, it is suggested that reliance on competent and accredited facilities in the country of export would facilitate the flow of exports and would also simplify the Commission's role of inspecting imports at ports of entry.

In emphasizing the responsibility of U.S. importers, the Commission did not mean to imply that importers will be required to undertake obligations of foreign manufacturers who wish to trade in the U.S. market. The fact that importers have obligations comparable to domestic manufacturers is not meant to imply that importers are to assume all responsibilities of the foreign manufacturer. For instance, the importer may have to comply with certain recordkeeping requirements. Such requirements will deal with the importer's business and transactions, not with the foreign manufacturer's transactions. Further, such recordkeeping requirements may be imposed on the distributor of domestic products as well as importers and domestic manufacturers, so distributors of domestic goods will gain no advantages over distributors of foreign goods.

The concept of establishing competent testing facilities in the country of export to facilitate the flow of goods is consistent with the intent of the Consumer Product Safety Act. Section 17 of the Consumer Product Safety Act (15 U.S.C. 2063) requires that any consumer product offered for importation into the customs territory of the United States be refused admission if such product is not accompanied by a certificate or label as required under Section 14 (15 U.S.C. 2063).

It was the intent of Congress that foreign manufacturers and importers, not the Commission, test and certify products as to their conformance with a safety standard. What testing of products the Commission undertakes is intended to assure that false or inaccurate certifications are not being issued. It is anticipated that importers will be permitted to utilize tests performed by manufacturers or independent laboratories whether on domestic soil or foreign soil. In fact, Section 14(b) (15 U.S.C. 2063(b)) specifically allows testing to be conducted by an independent third party qualified to perform the testing. However, the prudent importer will seek validation of tests performed by a foreign concern, for the importer will be held

responsible for the certification issued. The degree to which certification and labeling requirements present an impediment to the flow of goods will be determined by the compliance and degree of cooperation between the foreign manufacturer and the importer.

Foreign manufacturers concerned with a reluctance of American importers to assume obligations with respect to goods imported from their country are in no way precluded from agreeing to indemnify an American importer for obligations incurred resulting from such products. The American importer can exercise various options in order to be protected against liability and assured that the products he or she imports are safe. Domestic manufacturers, distributors and retailers have similar options.

The Commission's intent is to encourage all actions which will add to the assurance of safer products. The more such actions are implemented, the less likelihood there will be for any Commission impediment to the free movement of goods.

The Time Factor

Four comments indicated that importers, unlike domestic producers, undertake contractual obligations long in advance of the merchandise entering the marketplace and long before the standard setting or regulatory procedure for a product has ever begun. Further, the comments stated that it takes longer for shipments of imported goods to arrive at the point of destination and that the problem is particularly true of seasonal goods. The comments suggested that some recognition of this fact of commercial life must be made and that the importer is entitled to special recognition with respect to the effective date of Consumer Product Safety Commission regulations. One comment suggested a longer period of time for importers and their foreign manufacturers to comply with those portions of the standard that are not safety related, such as labeling, recordkeeping and similar requirements. The comment went on to suggest that to maintain a balance between our mutual concern for safety and an equitable treatment of imported products, "negative labeling" of a product be utilized where timely compliance is impossible.

The Commission recognizes a need to consider the time factor with regard to foreign produced goods. In the contemporary world, however, with instantaneous worldwide communications networks and rapid freight handling and transportation systems, the Commission does not wish to exaggerate the problem. Retailers and distributors of domestic products face similar problems with respect to seasonal merchandise and contractual relationships.

The Commission believes that the issues raised concerning the time factor do not require special treatment for importers as a matter of general policy, but that such concern can be addressed on a case by case basis along with other considerations when establishing the effective date of a given standard or regulation. During the development of individual regulations, importers and foreign manufacturers will have an opportunity to comment on the effective date. Under Section 9(c)(1) of the Consumer Product Safety Act (15 U.S.C. 2058(c)(1)), the Commission must make appropriate findings with respect to the need of the public for the consumer products subject to such rule and the probable effect of such rule upon the utility, cost or availability of such products to meet such need, and the means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety must also be considered. The effective date of a regulation is established after considering such factors as the impact on importers or foreign manufacturers, as well as on domestic manufacturers, distributors, private labelers, and retailers. To give special considerations such as allowing "negative labeling" for imported products and not for domestic products might be unfair to domestic manufacturers.

Communicating with Importers and Foreign Manufacturers

Two comments made reference to the need of the Commission to adequately inform and consult with importers and foreign manufacturers and make available to foreign governments and foreign businessmen as much of the same information available to domestic businessmen as practicable and possible. One comment pointed out that "There may exist a language barrier when translation is necessary from English into the foreign language and back again into English of sometimes highly technical or intricate regulations. Given the short time period alloted for participation in standards setting or comments on proposals, the problem of communication to a foreign manufacturer may preclude any participation on that manfacturer's part. Losing his participation and technical expertise may be detrimental to the safety of the American Consumer. The same problems arise in communicating final safety standards to the foreign manufacturer".

The Commission recognizes the need to adequately inform and consult with importers and foreign manufacturers and make available to foreign governments and foreign businesses the same information as is available to domestic businesses. The Commission welcomes the participation of all interested parties in its standards development procedures. The Commission conducts its business in an open public forum without exclusion of foreign interest. The Consumer Product Safety Act requires the Commission, when proceeding to develop a consumer product safety standard, to include information with respect to any existing standard known to the Commission which may be relevant to the proceeding, and it provides for an invitation for any person to submit an existing standard as the proposed standard or to offer to develop the proposed consumer product safety standard. The Commission has interpreted this to include existing foreign and international standards and to allow participation by foreign interests. Further, the Commission believes that the Consumer Product Safety Act provides ample opportunity for foreign manufacturers and importers to become involved in the standards making process. They can petition the Commission to commence a proceeding to issue a consumer product safety rule, and they can submit an offer to develop a rule. Such action on their part would insure that they were involved from the very beginning with the development of rules which may affect them. Even if the foreign manufacturers and importers do not become involved in the initial standards making process, the Consumer Product Safety Act requires that the Commission provide interested parties an opportunity to comment on a proposed rule. The period from the beginning of the standard development procedure through the time the proposed rule is published in the Federal Register for comments should give foreign manufacturers sufficient time to be informed of the possible standard and to be alert for and prepared to comment on the proposed rule.

The Commission is committed to specifying its consumer product safety standards in metric units as well as in domestic measurement units. The Commission is sympathetic to the problem of translating from English into a foreign language, however, the Commission cannot assume responsibility for translating materials into the many foreign languages.

Cooperation with Other National Standard Bodies and International Standard Organizations

The Confederation of British Industry suggested that the Commission, whenever possible, seek to avoid preempting the establishment of international standards by adopting its own standards. Where international standards already exist, the Confederation recommended that the Commission follow them in its own proposals. The Commission should, in cooperation with other national standard-formulating bodies, seek to encourage the more rapid development of international standards.

Whenever the Commission undertakes the development of a mandatory standard, relevant international standards are included among those examined by the Commission's staff. Under Section 7 of the Consumer Product Safety Act an offeror may propose an existing international standard for adoption as a mandatory standard. On an offeror may include in a standard being developed applicable portions of existing international standards. The Commission has no policy that would cause it to ignore international standards. Neither does the Commission believe it would be appropriate, when a mandatory standard is needed, to adopt an international standard simply because one exists.

The Commission encourages the development of voluntary safety standards, both domestic and international. The extent to which voluntary standards effectively address a safety problem may help to determine the need for a mandatory standard.

The Commission recognizes the value of participating in voluntary standards development bodies that concern products subject to its jurisdiction. On June 20, 1975, it published in the FEDERAL REGISTER (40 FR 26023) a statement of policy regarding employee membership and participation in voluntary standards organizations including the American National Standards Organizations including the American National Standards Institute which represents U.S. interests in international standardization activities.

ECONOMIC IMPACT

One comment suggested that the policy statement indicates that the Commission will consider the economic impact of a proposed standard before finally adopting the standard.

Sections 9(c)(1) (C) and (D) of the Consumer Product Safety Act (15 U.S.C. 2058(c)(1) (C) and (D)) require that the Commission consider the effect a proposed consumer product safety rule will have on the cost and availability of a product to the public. It further requires the Commission to consider means of minimizing adverse effects on competition and disruption of commercial practices. Naturally, consideration of such matters will be weighed by the Commission in respect to action affecting both domestic and foreign goods.

The other acts administered by the Commission do not require findings regarding the economic impact of proposed standards. As a matter of policy, the Commission attempts to consider the economic ramifications in determining reasonable courses of action.

After considering the comments received in response to the Proposed Statement of Policy on the Importation of Consumer Products (39 FR 28455), the Commission issues the following policy. Therefore, pursuant to the provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–1274), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–1214), the Consumer Product Safety Commission amends Title 16 of the CFR by adding to Chapter II part 1009, containing at this time only one section, as follows:

§ 1009.3 Policy on imported products, importers, and foreign manufacturers.

(a) This policy states the Commission's views as to imported products subject to the Consumer Product Safety Act (15 U.S.C. 2051) and the other Acts the Commission administers: The Federal Hazardous Substances Act (15 U.S.C. 1261), the Flammable Fabrics Act (15 U.S.C. 1191), the Poison Prevention Packaging Act (15 U.S.C. 1471), and the Refrigerator Safety Act (15 U.S.C. 1211). Basically, the Policy states that in order to fully protect the American consumer from hazardous consumer products the Commission will seek to ensure that importers and foreign manufacturers, as well as domestic manufacturers, distributors, and retailers, carry out their obligations and responsibilities under the five Acts. The Commission will also seek to establish, to the maximum extent possible, uniform import procedures for products subject to the Acts the Commission administers.

(b) The Consumer Product Safety Act recognizes the critical position of importers in protecting American consumers from unreasonably hazardous products made abroad and accordingly, under that Act, importers are made subject to the same responsibilities as domestic manufacturers. This is explicitly stated in the definition of "manufacturer" as any person who manufacturers or imports a consumer product (Section 3(a)(4); 15 U.S.C. 2052(a)(4)).

(c) The Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*), the Flammable Fabrics Act (15 U.S.C. 1191 et *seq.*), the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*), which were transferred to the jurisdiction of the Consumer Product Safety Commission under its enabling act, all assign responsibilities to importers comparable to those of manufacturers and distributors.

(d) Historically, foreign-made products entering the United States were "cleared" by those agencies with particular jurisdiction over them. Products so cleared were limited in number relative to total imports. The Consumer Product Safety Commission has jurisdiction over a far larger number of products entering the United States through over 300 ports of entry. In addition, the total number of imports has dramatically increased over the years and modern technology has brought air transport and containerized freight for rapid handling and distribution of consumer and other products. For the Commission to effectively "clear" such products through ports of entry could seriously impede and delay the transport of consumer products and impose additional costs to both the consumer and the importer.

(e) The Consumer Product Safety Act provides alternative means to both assure the consumer safe products and facilitate the free movement of consumer products in commerce. For example, it requires certification by manufacturers (foreign and domestic), importers and private labelers of products that are subject to a consumer product safety standard. Such certification must be based on a test of each product or upon a reasonable testing program. The other acts enforced by the Commission do not specifically require certificates; however, both the Flammable Fabrics Act and the Federal Hazardous Substances Act encourage guarantees of compliance by protecting from criminal prosecution persons who have in good faith received such guarantees (15 U.S.C. 1197(a); 16 CFR 302.11; 15 U.S.C. 1264(b)).

(f) In the interest of giving the American consumer the full measure of protection from hazardous products anticipated by the Congress, it is the Commission's policy to assure that importers and foreign manufacturers carry out their responsibilities under all laws administered by this Commission. Specifically:

(1) Importers have responsibilities and obligations comparable to those of domestic manufacturers. Rules and regulations promulgated by the Commission will reflect these responsibilities and obligations.

(2) In promulgating its rules and regulations, the Commission encourages the participation and comments of the import community, including importers and foreign manufacturers.

(3) All imported products under the jurisdiction of the Consumer Product Safety Commission shall, to the maximum extent possible, be subject to uniform import procedures. The Commission recognizes the need to establish and implement procedures that minimize delay and expense involved in inspecting cargo at a port of entry. The Commission encourages cooperation between importers, foreign manufacturers and foreign governments, which increases the safety of the consumer and facilitates the free movement of goods between countries.

(4) When enforcement actions are appropriate, they will be directed toward the responsible officials of any import organization and will not be restricted to action solely against the product.

(5) Commissioned procedures on imports shall be developed in the context of the overall responsibilities, authorities, priorities, resources, and compliance philosophy of this Commission. Any existing procedures which have been inherited from predecessor agencies will be reviewed and revised, if necessary, to be consistent with the authority and philosophy of this Commission.

(g) The Commission recognizes that the importer may not be the only person to be held responsible for protecting American Consumers from unreasonably hazardous products made abroad, but the importer is, at least, in a strategic position to guarantee the safety of imported products.

(h) Whenever, in the application of this policy, it appears that barriers to free trade may arise, the Commission may consider exceptions to this policy insofar as it can be done without comprising the Commission's responsibilities to assure safe products to the consumer.

(i) Whenever, in the application of this policy, it appears that administrative or procedural aspects of the Commission's regulations are unduly burdening the free flow of goods, the Commission may consider modifications which alleviate such burdens. However, the Commission cannot consider any modifications which do not assure the consumer the same protection from unsafe foreign goods as from unsafe domestic goods.

(Sec. 9, 15 U.S.C. 1198, 67 Stat. 114; Sec. 14, 15 U.S.C. 1273, 74 Stat. 379; 80 Stat. 1304, 1305; Sec. 17, 15 U.S.C. 2066, 86 Stat. 1223)

Effective date: October 9, 1975.

Dated: October 6, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-27199 Filed 10-8-75;8:45 am]

Title 20—Employees' Benefits

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

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974————)

Suspensions, Terminations, and Reconsideration

On January 4, 1974, and January 29, 1975, there were published in the FEDERAL REGISTER (39 FR 1053; 40 FR 4316) Notices of Proposed Rule Making with amendments to Subparts M and N of Regulations No. 16. The proposed amendments provided policies and procedures governing notification to claimants of planned adverse actions pursuant to the *Goldberg* v. *Kelly* decision and the conduct of reconsiderations under the supplemental security income program.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed changes.

Most of the commenters expressed concern with the proposed change in § 416.1336(c) and § 416.1419(a) (now § 416.1421) which reduces from 30 to 10 days the time period in which a claimant must appeal a proposed adverse action in order to have the right to continuing payments while his appeal is being decided. It was argued that 10 days is simply too short a period in which to expect an aged, blind, or disabled claimant to be able to comprehend the notice explaining the determination, decide on his course of action, and effectively communicate his desire to appeal. Cited, among others, as impediments to making an effective response to the notice are such factors as individual handicaps, inability to understand complex notices and the appeal process, the need to seek advice or assistance, lack of effective communication skills, mail delivery problems, lack of adequate transportation or telephone service, and a general reluctance to assert rights against a governmental entity.

The Social Security Administration recognizes these as valid concerns and they were considered in formulating the proposed rules. However, it is believed that the 10 day time period is not an unreasonable one, even in the face of these concerns, when the following points are considered.

First, the 10-day period is measured from the date the claimant receives the notice. Thus, a rebuttable presumption that mail is delivered in 5 days is applied, providing the claimant, in effect, with 15 days from the date of the notice in which to appeal. A reasonable showing that the notice was not actually delivered within 5 days results in full restoration of the right to continued payment while an appeal is pending if the appeal was requested within 10 days of the actual date of receipt of the notice. Second, a liberal "good cause" provision exists for persons who fail to appeal within the 10-day period due to circumstances beyond their control, such as illness, misinformation, or other unusual or unavoidable circumstances which prevent a timely appeal. A showing of good cause extends the 10-day period with full rights to continued payment during the pendency of an appeal.

Third, all notices to claimants encourage them to get in touch with a social security office either in person, by telephone, or by mail, if they have any questions about the notice. While it is true that to preserve the right to continued payment the claimant must act promptly upon receipt of the notice, it does not seem unreasonable to expect a person in need to do so when faced with a determination that his payments will be reduced or stopped. Moreover, to protect the right to continued payments, it is only necessary that the desire to appeal be made known within the 10-day period. Arrangements for the appeal, obtaining legal assistance, if desired, and perfection of the case can all be accomplished after the request has been filed. The wide-ranging network of social security offices provides ready access to most claimants and these offices stand ready to assist claimants in every way possible. Further, although a written request for appeal is required, operating procedures provide that an oral request will protect the claimant's rights if the request is followed up by a written confirmation within a reasonable period.

Finally, the formal written notice of the proposed adverse action will not normally be the first communication of the impending action and should not generally come as a surprise to the claimant. Operating policies contemplate that, in most instances, the Social Security Administration will have been in contact with the claimant prior to release of the formal notice. This contact would occur either when the claimant reports the event causing the adverse action, or when the agency attempts to verify with the claimant such a report received from a third party. At this point, the potential impact of the report is discussed and the rights of appeal and continued payment are explained. The written notice then formalizes the determination and the claimant's rights with respect to it.

Certain administrative considerations were also involved in the decision to amend this provision. By reducing the time period within which a claimant must appeal a proposed adverse action in order to have the right to continuing payments, the Social Security Administration will be able to automate the notification and case control process which is at present largely a manual operation. Automation will result in expedited processing of reports of change affecting eligibility status or amount of benefits and help to ensure the recipient of swifter action on his claim while producing a more accurate and more easily retrievable history record of the claim. Further, the shortened time period will reduce the amount of potential overpayments which arise under the rules currently in effect and which would be subject to recovery. Minimizing the volume and frequency of overpayments serves the interests of both the supplemental security income recipient and the Social Security Administration.

In light of the above considerations, the requirement of appealing within 10 days to preserve the right to continued, unreduced, payments would facilitate improved service to the recipient and is reasonable. Therefore, this provision is unchanged.

In connection with the comments on the claimant's inability to respond within the 10-day period, numerous objections were raised to the fact that, although advance notice of an adverse action is given, effectuation of the action is actually programmed at the time the notice is generated. As a consequence, it was noted, in many cases the reduction or stoppage of payments may occur even though an appeal is requested within the 10-day period. It is true that such interruptions in the established payment rate can occur. However, in any such case where an appeal has been filed within the 10-day period, or good cause is shown for failure to timely file within the 10-day period, payments will be reinstated to the prior established rate, if the claimant wishes, and so continued until a decision on the appeal is rendered. Reinstatement will be accomplished through the established one-time payment procedure. A number of the organizations commenting expressed a lack of confidence in this procedure to swiftly reinstate payments. However, the procedure has been steadily improved since its inception and now is generally capable of actually putting payment in the recipient's hands within 3 to 5 days after action is initiated. Thus, any interruptions of the established payment level should be of short duration and not cause undue hardship to the claimant.

Another frequently noted objection to the proposed amendments concerned that portion of § 416.1419 which provides that failure to request appeal within the 10-day period, or waiver of the right to advance notice and continued payment, results in loss of the right to the formal conference procedure under reconsideration or, in the case of an appeal involving medical cessation of blindness or disability, loss of the right to immediate escalation of the appeal to the statutory hearing. Because of the comments on this issue, § 416.1419 (now § 416.1421) and § 416.1336(c) have been changed to

provide that, regardless of whether there is advance notice and continued payment upon appeal, the claimant retains the right to the above procedures in any situation where the provisions of the *Goldberg* v. *Kelly* decision had originally been determined to apply.

Several commenters raised objections to § 416.1416 (now § 416.1415) which provides that the official of the Social Security Administration who makes the reconsidered determination shall have had no prior involvement with the determination under appeal. They argued that the situation requires an official who is familiar with the case, rather than someone who is new and may not fully comprehend the specific claimant's plight. Others, while applauding the provision, suggested that it should be expanded to require that the decision-maker be of equal or higher rank than the official who rendered the initial determination. Impartial review is an established principle in any appellate system and is considered necessary to ensure fairness and confidence in the system. It is believed the proposed rules adequately provide this ingredient of due process. Therefore, no change is being made in this section.

Several organizations objected to the provisions of § 416.1418 (now § 416.1420) dealing with appeals of initial determinations on applications involving medical issues. In such cases the reconsideration procedure is limited to a case review. While providing a conference for these appeals is not possible at present, because the agencies conducting these reviews lack the necessary field organization, the possibility of providing a conference in these cases is currently being studied and tested and, if it is determined that such a procedure is feasible, it will be implemented.

Several organizations commented on the reference in § 416.1419 (now § 416.1421) to the provision permitting a claimant to waive the right to advance notice and continued payments while his appeal is pending. The comments suggest that this provision is intended to raise to the level of regulation an existing policy not previously promulgated as proposed rules. In fact, this provision was promulgated in § 416.1336(d) of Subpart M with a Notice of Proposed Rule Making published on April 2, 1974, and has been in effect since that date. This section provides that in order to avoid a possible overpayment in the event of an unsuccessful appeal, the claimant may choose to waive his right to advance notice and continued payment while the appeal is being decided. Several organizations objected to this provision on the grounds that the waiver may not actually be exercised voluntarily; i.e., discussion of the possibility of incurring overpayments subject to recovery may tend to intimidate a claimant into waiving continued payment. The intent of this provision is not coercion. Rather, it is the obligation of the Social Security Administration to fully inform the claimant of the effects of any action on his claim. Once apprised of the ramifications, the decision to waive is the claimant's alone to make, and his decision will be honored.

Another comment was received with respect to §§ 416.1408, 416.1410 (now § 416.1409), and 416.1419 (now § 416.1421) which provide that appeals on determinations that disability has ceased due to medical improvement go directly to the statutory hearing without an intervening reconsideration step. The comment noted that there is no mention of a similar appeal route for cases of cessation of blindness due to medical improvement. It was intended that appeals of these two issues should be treated in the same manner and, in practice, this was done. However, in recognition of the fact that disability and blindness constitute distinct categories of eligibility under title XVI (unlike under title II), the above-noted sections are amended to specifically provide that appeals on cessation of blindness due to medical improvement also go directly to a hearing. In addition, §§ 416.1425, 416.1426, 416.1427, and 416.1483 (b) and (c) make reference to appeals of determinations concerning medical improvement and are similarly revised. Since it was always intended that appeals of determinations that blindness had ceased to be handled in the same way as disability cases, these changes do not represent a change in policy.

Sections 416.1425 and 416.1426 are amended to provide that hearing rights flow from certain revised initial and reconsidered determinations.

One organization in response to the notice published January 4, 1974, expressed concern that the proposed rules made no provision for (1) the claimant to review the record in case review reconsiderations, (2) a time limit within which the Social Security Administration must render a reconsidered determination, and (3) placing witnesses under oath.

With respect to the first point, § 416.1417(a) (now § 416.1417) was amended in the proposed rules published on January 29, 1975, to specifically provide for opportunity to review the evidence of record in case review reconsiderations. With respect to the second point, it is the Social Security Administration's goal to render determinations as soon as possible after reconsideration has been requested. This is reflected in the policy of scheduling conferences within 15 days after the request. To a large extent, the issuance of a determination depends upon when the claimant, who is primarily responsible for sustaining his case, furnishes the evidence required to make the determination. For this reason, no time limit is imposed for the rendition of reconsideration determinations.

Regarding the third point, there is no requirement that evidence of witnesses be taken under oath because due process does not require it. Further, personnel conducting reconsideration conferences have no authority to administer oaths. If any evidence is still at issue after the conference, it can be brought out at the time of the statutory hearing where evidence is taken under oath.

In addition to the changes made in response to the comments, some parts of the regulations were reorganized for purposes of emphasis. A new § 416.1411 was added providing for the dismissal of reconsideration requests which are not filed within the prescribed time limit. This section was inadvertently omitted when the regulations were first published with the Notice of Proposed Rule Making on January 4, 1974. It is being added now to provide procedures for disposing of late requests.

Accordingly, with these modifications the proposed rules are adopted as set forth below.

(Sections 1102 and 1631(d)(1) of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1476, 42 U.S.C. 1302, 1383 (d)(1)).

Effective Date. These regulations shall be effective October 9, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: June 19, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of the Federal Regulations is amended as follows:

1. In § 416.1336, paragraph (c) is revised to read as follows:

§ 416.1336 Notice of proposed adverse action affecting recipient's payment status.

* * * * *

(c) The written notice of intent to suspend, reduce, or terminate payments will allow 30 days from the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). If appeal is requested within 10 days of the individual's receipt of the notice, the payment shall be continued or reinstated at the previously established payment level (subject to the effects of intervening events on the payment which do not require advance notice as described in paragraph (a) of this section) until a decision on such appeal is issued, unless the individual specifically waives in writing his right to continuation of payment at the previously established level in accordance with paragraph (d) of this section. Where the request for appeal is filed more than 10 days after the notice is received but within the 30-day period specified in § 416.1410 or § 416.1426, there shall be no right to continuation or reinstatement of payment at the previously established level, unless good cause is established under the criteria specified in § 416.1474 for failure to appeal within 10 days of receipt of the notice.

2. Following § 416.1405, §§ 416.1408–416.1423 inclusive are added to read as follows:

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

§ 416.1408 Reconsideration; right to reconsideration.

With one exception, any party to an initial determination who is dissatisfied with such initial determination may request that the Social Security Administration reconsider such initial determination. Except as provided in § 416.1336, initial determinations on continuing eligibility involving cessation of blindness or disability due to medical improvement may only be appealed directly to the hearing as provided in § 416.1425. The Social Security Administration may also reconsider an initial determination if a written request for reconsideration is filed by an individual who was not a party to the initial determination, but who makes a showing in writing that he may be prejudiced by such determination.

§ 416.1409 Mandatory nature of reconsideration.

Reconsideration shall be the mandatory first step with respect to the appeal of an initial determination, except for appeals by parties who have initial determinations on continuing eligibility involving cessation of blindness or disability due to medical improvement which are appealed directly to the statutory hearing. There shall be no right to further appeal of an initial determination unless the party to such determination requests reconsideration within the time specified in § 416.1410.

§ 416.1410 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration within 30 days from the date of receipt of notice of the initial determination, unless such time is extended as specified in § 404.953 of this title. (See § 416.1336 (c) for the time period within which the request must be made for right to continuation or reinstatement of payment pending the reconsidered decision.) For purpose of effectuating administrative actions flowing from an initial determination, the party shall be presumed to have received the notice within 5 days from the date thereon, unless there is a reasonable showing to the contrary.

§ 416.1411 Dismissal of request.

A request for reconsideration shall be dismissed where the party has failed to file the request within the time specified in § 416.1410 and the time for filing such request has not been extended as provided in § 404.953 of this chapter. Written notice of the dismissal shall be given to the party or mailed to him at his last known address.

§ 416.1412 Parties to the reconsideration.

The parties to the reconsideration shall be the persons who were the parties to the initial determination and may also include a person who has shown in writing that he may be prejudiced by such determination as specified in § 416.1408.

§ 416.1413 Notice of reconsideration.

If the request for reconsideration is filed by a person other than the party to the initial determination, the Social Security Administration shall, before such reconsideration, mail a written notice to such party at his last known address, informing him that the initial determination is being reconsidered. In addition, the Social Security Administration shall give such party a reasonable opportunity to present such evidence and contentions as to fact or law he may desire relative to the determination.

§ 416.1414 Arrangement for conferences.

Upon receipt of a request for an informal or formal conference, (See §§ 416.1418 and 416.1419), the Social Security Administration shall set the date, time, and place of such conference to be held within 15 days from the date of the request, written notice of which, unless waived by a party shall be mailed to the parties at their last known addresses or given to them by personal service, not less than 10 days prior to such time (unless the party and the Social Security Administration agree to an earlier date). A later date may be set by the Social Security Administration, at its discretion or upon request of the parties, provided the Social Security Administration deems such delay necessary to ensure efficient and proper conduct of the conference. The conference shall be held at an office of the Social Security Administration, by telephone or in person, at the option of the party to the reconsideration. It may also be held in person elsewhere, when the party makes a showing that this is reasonably necessary in light of the circumstances.

§ 416.1415 Reconsidered determination.

The Social Security Administration shall, when a request for reconsideration has been filed, as specified in § 416.1410, reconsider the initial determination in question and the findings on which it was based in the manner described in § 416.1420 or § 416.1421, and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained shall make a reconsidered determination affirming, or revising, in whole or in part, the findings and determination in question. The official of the Social Security Administration who makes the reconsidered determination shall have had no prior involvement with the initial determination.

§ 416.1416 Reconsideration procedures.

The reconsideration procedures described in § 416.1417, § 416.1418, and § 416.1419 will be used dependent upon the category of appeal as specified in § 416.1420 and § 416.1421. The parties will be advised of their rights which may be exercised at the applicable proceeding. On the basis of a case review, informal conference, or formal conference, the Social Security Administration shall render a reconsidered determination as specified in § 416.1415.

§ 416.1417 Case review.

After the party or his representative is given opportunity to review the evidence of record and to present oral and written evidence to an official of the Social Security Administration, the case review shall consist of a thorough review of all evidence on record, including additional evidence submitted by the party or his representative or secured by the Social Security Administration. The official making the case review will render the reconsidered determination.

§ 416.1418 Informal conference.

The informal conference will consist of the procedure specified in § 416.1417 and additionally, will provide the party or his representative an opportunity to present witnesses. Also, a summary record of the proceedings shall be prepared and made a part of the case file. The official conducting the informal conference will render the reconsidered determination.

§ 416.1419 Formal conference.

The formal conference will consist of the procedure specified in § 416.1418 and, additionally, will provide the party or his representative an opportunity to request that the Social Security Administration subpoena adverse witnesses and relevant documents and provide for cross-examination of the adverse witnesses by the party or his representative. The official conducting the formal conference will render the reconsidered determination.

§ 416.1420 Reconsideration of initial determinations on applications.

(a) *Nonmedical issues.* When a request for reconsideration of initial determination on an application has been filed and the subject of the appeal is a nonmedical issue, the Social Security Administration shall offer the parties to the initial determination an opportunity for a case review or an informal conference (see § 416.1417 and § 416.1418). On the basis of such case review or informal conference, the Social Security Administration shall render a reconsidered determination as specified in § 416.1415.

(b) *Medical issues.* When a request for reconsideration of an initial determination on an application (including cases where payment was made on the basis of presumptive disability pending the initial determination (see §§ 416.951–416.954)) has been filed and the subject of the appeal is a medical issue, the

Social Security Administration shall offer the parties to the initial determination an opportunity for a case review (see § 416.1417). On the basis of such case review, the Social Security Administration shall render a reconsidered determination as specified in § 416.1415.

§ 416.1421 Appeals of initial determinations of continuing eligibility (post-eligibility claims).

(a) *Advance notice of adverse action required.* Section 416.1336 describes the conditions under which an individual shall have the right to advance notice of an initial determination that his payments are to be reduced, suspended, or terminated and to continuation of payment at the previously established level if he appeals such determination. In any case where it has been determined that the advance notice provisions of § 416.1336 apply (or would apply except that the individual has waived his right to such advance notice and continuation of payment in accordance with § 416.1336 (d)) and the individual appeals within 30 days from receipt of notice (or later, if the 30 day time period is extended as specified in § 416.1410 or § 416.1474), the appeal procedure shall be a case review, informal conference, or formal conference, at the individual's option, or, if cessation of blindness or disability due to medical improvement is the determination at issue, a hearing. (See § 416.1336 (c) for the time period within which the request must be made for right to continuation or reinstatement of payment pending the reconsidered decision.)

(b) *Advance notice of adverse action not required.* The conditions under which the Social Security Administration may effectuate adverse post-eligibility initial determinations involving reductions, suspensions, or terminations of benefits without advance notice to the parties to such initial determinations are described in § 416.1336(a). Upon receipt of a timely filed request for reconsideration of such initial determination, the Social Security Administration shall apply the same procedures as specified in § 416.1420.

§ 416.1422 Notice of reconsidered determination.

Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The reconsidered determination shall state the basis therefor and inform the parties of their right to a hearing.

§ 416.1423 Effect of reconsidered determination.

The reconsidered determination shall be final and binding upon all the parties to the reconsideration unless a hearing is requested and a decision rendered or unless such determination is reopened and revised pursuant to § 416.1475 and § 416.1477.

3. In § 416.1425, paragraph (a) is revised to read as follows:

§ 416.1425 Right to hearing.

An individual has a right to a hearing about any matter designated in § 416.1403 if:

(a) The Social Security Administration has made:

(1) An initial determination and a reconsideration of the initial determination; *or*

(2) A reconsideration of a revised determination as provided in § 416.1483 (b); *or*

(3) A revised determination as provided in § 416.1483(c); or

(4) An initial determination that blindness or disability has ceased due to medical improvement; *and*

* * * * *

4. Section 416.1426 is revised to read as follows:

§ 416.1426 Time and place of filing request for hearing.

The request for hearing shall be in writing and filed with an office of the Social Security Administration, including a hearing office, or with the Appeals Council. The request for hearing must be filed within 30 days after the date of receipt of notice of the reconsidered determination or revised determination as provided in § 416.1483(c), *or* within 30 days after the date of receipt of notice of the initial determination that blindness or disability has ceased due to medical improvement. For purposes of this section, the date of receipt of notice shall be presumed to be 5 days after the date such notice is mailed, unless there is a reasonable showing to the contrary.

5. In § 416.1427, paragraph (a)(3) is revised to read as follows:

§ 416.1427 Request for hearing.

(a) * * *

(3) The reason(s) for disagreeing with the reconsidered or revised determination or the initial determination that blindness or disability has ceased due to medical improvement;

* * * * *

6. In § 416.1483, paragraphs (b) and (c) are revised to read as follows:

§ 416.1483 Notice of revision.

* * * * *

(b) Where an initial or reconsidered determination is revised and such revised determination involves an adverse action, other than on blindness or disability due to medical factors which requires advance notice and continuation of payments in accordance with § 416.1336, the notice of revision shall inform the parties of their right to reconsideration as provided in § 416.1408 and § 416.1421(a).

(c) Where an initial or reconsidered determination is revised and such revised determination does not involve an adverse action which requires advance notice and continuation of payments, or such revised determination involves adverse action on blindness or disability due to medical factors which requires advance notice and continuation of payments, the notice of revision shall inform the parties of their right to a hearing as provided in § 416.1425.

* * * * *

[FR Doc.75-27154 Filed 10-8-75;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-19; Ref. No. 279]

PART 245—BEER

Tax Offset Limitation for Beer Returned to Firearms

On June 27, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 27240) proposing an amendment to 27 CFR 245.116. The proposed amendment would deny use of a tax offset or deduction for beer returned to the brewery from which removed for consumption or sale if the brewer was indemnified by insurance or otherwise in respect of the tax. The amendment was specifically intended to prevent brewers from taking an offset or deduction when they have not issued credit for the returned beer in an amount at least equal to the tax on the beer.

Interested persons were given 30 days in which to comment on the proposed amendment. No comments have been received; therefore, the amendment is adopted without change, as set forth below.

Effective date. This amendment of Part 245 shall become effective on December 1, 1975.

Signed: September 2, 1975.

REX D. DAVIS,
Director.

Approved: October 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Section 245.116 is revised as follows:

§ 245.116 Time of tax determination and payment.

The tax on beer shall be determined at the time of its removal for consumption or sale, and shall be paid by return as provided in this part. In determining the amount of tax due on beer so removed on any business day, the quantity of beer returned to the same brewery from which removed for consumption or sale shall be taken as an offset against or deduction from the total quantity of beer removed for consumption or sale from that brewery on the business day that such beer is returned. No offset or deduction for returned beer will be allowed if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1334, 1335, as amended (26 U.S.C. 5054, 5056, 5061))

[FR Doc.75-27243 Filed 10-8-75;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2555—INTERPRETIVE BULLETINS RELATING TO FIDUCIARY RESPONSIBILITY

Interpretive Release

In the matter of § 2555.75–8—Questions and answers relating to fiduciary responsibility under the Employee Retirement Income Security Act of 1974 (the Act). The Department of Labor today issued questions and answers relating to certain aspects of fiduciary responsibility under the Act, thereby supplementing ERISA IB 75–5 (29 CFR 2555.75–5) which was issued on June 24, 1975, and published in the FEDERAL REGISTER on July 28, 1975 (40 FR 31598).

Pending the issuance of regulations or other guidelines, persons may rely on the answers to these questions in order to resolve the issues that are specifically considered. No inferences should be drawn regarding issues not raised which may be suggested by a particular question and answer or as to why certain questions, and not others, are included. Furthermore, in applying the questions and answers, the effect of subsequent legislation, regulations, court decisions, and interpretive bulletins must be considered. To the extent that plans utilize or rely on these answers and the requirements of regulations subsequently adopted vary from the answers relied on, such plans may have to be amended.

An index of the questions and answers, relating them to the appropriate sections of the Act, is also provided.

INDEX

Key to question prefixes: D—refers to definitions; FR—refers to fiduciary responsibility.

Sec. No.:	Question No.
3(21)(A)	D–2, D–3, D–4, D–5.
3(38)	FR–15.
402(c)(1)	FR–12.
402(c)(2)	FR–15.
402(c)(3)	FR–15.
403(a)(2)	FR–15.
404(a)(1)(B)	FR–11, FR–17.
405(a)	FR–13, FR–14, FR–16.
405(c)(1)	FR–12, FR–15.
405(c)(2)	D–4, FR–13, FR–14, FR–16.
412	D–2.

NOTE: Questions D–2, D–3, D–4, and D–5 relate to not only section 3(21)(A) of Title I of the Act, but also section 4975(e)(3) of the Internal Revenue Code (section 2003 of the Act). The Internal Revenue Service has indicated its concurrence with the answers to these questions.

D–2 Q: Are persons who have no power to make any decisions as to plan policy, interpretations, practices or procedures, but who perform the following administrative functions for an employee benefit plan, within a framework of policies, interpretations, rules, practices and procedures made by other persons, fiduciaries with respect to the plan:

(1) Application of rules determining eligibility for participation or benefits;

(2) Calculation of services and compensation credits for benefits;

(3) Preparation of employee communications material;

(4) Maintenance of participants' service and employment records;

(5) Preparation of reports required by government agencies;

(6) Calculation of benefits;

(7) Orientation of new participants and advising participants of their rights and options under the plan;

(8) Collection of contributions and application of contributions as provided in the plan;

(9) Preparation of reports concerning participants' benefits;

(10) Processing of claims; and

(11) Making recommendations to others for decisions with respect to plan administration?

A: No. Only persons who perform one or more of the functions described in section 3(21)(A) of the Act with respect to an employee benefit plan are fiduciaries. Therefore, a person who performs purely ministerial functions such as the types described above for an employee benefit plan within a framework of policies, interpretations, rules, practices and procedures made by other persons is not a fiduciary because such person does not have discretionary authority or discretionary control respecting management of the plan, does not exercise any authority or control respecting management or disposition of the assets of the plan, and does not render investment advice with respect to any money or other property of the plan and has no authority or responsibility to do so.

However, although such a person may not be a plan fiduciary, he may be subject to the bonding requirements contained in section 412 of the Act if he handles funds or other property of the plan within the meaning of applicable regulations.

The Internal Revenue Service notes that such persons would not be considered plan fiduciaries within the meaning of section 4975(e)(3) of the Internal Revenue Code of 1954.

D–3 Q: Does a person automatically become a fiduciary with respect to a plan by reason of holding certain positions in the administration of such plan?

A: Some offices or positions of an employee benefit plan by their very nature require persons who hold them to perform one or more of the functions described in section 3(21)(A) of the Act. For example, a plan administrator or a trustee of a plan must, by the very nature of his position, have "discretionary authority or discretionary responsibility in the administration" of the plan within the meaning of section 3(21)(A)(iii) of the Act. Persons who hold such positions will therefore be fiduciaries.

Other offices and positions should be examined to determine whether they involve the performance of any of the functions described in section 3(21)(A) of the Act. For example, a plan might designate as a "benefit supervisor" a plan employee whose sole function is to calculate the amount of benefits to which each plan participant is entitled in accordance with a mathematical formula contained in the written instrument pursuant to which the plan is maintained. The benefit supervisor, after calculating the benefits, would then inform the plan administrator of the results of his calculations, and the plan administrator would authorize the payment of benefits to a particular plan participant. The benefit supervisor does not perform any of the functions described in section 3(21)(A) of the Act and is not, therefore, a plan fiduciary. However, the plan might designate as a "benefit supervisor" a plan employee who has the final authority to authorize or disallow benefit payments in cases where a dispute exists as to the interpretation of plan provisions relating to eligibility for benefits. Under these circumstances, the benefit supervisor would be a fiduciary within the meaning of section 3(21)(A) of the Act.

The Internal Revenue Service notes that it would reach the same answer to this question under section 4975(e)(3) of the Internal Revenue Code of 1954.

D–4 Q: In the case of a plan established and maintained by an employer, are members of the board of directors of the employer fiduciaries with respect to the plan?

A: Members of the board of directors of an employer which maintains an employee benefit plan will be fiduciaries only to the extent that they have responsibility for the functions described in section 3(21)(A) of the Act. For example, the board of directors may be responsible for the selection and retention of plan fiduciaries. In such a case, members of the board of directors exercise "discretionary authority or discretionary control respecting management of such plan" and are, therefore, fiduciaries with respect to the plan. However, their responsibility, and, consequently, their liability, is limited to the selection and retention of fiduciaries (apart from co-fiduciary liability arising under circumstances described in section 405(a) of the Act). In addition, if the directors are made named fiduciaries of the plan, their liability may be limited pursuant to a procedure provided for in the plan instrument for the allocation of fiduciary responsibilities among named fiduciaries or for the designation of persons other than named fiduciaries to carry out fiduciary responsibilities, as provided in section 405(c)(2).

The Internal Revenue Service notes that it would reach the same answer to this question under section 4975(e)(3) of the Internal Revenue Code of 1954.

D–5 Q: Is an officer or employee of an employer or employee organization which sponsors an employee benefit plan a fiduciary with respect to the plan solely by reason of holding such office or employment if he or she performs none of the functions described in section 3(21)(A) of the Act?

A: No, for the reasons stated in response to question D–2.

The Internal Revenue Service notes that it would reach the same answer to this question under section 4975(e)(3) of the Internal Revenue Code of 1954.

FR–11 Q: In discharging fiduciary responsibilities, may a fiduciary with respect to a plan rely on information, data, statistics or analyses provided by other persons who perform purely ministerial functions for such plan, such as those persons described in D–2 above?

A: A plan fiduciary may rely on information, data, statistics or analyses furnished by persons performing ministerial functions for the plan, provided that he has exercised prudence in the selection and retention of such persons. The plan fiduciary will be deemed to have acted prudently in such selection and retention if, in the exercise of ordinary care in such situation, he has no reason to doubt the competence, integrity or responsibility of such persons.

FR–12 Q: How many fiduciaries must an employee benefit plan have?

A: There is no required number of fiduciaries that a plan must have. Each plan must, of course, have at least one named fiduciary who serves as plan administrator and, if plan assets are held in trust, the plan must have at least one trustee. If these requirements are met, there is no limit on the number of fiduciaries a plan may have. A plan may have as few or as many fiduciaries as are necessary for its operation and administration. Under section 402(c)(1) of the Act, if

the plan so provides, any person or group of persons may serve in more than one fiduciary capacity, including serving both as trustee and administrator. Conversely, fiduciary responsibilities not involving management and control of plan assets may, under section 405(c)(1) of the Act, be allocated among named fiduciaries and named fiduciaries may designate persons other than named fiduciaries to carry out such fiduciary responsibilities, if the plan instrument expressly provides procedures for such allocation or designation.

FR–13 Q: If the named fiduciaries of an employee benefit plan allocate their fiduciary responsibilities among themselves in accordance with a procedure set forth in the plan for the allocation of responsibilities for operation and administration of the plan, to what extent will a named fiduciary be relieved of liability for acts and omissions of other named fiduciaries in carrying out fiduciary responsibilities allocated to them?

A: If named fiduciaries of a plan allocate responsibilities in accordance with a procedure for such allocation set forth in the plan, a named fiduciary will not be liable for acts and omissions of other named fiduciaries in carrying out fiduciary responsibilities which have been allocated to them, except as provided in section 405(a) of the Act, relating to the general rules of co-fiduciary responsibility, and section 405(c)(2)(A) of the Act, relating in relevant part to standards for establishment and implementation of allocation procedures.

However, if the instrument under which the plan is maintained does not provide for a procedure for the allocation of fiduciary responsibilities among named fiduciaries, any allocation which the named fiduciaries may make among themselves will be ineffective to relieve a named fiduciary from responsibility or liability for the performance of fiduciary responsibilities allocated to other named fiduciaries.

FR–14 Q: If the named fiduciaries of an employee benefit plan designate a person who is not a named fiduciary to carry out fiduciary responsibilities, to what extent will the named fiduciaries be relieved of liability for the acts and omissions of such person in the performance of his duties?

A: If the instrument under which the plan is maintained provides for a procedure under which a named fiduciary may designate persons who are not named fiduciaries to carry out fiduciary responsibilities, named fiduciaries of the plan will not be liable for acts and omissions of a person who is not a named fiduciary in carrying out the fiduciary responsibilities which such person has been designated to carry out, except as provided in section 405(a) of the Act, relating to the general rules of co-fiduciary liability, and section 405(c)(2)(A) of the Act, relating in relevant part to the designation of persons to carry out fiduciary responsibilities.

However, if the instrument under which the plan is maintained does not provide for a procedure for the designation of persons who are not named fiduciaries to carry out fiduciary responsibilities, then any such designation which the named fiduciaries may make will not relieve the named fiduciaries from responsibility or liability for the acts and omissions of the persons so designated.

FR–15 Q: May a named fiduciary delegate responsibility for management and control of plan assets to anyone other than a person who is an investment manager as defined in section 3(38) of the Act so as to be relieved of liability for the acts and omissions of the person to whom such responsibility is delegated?

A: No. Section 405(c)(1) does not allow named fiduciaries to delegate to others authority or discretion to manage or control plan assets. However, under the terms of sections 403(a)(2) and 402(c)(3) of the Act, such authority and discretion may be delegated to persons who are investment managers as defined in section 3(38) of the Act. Further, under section 402(c)(2) of the Act, if the plan so provides, a named fiduciary may employ other persons to render advice to the named fiduciary to assist the named fiduciary in carrying out his investment responsibilities under the plan.

FR–16 Q: Is a fiduciary who is not a named fiduciary with respect to an employee benefit plan personally liable for all phases of the management and administration of the plan?

A: A fiduciary with respect to the plan who is not a named fiduciary is a fiduciary only to the extent that he or she performs one or more of the functions described in section 3(21)(A) of the Act. The personal liability of a fiduciary who is not a named fiduciary is generally limited to the fiduciary functions, which he or she performs with respect to the plan. With respect to the extent of liability of a named fiduciary of a plan where duties are properly allocated among named fiduciaries or where named fiduciaries properly designate other persons to carry out certain fiduciary duties, see question FR–13 and FR–14.

In addition, any fiduciary may become liable for breaches of fiduciary responsibility committed by another fiduciary of the same plan under circumstances giving rise to co-fiduciary liability, as provided in section 405(a) of the Act.

FR–17 Q: What are the ongoing responsibilities of a fiduciary who has appointed trustees or other fiduciaries with respect to these appointments?

A: At reasonable intervals the performance of trustees and other fiduciaries should be reviewed by the appointing fiduciary in such manner as may be reasonably expected to ensure that their performance has been in compliance with the terms of the plan and statutory standards, and satisfies the needs of the plan. No single procedure will be appropriate in all cases; the procedure adopted may vary in accordance with the nature of the plan and other facts and circumstances relevant to the choice of the procedure.

Signed at Washington, D.C. this 3rd day of October 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-27156 Filed 10-6-75;1:12 pm]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 210—FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Payment to Recipients

On April 14, 1975, there was published in the FEDERAL REGISTER (40 FR 16669), a notice of proposed rulemaking to amend Title 31 of the Code of Federal Regulations by the addition of a new Part 210 to govern the making of recurring payments by the Federal Government to recipients by means other than by check. This Part would prescribe a new method for making payments involving the preparation by the Government of magnetic tapes reflecting the necessary data to accomplish payment to recipients who have chosen to be paid by credit to their accounts in financial organizations. Delivery of the data by the Government to the Federal Reserve Bank would constitute an issuance by the Government of orders for the payment of money which would be made available by the Federal Reserve Banks, using Federal Reserve distribution systems, to those financial organizations which have been designated by recipients and which have agreed to participate in this system and to accept payments for the recipients. Federal Reserve Banks would make the dollar amounts of such orders available to the financial organizations which would in turn credit the funds to the recipients' accounts on the books of the financial organizations.

Participation in this program of payments made through financial organizations rather than directly to recipients would be voluntary for recipients and financial organizations, and as applied to recipients and financial organizations would be based on the completion by each of its part of a Standard Authorization Form. However, after execution of such Form, the method of payments, whether by check pursuant to Parts 209 [1] and 240 of this title or by means other than check pursuant to this Part, is optional with the Government and the financial organization. The option of payment by Government check directly to recipients would remain with recipients.

Interested parties were given 60 days from the date of publication of the notice to comment on the proposed regulation. Numerous comments were received both during and after the notice period from trade associations representing the financial community, individual financial organizations, interested Federal agencies, and representatives of the Federal Reserve Board and the Federal Reserve Banks. The Treasury Department considered all of the issues raised by these comments, and, where appropriate, modified the proposed regulations in order to accommodate suggestions made in those comments.

The principal differences between the final regulation and the proposed regulation are as follows:

1. The definition of "Recurring payment" in proposed § 210.2(h) was amended by the addition of the parenthetical phrase "(or allotment therefrom)" after the phrase "or other payment" to make clear that an allotment from a "recurring payment" is separate and distinct from the payment from which it is deducted and is itself a recurring payment.

2. The definition of "Standard Authorization Form" in proposed § 210.2(j) was

[1] The Department of the Treasury will shortly publish a notice of proposed rulemaking to amend Part 209, to provide conformity and consistency with the new Part 210.

amended to provide that only the Treasury Department, as opposed to any program agency, can prescribe a "Standard Authorization Form."

3. Proposed § 210.4(h) provided that any change in the title of an account would terminate a Standard Authorization Form in which that account was designated. Under the final § 210.4(h), only a change in the title of an account which would cause a program agency to review the deposit of a recurring payment to that account terminates the Standard Authorization Form. Further, in situations where the Standard Authorization Form is terminated by a change in the account title, a financial organization can continue to credit payments to that account after a new Standard Authorization Form has been executed (§ 210.7(f) (i)).

4. Proposed § 210.6(c), which provided that the Government could recall a credit payment at any time prior to the payment date, was eliminated from the final regulations as being, in some cases, unduly burdensome to financial organizations. The elimination of this section does not preclude the Government from notifying a financial organization to withhold a credit payment nor relieve the financial organization of the duty of making a reasonable effort to comply with such notice.

5. Proposed § 210.7 was modified, *inter alia*, with the substitution of a new subsection (e). The requirement in the proposed subsection (e)—that the financial organization notify the program agency of "any event actually known by it" which would preclude crediting of an account—was eliminated since it placed the duty of making difficult factual decisions on individual financial organizations. It is believed that § 210.7(f) will provide adequate notice to the Government in such situations. The new subsection (e) was added to more clearly specify what information in the credit payment the financial organization can rely on, and the procedures to be followed if financial organizations are unable to credit the proper account based on this information.

6. Proposed § 210.7(f) (iii) and (iv) were modified, the former since proposed § 210.7(e) was eliminated, and the latter since the only notice of termination to the financial organizations in most cases will be the failure to receive an expected credit payment.

7. Proposed § 210.9 was modified by the addition of a sentence defining the term "knowledge" used in § 210.9(a) (ii). Other modifications were made in this section to clarify the financial organization's (1) duty to recover withdrawn credit payments and (2) responsibilities with respect to funds still in the account.

8. In § 210.10(b) there was added an indemnification of the financial organization by the United States up to the amount of the credit payment in situations where the financial organization is rendered liable because it acted on incorrect information in a credit payment.

Other, less significant changes were made in various other sections of the Part.

Accordingly, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations is, as of January 1, 1976, amended by the addition of a new Part, designated Part 210, to read as follows:

Sec.
210.1 Scope of regulations.
210.2 Definitions.
210.3 Federal Reserve Banks.
210.4 Recipients.
210.5 Program agencies.
210.6 The Government.
210.7 Financial organizations.
210.8 Timeliness of action.
210.9 Death or legal incapacity of recipients or death of beneficiaries.
210.10 Liability of, and acquittance to, the United States.

AUTHORITY: 5 U.S.C. 301; 12 U.S.C. 391; Title 31, U.S.C., and other provisions of law.

§ 210.1 Scope of regulations.

This Part governs the making of recurring payments by the Government, by means other than by check, through Federal Reserve Banks and financial organizations to recipients maintaining accounts at such financial organizations.

§ 210.2 Definitions.

As used in this Part, unless the context otherwise requires:

(a) "Federal Reserve Bank" means any Head Office or Branch Office of any such Bank, acting as Fiscal Agent of the United States.

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union, which was affirmatively indicted to a Federal Reserve Bank its preparedness to receive credit payments under this Part.

(c) "Government" means the Government of the United States, the Department of the Treasury, a Federal disbursing office, and a program agency which has made arrangements with the Department of the Treasury to make payments under this Part, or any of them.

(d) "Credit payment" means an order for the payment of money issued by the Government under this Part to pay a recurring payment. A credit payment may be contained on (1) a letter, memorandum, telegram, computer print out or similar writing, or (2) any form of communication other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(e) "Payment date" means the date specified for a credit payment. Such date is the date on which the funds specified in the credit payment are to be available for withdrawal from the recipient's account with the financial organization specified by such recipient, and on which such funds are to be made available to the financial organization by the Federal Reserve Bank with which the financial organization maintains or utilizes an account. If the payment date is not a business day for the financial organization receiving a credit payment, or for the Federal Reserve Bank from which it received such payment, then the next succeeding business day for both shall be deemed to be the payment date.

(f) "Recipient" means a person entitled to receive recurring payments from the Government.

(g) "Beneficiary" means a person other than a recipient who is entitled to receive the benefit of all or part of a recurring payment from the Government.

(h) "Recurring payment" means any Federal Government benefit, annuity, or other payment (or allotment therefrom), including any payment of salary, wages, or pay and allowances, which is made at regular intervals.

(i) "Program agency" means any agency which makes recurring payments, and includes any department, agency, independent establishment, board, office, commission or other establishment in the executive, legislative, or judicial branch of the Government, any wholly-owned or controlled Government corporation, and the municipal government of the District of Columbia.

(j) "Standard Authorization Form" means the authorization form prescribed by the Department of the Treasury for the recurring payment for execution by (1) a recipient, and (2) a financial organization maintaining an account for such recipient.

§ 210.3 Federal Reserve Banks.

(a) Each Federal Reserve Bank as Fiscal Agent of the United States shall receive credit payments from the Government and shall make available and pay such credit payments to financial organizations, and shall otherwise carry out the procedures and conduct the operations contemplated under this Part. Each Federal Reserve Bank may issue operating circulars (sometimes referred to as operating letters or bulletins) not inconsistent with this Part, governing the details of its credit payment handling operating and containing such provisions as are required and permitted by this Part.

(b) The Government by its action of issuing and sending any credit payment contained in the media specified in § 210.2(d) hereof shall be deemed to authorize the Federal Reserve Banks (1) to pay such credit payment to the debit of the general account of the United States Treasury on the payment date, and (2) to handle and act upon such credit payment.

(c) Upon receipt of a credit payment, a Federal Reserve Bank shall, if the credit payment is directed to a financial organization which maintains or utilizes an account on the books of another Federal Reserve Bank, forward such credit payment to such other Federal Reserve Bank. The Federal Reserve Bank on whose books the financial organization or its designated correspondent maintains an account shall deliver or make available such credit payment to such financial organization not later than the close of business for such financial organization on the business day prior to

the payment date on the medium as agreed to by such Federal Reserve Bank and financial organization.

(d) A financial organization by its action in maintaining or utilizing an account at a Federal Reserve Bank shall be deemed to authorize that Federal Reserve Bank to credit the amount of the credit payment to the account on its books of such financial organization or its designated correspondent maintaining an account with the Federal Reserve Bank.

(e) A Federal Reserve Bank receiving a credit payment from the Government shall make the amount of such credit payment available for withdrawal from the account on its books, referred to in § 210.3(d) above, at the opening of business on the payment date.

(f) Each Federal Reserve Bank shall be responsible only to the Department of the Treasury and shall not be liable to any other party for any loss resulting from such Federal Reserve Bank's actions under this Part.

§ 210.4 Recipients.

(a) In order for a recipient to receive a recurring payment by means of direct deposit of the amounts of credit payments under this Part, at a financial organization of the recipient's choosing and to an account the title of which includes the recipient's name, the recipient shall execute the applicable portion and deliver to such financial organization the Standard Authorization Form prescribed by the Department of the Treasury for such recurring payments. A recipient shall be responsible for any inaccuracy in the data entered by such recipient on such Standard Authorization Form.

(b) In executing a Standard Authorization Form, a recipient (1) designates the financial organization and the account on the books of such financial organization to which the amounts of the credit payments shall be credited, (2) is deemed to agree to the provisions of this Part, and (3) authorizes the program agency to terminate any previously executed Standard Authorization Form or any other inconsistent payment instructions applicable to the relevant recurring payment.

(c) A recipient shall execute a separate Standard Authorization Form for each type of recurring payment made hereunder. If a recipient wishes to direct a recurring payment to a different account or financial organization, the recipient shall execute a new Standard Authorization Form.

(d) A recipient may at any time authorize the program agency to terminate a Standard Authorization Form by notifying such program agency.

(e) The death or legal incapacity of a recipient or the death of a beneficiary shall terminate a Standard Authorization Form issued with respect to a recurring payment.

(f) A recipient of a recurring payment may request only that a credit payment be in the full amount of such recurring payment and be credited to one account on the books of a financial organization. Except as authorized by law or other regulations, the procedures set forth in this Part shall not be used for effectuating an assignment of a recurring payment.

(g) A recipient may be required by local law or by financial organization procedures to have the execution of a Standard Authorization Form notarized.

(h) A change in the title of an account on the books of a financial organization which (1) removes the name of the recipient, (2) removes or adds the name of a beneficiary, or (3) alters the interest of the beneficiary in the account shall terminate any Standard Authorization Form in which that account is designated, and shall require the execution of a new Standard Authorization Form before further credit payments may be credited to that account.

§ 210.5 Program agencies.

The program agency will maintain the data necessary for authorization of credit payments and shall make such data available for the issuance of such credit payments in sufficient time for the Government, in performing its disbursing function, to carry out its responsibilities under this Part. Such data shall be certified by the program agency's certifying officer in accordance with 31 U.S.C. 82c.

§ 210.6 The Government.

(a) In performance of its disbursing functions, the Government will, in accordance with the provisions of this Part, issue and direct credit payments to the Federal Reserve Bank on whose books the financial organization named therein maintains or utilizes an account in sufficient time for the Federal Reserve Bank to carry out its responsibilities under this Part.

(b) Procedural instructions for the guidance of the Government and Federal Reserve Banks in the implementation of these regulations will be issued by the Department of the Treasury.

§ 210.7 Financial organizations.

(a) A financial organization's execution of a Standard Authorization Form shall constitute its agreement to the terms of this Part with respect to each credit payment received by it pursuant to such Standard Authorization Form. Regardless of whether it has executed a Standard Authorization Form, a financial organization's acceptance and handling of a credit payment issued pursuant to this Part shall constitute its agreement to the provisions of this Part.

(b) A financial organization in executing a Standard Authorization Form shall be responsible for (1) the completeness and accuracy of the data entered by it in its portion of the Standard Authorization Form, and (2) verifying that the depositor account number entered by the recipient on the Standard Authorization Form corresponds to an account bearing the name of the recipient.

(c) A financial organization wishing to terminate the agreement evidenced by a Standard Authorization Form shall do so by giving written notice to the recipient. Such termination shall become effective thirty days after the financial organization has sent such notice to the recipient.

(d) A financial organization receiving a credit payment shall credit the amount of such credit payment to the designated account of the recipient on its books, and it shall make such amount available for withdrawal or other use by the recipient not later than the opening of business on the payment date. If the credit payments or any related documentation received by the financial organization from a Federal Reserve Bank do not balance, are incomplete, are clearly erroneous on their face, or are incapable of being processed, the financial organization, after assuring itself that neither it nor any of its agents is responsible, shall immediately notify such Federal Reserve Bank in order that it may deliver corrected material to such financial organization.

(e) A financial organization receiving a credit payment shall credit the amount of such credit payment to the account indicated by the depositor account number information specified in the credit payment. If the financial organization is unable to credit the account indicated in the credit payment based upon the depositor account number information specified, and is further unable to credit the account designated by the recipient based upon other information contained in the credit payment, it shall promptly return the credit payment to the Federal Reserve Bank with a statement identifying the reason therefor.

(f) A financial organization shall promptly return to the Government through the Federal Reserve Bank any relevant credit payment received by such financial organization:

(1) After termination of a Standard Authorization Form pursuant to § 210.4 (h) and before the execution of a new Standard Authorization Form;

(2) After termination of a Standard Authorization Form pursuant to § 210.7 (c) has become effective;

(3) After the death or legal incapacity of the recipient or death of the beneficiary; or

(4) After the closing of the recipient's account.

(g) A financial organization to which a credit payment is sent under this Part does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

(h) Each financial organization by its action of handling a credit payment shall be deemed to warrant to the Government that it has handled such credit payment in accordance with this Part. In addition to the liability which may be imposed pursuant to § 210.9, if the foregoing warranty is breached, the financial organization shall indemnify the Government for any loss sustained by the Government, but only to the extent that such loss was the result of such breach. Except as provided in this section, and § 210.9, a

financial organization shall not be liable under this Part to any party for its handling of a credit payment.

§ 210.8 Timeliness of action.

If, becaue of circumstances beyond its control, the Government, a Federal Reserve Bank, or a financial organization shall be delayed beyond the applicable time limits (including the payment date) provided by this Part, the operating circuliars of the Federal Reserve Banks, or applicable law in taking any action with respect to a credit payment, the time within which such action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, *provided* the Government, the Federal Reserve Bank, or the financial organization exercises such diligence as the circumstances require.

§ 210.9 Death or legal incapacity of recipients or death of beneficiaries.

(a) When, because of the death or legal incapacity of a recipient or the death of a beneficiary, one or more credit payments should have been returned to the Government, a financial organization shall be accountable to the Government for the total amount of any such credit payments: *Provided, however,* That if:

(1) Such amount, or any part thereof, is not available in the recipient's account; and

(2) The financial organization did not have, at the time of the deposit and withdrawal, knowledge of the recipient's death or legal incapacity, or the beneficiary's death, and

(3) The financial organization has made every practicable administrative effort to recover the amount which is not available in the recipient's account;

the financial organization shall be accountable only for:

(i) The amount available in the recipient's account and the amount recovered by it, plus

(ii) The amount not recovered by it, or an amount equal to the credit payments received by it within 45 days after the death or legal incapacity of the recipient or the death of the beneficiary, whichever is the lesser amount.

(b) A financial organization shall be deemed to have knowledge of the death or legal incapacity of a recipient or the death of a beneficiary when such information is brought to the attention of an individual in the financial organization who handles credit payments, or when such information would have been brought to such individual's attention if the financial organization had exercised due diligence. The financial organization will be considered to have exercised due diligence only if it maintains procedures for immediately communicating such information to the appropriate individuals, and complies with such procedures.

§ 210.10 Liability of, and acquittance to, the United States.

(a) The United States shall be liable to a recipient for the failure to credit the proper amount of a recurring payment to the appropriate account of the recipient as required by this Part. Such liability shall be limited to the amount of such recurring payment.

(b) The United States shall be liable to the financial organization, up to the amount of the credit payment, for a loss sustained by the financial organization as a result of its crediting the amount of the credit payment to the account specified in the credit payment, if the financial organization has handled such credit payment in accordance with this Part. The foregoing does not extend to credit payments received by the financial organization after the death or legal incapacity of the recipient or death of the beneficiary, in which event § 210.9 shall govern.

(c) The crediting of the amount of a credit payment to the appropriate account of a recipient on the books of the appropriate financial organization shall constitute a full acquittance to the United States for the amount of such payment.

INFLATION IMPACT CERTIFICATION

Pursuant to the provisions of OMB Circular No. A-107, dated January 28, 1975, it is hereby certified that upon due consideration and application of the Treasury Identification Criteria[1] the proposed regulation entitled "Federal Recurring Payments Through Financial Organizations By Means Other Than By Check", has not been determined to be a major proposal requiring an evaluation of its inflationary impact and that such an evaluation has not been performed.

Dated: October 3, 1975.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27153 Filed 10-8-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Cooper River and Tributaries, Charleston, South Carolina

On 17 July 1975, the Department of the Army, acting through the Chief of Engineers, published proposed regulations to govern the use and navigation of restricted areas in the Cooper River and its tributaries at Charleston, South Carolina.

The comment period for this regulation expired on 18 August 1975. There were no objections to the proposed restricted areas. However, the coordinates published in the FEDERAL REGISTER under paragraph (a) (3) (i) in 33 CFR 207.164b were incorrect, and have been corrected in this final regulation.

The Department of the Army, acting through the Chief of Engineers is publishing the final regulations as follows:

Section 207.164b(a) (3) is revised.

[1] As contained in the "Proposed Treasury Identification Criteria: Inflation Impact Statements, Revision of 8/15/75."

§ 207.164b Cooper River and tributaries at Charleston, South Carolina; restricted areas.

(a) *The Areas* * * *

(3) That portion of Cooper River extending from the mouth of Goose Creek to Red Bank Landing, a distance of approximately 4.8 miles and the tributaries to Cooper River within the area inclosed by the following arcs and their intersections:

(i) Radius=8255' center of Radius Latitude 32°55'45" N., Longitude 79°56' 23" W.

(ii) Radius=3790' center of Radius Latitude 32°55'00" N., Longitude 79°55' 41" W.

(iii) Radius=8255' center of Radius Latitude 32°55'41" N., Longitude 79°56' 15" W.

(iv) Radius=8255' center of Radius Latitude 32°56'09" N., Longitude 79°56' 19" W.

* * * * *

Dated: September 19, 1975.

Approved:

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.75-27157 Filed 10-8-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 441-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts; Correction

Section 52.1124, Review of new sources and modifications, was promulgated in the February 25, 1974, FEDERAL REGISTER (39 FR 7281), prior to the revocation of the then existing section 52.1124, Control Strategy: Nitrogen dioxide. As a result, the revocation of § 52.114 which appeared May 8, 1974 (39 FR 16346), applied to both sections. This action was not intended to revoke § 52.1124, Review of new sources and modifications. The resulting deficiency is corrected by repromulgating § 52.1124, Review of new sources and modifications, as it appeared in the February 25, 1974, FEDERAL REGISTER (39 FR 7281).

Dated: Ocotber 3, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-27235 Filed 10-8-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

REVISION OF CHAPTER 9 TO REFLECT THE ENERGY REORGANIZATION ACT OF 1974

Correction

In FR Doc 75-26202 appearing at page 46802 in the issue for Tuesday, October 7, 1975, in the preamble, third col-

umn, the eighteenth line should read, "3, 5, 6, 8, 9, 10, and 11 are still in full force" and the effective date should read, "These procurement regulations are effective October 7, 1975."

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5543; Arizona 6351]

ARIZONA

Modification of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865; 43 U.S.C. 300 (1970), it is ordered as follows:

The departmental order of March 18, 1918, creating Stock Driveway Withdrawal No. 10 (Arizona No. 1), is hereby modified to the extent necessary to permit the location of a right-of-way under sec. 2477, U.S. Revised Statutes, 43 U.S.C. 932 (1970), by Navajo County Board of Supervisors, on the following described lands, as delineated on a map numbered "70002–006" on file with the Bureau of Land Management in Arizona 6351, for construction of a public road.

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 22 E.,
Sec. 12, NW¼NW¼NE¼

The area described in the right-of-way aggregates approximately 0.67 of an acre.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 2, 1975.

[FR Doc.75-27140 Filed 10-8-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20490; FCC 75-1073]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Various Procedural Requirements for the Domestic Public Radio Services

1. On May 29, 1975, we initiated this proceeding by issuance of a Notice of Proposed Rulemaking, 40 FR 24021, for the purpose of promulgating in Parts 21 and 43 of the Commission's Rules new regulations to implement the use of new application forms and procedures, clarify application requirements, and institute various other modifications designed to simplify and improve our processing of common carrier radio applications.

2. One of the goals of this proceeding is to lay the basis for the automatic data processing (ADP) of common carrier microwave radio applications. Because ADP requires, among other things, a complete technical data base, we proposed to clarify our technical requirements by the implementation of new rules and application forms[1] in time for the submission of renewal applications in the microwave radio services for the next renewal period beginning February 1, 1976. Consequently, to accomplish this goal, we have decided to adopt these new technical requirements in a First Report and Order, leaving for future consideration the more complex issues of permissive facility changes; the fifty percent non-affiliation requirement for television relay service; licensing jurisdiction over Multipoint Distribution Service carriers; and the reporting of actual construction costs. Comments related to these subjects will be considered in a subsequent Report and Order.

3. Comments were filed July 25, 1975 by 12 parties; American Telephone and Telegraph (AT&T); American Television and Communications Corp. (ATC); GTE Service Corp. (GTE); Micro-TV, Inc. (Micro); Multipoint Microwave Common Carrier Association (MMCCA); National Association of Radio-telephone Systems (NARS); National Association of Regulatory Utility Commissioners (NARUC); Southern Pacific Communications Corp. (SPCC); Taft Broadcasting Corp. (Taft); Multipoint Distribution Systems, Inc., and Double B Radio, Inc.; and United States Transmission Systems, Inc. (USTS). Reply comments were receeved from GTE and MCI Telecommunications Corp. (MCI).

4. In general, the comments supported the proposed rules being considered by this Report and Order, but minor language changes were suggested and some questions were raised concerning reference to previously filed material, financial demonstration by large carriers, and the necessity of filing revised technical information with the 1976 renewals. These questions, and others believed to be of significance, are discussed below. We have considered also numerous other suggestions and proposals involving matters of less substantial nature, but rather than specifically discussing them here, we have modified the rules as considered appropriate.

5. GTE, Micro, MMCCA, and Taft objected the prohibition of the cross referencing to previously filed technical data (Section 21.31). SPCC on the other hand, supported our proposal, citing the time consuming experience of following a "chain" of cross references in order to locate previously filed exhibits. We have also noticed this phenomenon, as well as the discovery that the information cross referenced is often hopelessly out of date. However, we have modified our proposal to allow specific cross reference to lengthy exhibits which have been previously filed. But we cannot allow cross reference to specific technical data because this will be "keypunched" directly into the data base from the application form.

6. The Commission proposed to exempt large carriers with annual revenues in excess of one million dollars and a good credit rating from the requirement of filing balance sheets with each radio application. NARS opposed the proposal, contending that it was inconsistent with Section 308(b) of the Communications Act [47 U.S.C. § 308(b)] and created an unwarranted presumption since a favorable credit rating does not necessarily mean financial qualifications to construct and operate a radio station. Our proposal, however, creates no such presumption since it is clear under Section 21.15(a) that all applicants must demonstrate their financial ability. Section 21.15(c) is intended to exempt large carriers, most of which are closely regulated telephone companies, from the administrative burden of filing balance sheets with each set of radio applications where such a proposal may require a relatively small investment compared to the overall financial resources of the carrier. To clarify this, however, we are adapting a suggestion by GTE that § 21.15(c) specifically cross reference the reporting requirements of Part 43 to which such carriers are subject.

7. Only GTE protested proposed § 21.709(d) which would require microwave renewal applications to include all of the technical parameters of a station (as licensed) listed on page one of FCC Form 435. Claiming that the Commission does not appreciate the administrative burden, GTE suggests that the Commission undertake a careful study to justify the costs of this requirement. Although we understand that the collection of this data will require some extra effort on the part of licensees, we do not believe the requirement will be overly burdensome, particularly since it will require only a one time effort. With this information, the Commission will not only implement ADP procedures to do much of the processing of the many microwave radio applications received each year (thus improving service on applications), but this information will become a central data bank which will be made available to assist in prior coordination and frequency management. Consequently, we think that it will have substantial benefit which outweighs the one-time administrative inconvenience to the licensees.

8. Certain other changes deserve brief mention. Although proposed § 21.8 set forth all of the standard application forms used in Domestic Public Radio Services, we have rearranged this information into four sections (§§ 21.7, 21.9, 21.10 and 21.11) in the interests of clarity. Upon suggestion of NARUC, we have included (with minor changes suggested by SPCC) as § 21.13(f) the language of § 21.15(c)(4), although we will deal with

[1] By *Order*, 53 F.C.C. 2d 536 (1975), we implemented the use of a new form, FCC Form 435, for application for construction permit in the microwave services. With this Report and Order we are implementing the use of a new form, FCC Form 436, for application for license in the microwave services. This latter form has been approved by the General Accounting Office.

its applicability to MDS in a later Report and Order. GTE objected to the filing of detailed maintenance information for each of its stations, and § 21.15(e) (1) has been changed to require a more general description. AT&T and GTE objected to the deletion of present § 21.113 (which defines station location) and we have recodified this provision as § 21.14(j). We have also made numerous minor changes believed appropriate.

9. Accordingly, *it is hereby ordered*, That pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, [47 U.S.C. §§ 154(i), 303], Part 21 of the Commission's Rules and Regulations IS AMENDED, as set forth below, effective December 1, 1975.

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

Adopted: September 23, 1975.

Released: October 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 21 of Chapter I, Title 47, of the Code of Federal Regulations is amended to read as follows:

1. Subparts A and B of the Table of Contents to Part 21 are revised and Subpart C amended to read as follows:

2. Section 21.0 is revised to read as follows:

§ 21.0 Scope and authority.

(a) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for domestic common-carrier communication operations which require transmitting facilities on land.

(b) The rules in this part are issued pursuant to the authority contained in Titles I through III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications and to regulate radio transmissions and issue licenses for radio stations.

(c) Unless otherwise specified, the section numbers referenced in this part are contained in Chapter I, Title 47, of the Code of Federal Regulations.

§ 21.1 [Redesignated and Reserved]

3. Section 21.1 (Definitions) is redesignated as § 21.2 and § 21.1 is marked [Reserved].

§ 21.10 [Redesignated]

4. Section 21.10 (Eligibility for station license) is redesignated as § 21.4.

5. Section 21.11 (Station authorization required) is redesignated as § 21.3 and is revised to read as follows:

§ 21.3 Station authorization required.

(a) No person shall use or operate in the Domestic Public Radio Services any apparatus for the transmission of energy or communications or signals by radio except under and in accordance with, an appropriate authorization granted by the Federal Communications Commission.

(b) Except for mobile stations, and except when the Commission finds under the rules of this Part that the public interest, convenience, or necessity would be served by waiver of this requirement, no radio license shall be issued for the operation of any station unless a permit for its construction has been granted by the Commission. No construction or modification of a station may be commenced without a construction permit, a modified construction permit, or other authority issued by the Commission for the exact construction or modification to be undertaken, except as may be specifically provided for in other sections of this part.

(c) Upon the completion of construction or continued construction of any station pursuant to the terms of a construction permit and upon the filing of an application for license or modification of license, the Commission shall issue a license or modified license to the lawful holder of the permit for the operation of the station, provided that no cause or circumstance has arisen or first come to the knowledge of the Commission since the granting of the permit which would, in the judgment of the Commission, make the operation of such station against the public interest.

(d) No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.

6. Section 21.12 is redesignated as § 21.5 and is revised to read as follows:

§ 21.5 Formal and informal applications.

(a) Except for an authorization under any of the proviso clauses of Section 308 (a) of the Communications Act of 1934 [47 U.S.C. § 308(a)], the Commission may grant only upon written application received by it, the following authorization: construction permits; station licenses; modifications of construction permits or licenses; renewals of licenses; transfers and assignments of construction permits or station licenses, or any right thereunder.

(b) Except as may be otherwise permitted by this Part, a separate written application shall be filed for each instrument of authorization requested. Applications may be:

(1) "Formal applications" where the Commission has prescribed in this Part a standard form; or

(2) "Informal applications" (normally in letter form) where the Commission has not prescribed a standard form.

(c) An informal application will be accepted for filing only if:

(1) A standard form is not prescribed or clearly applicable to the authorization requested;

(2) It is a document submitted, in duplicate, with a caption which indicates clearly the nature of the request, radio service involved, location of the station, and the application file number (if known); and

(3) It contains all the technical details and informational showings required by the rules and states clearly and completely the facts involved and authorization desired.

7. Section 21.13 is redesignated as § 21.6 and revised to read as follows:

§ 21.6 Filing of applications, fees, and numbers of copies.

(a) As prescribed by §§ 21.7, 21.9, 21.10 and 21.11 of this Part, standard formal application forms applicable to the Domestic Public Radio Services (other than Maritime Mobile) may be obtained from either: (1) Federal Communications Commission, Washington, D.C. 20554; or (2) any of the Commission's field operations offices, the addresses of which are listed in § 0.121.

(b) Applications for radio station authorizations shall be submitted for filing to: Federal Communications Commission, Washington, D.C. 20554.

(c) All correspondence or amendments concerning a submitted application shall clearly identify the radio service, the name of the applicant, station location, and the Commission file number (if known) or station call sign of the application involved, and may be sent directly to the Common Carrier Bureau.

(d) Except as otherwise specified, all applications, amendments, and correspondence shall be submitted in duplicate, including exhibits and attachments thereto, and shall be signed as prescribed by § 1.743.

(e) Each application shall be accompanied by the appropriate fee prescribed by, and submitted in accordance with, Subpart G of Part 1 of this chapter.

8. A new § 21.7 is added to read as follows:

§ 21.7 Standard application forms for point-to-point microwave radio, local television transmission, and multipoint distribution services.

(a) *Authority to construct a new station, to modify an existing construction permit, or to modify licensed facilities.* FCC Form 435 ("Application for New or Modified Common Carrier Microwave Radio Station Construction Permit Under Part 21") shall be submitted and granted for each station involved prior to commencement of any proposed station construction or modification, except for facility changes for which FCC Form 436 is prescribed in paragraph (c) of this section.

(b) *License to cover facilities constructed in accordance with Construction Permit.* FCC Form 436 ("Application for a New or Modified Common Carrier Microwave Radio Station License Under Part 21") shall be filed:

(1) Prior to the expiration date of the construction permit (See § 21.34(a));

(2) Upon completion of construction or modification of a station in exact accordance with the terms and conditions set forth in the construction permit; and,

(3) Upon satisfactory completion of equipment tests under § 21.212(a).

(c) *Modification of license not requiring a prior construction permit.* Modification of a license may be effected without a prior construction permit by filing FCC Form 436 in the following circumstances:

(1) To request only the following modifications of license prior to the expiration of the license:

(i) The correction of erroneous information on a license which does not involve a major change (i.e., a change which would be classified as a major amendment as defined by § 21.23);

(ii) The deletion of licensed facilities; or

(iii) Changes in the terms or conditions of a license (e.g., changes in the obstruction marking and lighting requirements of an antenna supporting structure); or

(2) To license permissible changes which do not require prior authorization.

(d) *Authorization of temporary fixed stations or block assignment of radio frequencies.* FCC Forms 435 and 436 shall be submitted simultaneously for each mobile or fixed station to be installed and operated at various temporary locations within a specified area, or for block assignment or radio frequencies as set forth hereinafter in the applicable subparts of these rules.

§ 21.8 [Reserved]

9. Section 21.8 is marked Reserved.

10. A new § 21.9 is added to read as follows:

§ 21.9 Standard application forms for Domestic Public Land Mobile Radio and Rural Radio Services.

(a) *Authority to construct a new base, auxiliary test or fixed station, to modify an existing construction permit or to modify licensed facilities.* Except for facility changes for which FCC Form 403 is prescribed in paragraph (d), FCC Form 401 ("Application for New or Modified Common Carrier Radio Station Construction Permit Under Parts 21 and 25") shall be submitted for each station in the following categories of station construction or modification:

(1) Each base station.

(2) Each auxiliary test station, unless the auxiliary test station is located at the same place as the base station, in which case only one combined application need be filed.

(3) Each fixed station. If the equipment utilized is of such design as to comprise a packaged unit which is ready for installation and use with only nominal construction, FCC Form 403 may be filed together with FCC Form 401 for the simultaneous licensing of the proposed facilities.

(b) *License to cover facilities construction in accordance with construction permit.* FCC Form 403 ("Application for Radio Station License or Modification Thereof Under Parts 21, 23, or 25") shall be filed:

(1) Prior to the expiration date of the construction permit (see also § 21.34(a));

(2) Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit; and

(3) Upon satisfactory completion of equipment tests in accordance with § 21.212(a).

(c) *License for mobile station.* FCC Form 401 shall be filed as an application for mobile station license (since no construction permits are issued for mobile stations), subject to the following:

(1) Authority for a base station licensee to serve land mobile or airborne units to be licensed in the name of the carrier may be requested on the FCC Form 401 for the base station construction permit, except that additional mobile units for a licensed station may be applied for on FCC Form 403 as provided for in paragraph (d) of this section. The information should clearly specify the maximum number of mobile units to be placed in operation within the license period.

(2) Application for a license for land mobile or airborne stations submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall specify the maximum number of mobile units expected to be placed in operation within the ensuing license period. Such applications shall also be accompanied by the supplemental showing set forth in § 21.15(i)(2) of this part.

(d) *Modification of station license not requiring a construction permit.*— Prior to the expiration of a license, an FCC Form 403 may be filed to request authority to make only those categories of changes to an existing station as listed below:

(1) Increase in number of mobile units;

(2) Change of control point (beyond the boundary of the city, borough, town, or community where the control point is authorized);

(3) Additional control points;

(4) New dispatching agreement;

(5) Authority to service vessels;

(6) Certain waiver requests, namely §§ 21.118(d)(2); 21.205(h)(3); 21.208(g)(2);

(7) Change in or additional emission;

(8) Request to delete or change antenna obstruction markings;

(9) Change in points of communications (Rural Radio Service);

(10) Correction of coordinates;

(11) Change of an authorized frequency; or

(12) Addition of frequencies for mobile transmitters.

(e) *Authorization of mobile units of Canadian Registry to operate in the United States.* FCC Form 410 shall be filed. (Copies of this form may also be obtained from the Director Telecommunications Regulation Branch, Department of Communications, Ottawa, Ontario, Canada.)

(f) *Authorization to operate U.S. mobile units in Canada.* A mobile station with a valid license issued by the Commission may obtain authority to operate in Canada upon filing an application ("Application for Registration for Radio Station Licensee of U.S.A.") with the Director Telecommunications Regulation Branch, Department of Communications, Ottawa, Ontario, Canada.

11. A new § 21.10 is added to read as follows:

§ 21.10 Special application requirements for the domestic public land mobile radio and rural radio services.

(a) All applicants for base, auxiliary test, and fixed stations in the specified regional areas listed in paragraph (b) of this section must accompany FCC Form 401 with FCC Form 425 for the application to be considered complete.

(b) The following areas are considered specified Regional Areas:

(1) The Chicago Regional Area consists of the counties listed below:

ILLINOIS

1. Boone
2. Bureau
3. Carroll
4. Champaign
5. Christian
6. Clark
7. Coles
8. Cook
9. Cumberland
10. De Kalb
11. De Witt
12. Douglas
13. Du Page
14. Edgar
15. Ford
16. Fulton
17. Grundy
18. Henry
19. Iroquois
20. Jo Daviess
21. Kane
22. Kankakee
23. Kendall
24. Knox
25. Lake
26. La Salle
27. Lee
28. Livingston
29. Logan
30. Macon
31. Marshall
32. Mason
33. McHenry
34. McLean
35. Menard
36. Mercer
37. Moultrie
38. Ogle
39. Peoria
40. Platt
41. Putnam
42. Rock Island
43. Sangamon
44. Shelby
45. Stark
46. Stephenson
47. Tazewell
48. Vermilion
49. Warren
50. Whiteside
51. Will
52. Winnebago
53. Woodford

INDIANA

1. Adams
2. Allen
3. Benton
4. Blackford
5. Boone
6. Carroll
7. Cass
8. Clay
9. Clinton
10. De Kalb
11. Delaware
12. Elkhart
13. Fountain
14. Fulton
15. Grant
16. Hamilton
17. Hancock
18. Hendricks
19. Henry
20. Howard
21. Huntington
22. Jasper
23. Jay
24. Kosciusko
25. Lake
26. Lagrange
27. La Porte
28. Madison
29. Marion
30. Marshall
31. Miami
32. Montgomery
33. Morgan
34. Newton
35. Noble
36. Owen
37. Parke
38. Porter
39. Pulaski
40. Putnam
41. Randolph
42. St. Joseph
43. Starke
44. Steuben
45. Tippecanoe
46. Tipton
47. Vermillion
48. Vigo
49. Wabash
50. Warren
51. Wells
52. White
53. Whitley

IOWA

1. Cedar
2. Clinton
3. Dubuque
4. Jackson
5. Jones
6. Muscatine
7. Scott

MICHIGAN

1. Allegan
2. Barry
3. Berrien
4. Branch
5. Calhoun
6. Cass
7. Clinton
8. Eaton
9. Hillsdale
10. Ingham
11. Ionia
12. Jackson
13. Kalamazoo
14. Kent
15. Lake
16. Mason
17. Mecosta
18. Montealm
19. Muskegon
20. Newaygo
21. Oceana
22. Ottawa
23. St. Joseph
24. Van Buren

OHIO

1. Defiance
2. Mercer
3. Paulding
4. Van Wert
5. Williams

WISCONSIN

1. Adams
2. Brown
3. Calumet
4. Columbia
5. Dane
6. Dodge
7. Door
8. Fond du Lac
9. Grant
10. Green
11. Green Lake
12. Iowa
13. Jefferson
14. Juneau
15. Kenosha
16. Kewaunee
17. Lafayette
18. Manitowoc
19. Marquette
20. Milwaukee
21. Outagamie
22. Ozaukee
23. Racine
24. Richland
25. Rock
26. Sauk
27. Sheboygan
28. Walworth
29. Washington
30. Waukesha
31. Waupaca
32. Waushara
33. Winnebago

12. A new § 21.11 is added to read as follows:

§ 21.11 Miscellaneous forms shared by all domestic public radio services.

(a) *Licensee qualifications.* FCC Form 430 ("Common Carrier Radio Licensee Qualification Report") shall be filed in both of the following instances for each radio service and shall be kept current under § 1.65:

(1) As required by other application forms; and

(2) Annually no later than January 31 for the end of the preceding calendar year by licensees or permittees (except for individual mobile subscribers to a common carrier service), if public service was offered at any time during that calendar year.

(b) *Additional time to construct.* FCC Form 701 ("Application for Additional Time to Construct Radio Station") shall be filed in duplicate by a permittee prior to the expiration date of each construction permit to be extended. However, Form 701 need not be filed if a permittee has requested in FCC Form 401 or 435 additional time to construct incidental to a modification of construction permit.

(c) *Renewal of station license.* Except for renewal of special temporary authorizations, FCC Form 405 ("Application for Renewal of Station License") must be filed in duplicate by the licensee between thirty (30) and sixty (60) days prior to the expiration date of the license sought to be renewed. Whenever a group of station licenses in the same radio service are to be renewed simultaneously, a single "blanket" application may be filed to cover the entire group, if the application identifies each station by call sign and station location and if two copies are provided for each station affected. Applicants should note also any special renewal requirements under the rules for each radio service.

(d) *Assignment of permit or license.* FCC Form 702 ("Application for Consent to Assignment of Radio Station Construction Permit or License for Stations in Services Other than Broadcasting"), shall be submitted to assign voluntarily (as by, for example, contract or other agreement) or involuntarily (as by, for example, death, bankruptcy, or legal disability) the station authorization. In the case of involuntary assignment (or transfer of control) the application should be filed within 10 days of the event causing the assignment (or transfer of control). In addition, FCC Form 430 ("Common Carrier Radio Licensee Qualification Report") shall be submitted by the proposed assignee unless such assignee has a current and substantially accurate report on file with the Commission. Upon consummation of an approved assignment, the Commission shall be notified by letter of the date of consummation.

(e) *Partial assignment of license or permit.* (1) In the microwave services, authorization for assignment from one company to another of only a part or portions of the facilities (transmitters) authorized under an existing construction permit or license (as distinguished from an assignment of the facilities in their entirety), may be granted upon an application: (i) by the assignee on FCC Form 435 or 436 as the situation requires; and (ii) by the assignor on FCC Form 436 for deletion of the assigned facilities, indicating concurrence in the request. Where the assigned facilities are to be incorporated into an existing licensed station, the assignee shall only file an FCC Form 436. Where a new station is to be established, FCC Forms 435 and 436 shall be submitted by the assignee. The assignment shall be consummated within 60 days from the date of authorization. In the event that consummation does not occur, FCC Form 436 shall be filed to return the assignor's authorization to its original condition.

(2) In the Domestic Public Land Mobile Radio and Rural Radio Services, the same procedure as specified above shall apply except that FCC Forms 401 and 403 shall be used in lieu of FCC Forms 435 and 436.

(f) *Transfer of control of corporation holding a permit or license.* FCC Form 704 ("Application for Consent to Transfer of Control of Corporation Holding

Common Carrier Radio Station Construction Permit or License"), shall be submitted in order to voluntarily or involuntarily transfer control (*de jure* or *de facto*) of a corporation holding any construction permits or licenses. In addition, FCC Form 430 ("Common Carrier Radio Licensee Qualification Report") shall be submitted by the proposed transferee unless said transferee has a current and substantially accurate report on file with the Commission. Upon consummation of an approved transfer, the Commission shall be notified by letter of the date thereof.

§ 21.12 [Reserved]

13. Section 21.12 is marked Reserved.

14. A new § 21.13 is added to read as follows:

§ 21.13 General application requirements.

(a) Each application for a construction permit or for consent to assignment or transfer of control shall:

(1) Disclose fully the real party (or parties) in interest, including (as required (a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;

(2) Demonstrate the applicant's legal, financial, technical, and other qualifications to be a permittee or licensee;

(3) Submit the information required by the Commission's Rules, requests, and application forms;

(4) State specifically the reasons why a grant of the proposal would serve the public interest, convenience, and necessity;

(5) Be maintained by the applicant substantially accurate and complete in all significant respects in accordance with the provisions of § 1.65 of this Chapter; and

(6) Show compliance with the special requirements applicable to each radio service and make all special showings that may be applicable (e.g. those required by §§ 21.100(d), 21.103, 21.501, 21.505, 21.506, 21.516, 21.608, 21.609, 21.700, 21.706, 21.900, etc.).

(b) Where documents, exhibits, or other lengthy showings already on file with the Commission contain information which is required by an application form, the application may specifically refer to such information, if:

(1) The information previously filed is over one 8½ by 11" page in length, and all information referenced therein is current and accurate in all significant respects under § 1.65 of this chapter; and

(2) The reference states specifically where the previously filed information can actually be found, including mention of:

(i) The radio service and station call sign or application file number whenever the reference is to stations files or previously filed applications;

(ii) The title of the proceeding, the docket number, and any legal citations, whenever the reference is to a docketed proceeding.

However, questions on an application form which call for specific technical data, or which can be answered by a "yes" or "no" or other short answer shall be amended as appropriate and shall not be cross-referenced to a previous filing.

(c) In addition to the general application requirements of §§ 21.13 through 21.17 of this Part, applicants shall submit any additional documents, exhibits, or signed written statements of fact:

(1) As may be required by the other Parts of the Commission's Rules, and the other subparts of Part 21 (particularly Subpart C and those subparts applicable to the specific radio service involved); and

(2) As the Commission, at any time after the filing of an application and during the term of any authorization, may require from any applicant, permittee, or licensee to enable it to determine whether a radio authorization should be granted, denied, or revoked.

(d) Except when the Commission has declared explicitly to the contrary, an informational requirement does not in itself imply the processing treatment or decisional weight to be accorded the response.

(e) All applicants are required to indicate at the time their application is filed whether or not the application is a "major action" as defined by § 1.1305 of the Commission's Rules. If answered affirmatively, the requisite environmental statement as prescribed in § 1.1311 must be filed with the application.

(f) Where required by applicable local law, an applicant shall include a copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, or if Commission authority is a prerequisite for such authorization, a statement to this effect shall be included in the application.

(g) Whenever an individual applicant, or a partner (in the case of a partnership) or a full time manager (in the case of a corporation) will not actively participate in the day-to-day management and operation of proposed facilities, the applicant will submit a statement containing the reasons therefor and disclosing the details of the proposed operation, including a demonstration of how control over the radio facilities will be retained by the applicant.

§ 21.14 [Reserved]

15. Section 21.14 is deleted and marked Reserved.

16. Section 21.15 is revised to read as follows:

§ 21.15 Technical content of applications.

Applications for construction permits shall contain all technical information required by the application form and any additional information necessary to fully describe the proposed construction and to demonstrate compliance with all technical requirements of the rules governing the radio service involved (see Subparts C, F, G, H, I, J and K as appropriate). The following paragraphs describe a number of general technical requirements.

(a) Applicants proposing a new station location (including receive-only stations and passive repeaters) shall indicate whether the station site is owned. If it is not owned, its availability for the proposed radio station shall be demonstrated. Under ordinary circumstances this requirement will be considered satisfied if the site is under lease or under written option to buy or lease, or in the case of land under U.S. Government control, written confirmation of site availability from the appropriate Government agency has been received. Where any lease or agreement to use land limits or conditions in any way the applicant's access or use of the site to provide public service, a copy of the lease or agreement (which clearly indicates the limitations) shall be filed with the application.

(b) Applicants proposing to construct or modify a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and follow the procedure prescribed by § 1.70 of this chapter.

(c) Each application involving a new or modified antenna supporting structure or passive facility, the addition or removal of an antenna, or the repositioning of an authorized antenna must be accompanied by a vertical profile sketch of the total structure depicting its structural nature and clearly indicating the ground elevation (above mean sea level) at the structure site, the overall height of the structure above ground (including obstruction lights when required, lightning rods, etc.) and, if mounted on a building, its overall height above the building. All antennas on the structure must be clearly identified and their heights above-ground (measured to the center of radiation) clearly indicated. In addition, the height to the upper tip of the antenna shall be indicated for those operating in the Domestic Public Land Mobile Radio Service, Rural Radio Service and Multipoint Distribution Service.

(d) Each application proposing a new antenna structure or modification of an existing one so as to change its overall height shall include a statement indicating whether or not FAA notification is required. If notification is required, the applicant should include with the application a copy of the FAA study regarding potential hazard to aviation. If the applicant has not received the FAA study, the application should include the name used in the FAA notification, the location of the FAA regional office involved and the date of the notification. [Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this chapter. See also § 21.111 if the structure is used by more than one station.]

(e) An applicant proposing construction of one or more new stations or mod-

ification of existing stations where substantial changes in the operation or maintenance procedures are involved must submit a showing of the general maintenance procedures involved to insure the rendition of good public communications service. The showing should include but need not be limited to the following:

(1) A general description of the technical personnel responsible for the day-to-day operation and maintenance of the facilities.

(2) Location and telephone number (if known) of the maintenance center for a point to point microwave system. In lieu of providing the location and telephone number of the maintenance on a case by case basis, a carrier may file a complete list for all operational stations with the Commission and the Engineer-In-Charge of the appropriate radio district on an annual basis or at more frequent intervals as necessary to keep the information current.

(3) A general description of the routine maintenance procedures to be followed and a description of the procedures to be followed for non-routine repair during outages. Include a description of the test equipment available.

(4) The manner in which technical personnel are made aware of a malfunction at any of the stations and the appropriate time required for them to reach any of the stations in the event of an emergency. If fault alarms are to be used, the items to be alarmed shall be specified as well as the location of the alarm center.

(5) Indicate whether maintenance personnel will be on duty for all hours of station operation. If not, submit information specifying the method for identifying and correcting system malfunctions when maintenance personnel are not on duty.

(f) If the maintenance for one or more radio stations is to be accomplished by contractural arrangement with an entity unrelated to an applicant, permittee or licensee, the application shall contain a copy of the agreement or contract which shall demonstrate that:

(1) The maintenance is accomplished according to general instructions provided for by the applicant;

(2) The applicant retains effective control over the radio facilities and their operation; and

(3) The applicant assumes full responsibility for both the quality of service and for contractor compliance with the Commission's Rules.

(g) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(h) Each application in the Point-to-Point Microwave Radio, Local Television Transmission, Multipoint Distribution Services and Rural Radio Services which proposes to establish a new permanently located, fixed communication facility (e.g. a transmitting site, receiving site, passive reflector or passive repeater), or to make changes or corrections in the location of such a facility already authorized, shall be accompanied by a topographic map (a U.S. Geological Survey Quadrangle or map of comparable detail and accuracy) with the location of the proposed facility accurately plotted and identified thereon. This map should not be cropped so as to delete pertinent border information and must be submitted in the same number of copies as the application it accompanies. (Map requirements for the Domestic Public Land Mobile Radio Service are specified in the application form.)

(i) In the Domestic Public Land Mobile Radio Service each application shall contain, as appropriate, the following information:

(1) Each application for construction permit for base station which proposes to establish a new communication facility, make changes in area of coverage of a station already authorized, or install additional transmitters shall describe the antenna transmission line type, length and radio frequency power transmission losses, together with a description and power loss of all other devices in addition to the transmission line, between the output of the transmitter and the antenna radiating system expressed in decibels.

(2) All applications for new or additional facilities shall identify any other pending applications in this service for new or additional facilities for the same general geographic area that applicant, or any principal thereof, may be a party to or have an interest in, either directly or indirectly.

(3) An application for land or airborne mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in § 21.13(a) and 21.13(c) together with an affirmative showing that:

(i) The mobile units for which authorization is sought are for the applicant's own use;

(ii) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application;

(iii) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first- or second-class radio operators; and

(iv) The mobile units will be operated primarily in the area or areas, or both, through the base stations specifically identified in the application and more particularly detailed in subparagraph (2) of this paragraph.

(j) Each application for construction permit for a base station in the Domestic Public Land Mobile Radio Service which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain for each of the eight radials specified in paragraph (j)(8)(ii) of this section. (See also § 21.115.)

(7) Antenna transmission line type, length and radio frequency power transmission losses, together with a description and power loss of all other devices in addition to the transmission line, between the output of the transmitter and the antenna radiating system expressed in decibels.

(8) Topographic maps (see also § 21.116) showing thereon:

(i) Exact station location.

(ii) Location of radials used in determining elevation of average terrain.

(9) Effective radiated power for all eight radials specified in paragraph (j)(8)(ii) of this section.

(k) The location of the transmitting antenna shall be considered to be the station location. Applications for stations at specified fixed locations shall describe the transmitting antenna site and each passive reflector or passive repeater site by their geographical coordinates and also by conventional reference to street number, landmark, etc. In the fixed point-to-point services authorized under this part, the site of each terminal receiving antenna location shall be described by geographical coordinates. All such coordinates shall be specified in terms of degrees, minutes and seconds to the nearest second of latitude and longitude.

§ 21.16 [Reserved]

17. Section 21.16 is deleted and marked Reserved.

18. Section 21.17 is revised to read as follows:

§ 21.17 Demonstration of financial qualifications.

(a) Each application for authority to construct a new station or substantially modify an existing station shall demonstrate the applicant's financial ability to meet the realistic and prudent:

(1) Estimated costs of proposed construction and other initial expenses; and

(2) Estimated operating expenses for a reasonable period of time, depending upon the nature of service proposed and the degree of business uncertainty or risk. (E.g., the proposal of a new or somewhat speculative service with a higher degree of business uncertainty would require a showing for a longer time period.)

(b) Except as provided in paragraph (c) of this section, each application shall demonstrate an applicant's financial ability, under paragraph (a) of this section by submitting the following financial information, the information required by paragraph (e) of this section, and whatever other information or details the Commission may require:

(1) A balance sheet current within ninety (90) days of the date of the application and copies of any financial commitments (such as, for example, loan agreements and service contracts) in support of the proposed facilities; and

(2) Whenever the submissions of paragraph (b)(1) of this section do not satisfy paragraph (a) of this section, the applicant shall submit additional information (e.g. a current income statement, and, for the period of proposed construction plus an initial year of operation, a statement of projected revenues and expenses, a statement of projected sources and application of funds, etc.) as is necessary to demonstrate financial ability.

(c) An applicant need not submit the financial information required by paragraph (b)(1) of this section, if paragraph (a) of this section can be clearly satisfied by an exhibit demonstrating that the applicant had operating revenues of $1 million or more for the previous year, has filed annual (or monthly) reports under Part 43 of this chapter and maintains as of the date of the application a credit rating equivalent to, or better than, either a Standard & Poor's Rating of "BBB" or a Moody's Bond Rating of "Baa."

(d) Each application for an assignment of a license (or permit), or for the transfer of control of a corporation holding a license (or permit), shall demonstrate the financial ability of the proposed assignee or transferee to acquire and operate the facilities by submitting adequate financial information under the guidelines specified in this section, as appropriate.

(e) The following additional information shall be submitted on any form of intended credit arrangement or equity placement:

(1) The details of any loan or other form of credit arrangement intended to be utilized to finance the proposed construction, acquisition, or operation of the requested facilities including such information as the identity of the creditor (or creditors), letters of commitment, terms of the transaction, and a statement that paragraph (f) of this section is complied with; and

(2) The details of any sale or placement of any equity or other form of ownership interest.

(f) In addition to the disclosures required by paragraph (d) of this section, any loan or other credit arrangement providing for a chattel mortgage or secured interest in any proposed radio station facility must include a provision for a minimum of ten (10) days prior written notification to the licensee or permittee, and to the Commission, before any such equipment may be repossessed under default provision of the agreement.

§§ 21.18 and 21.19 [Reserved]

19. Sections 21.18 and 21.19 are deleted and marked Reserved.

20. Section 21.20 is revised to read as follows:

§ 21.20 Defective applications.

(a) Unless the Commission shall otherwise permit, an application will be unacceptable for filing and will be returned to the applicant with a brief statement as to the omissions or discrepancies if:

(1) The application is defective with respect to completeness of answers to questions, informational showings, execution, or other matters of a formal character; or

(2) The application does not substantially comply with the Commission's rules, regulations, specific requests for additional information, or other requirements.

(b) Some examples of common deficiencies which result in defective applications under paragraph (a) of this section are:

(1) The application is not properly executed;

(2) The submitted filing fee is insufficient under § 1.1113 of this chapter;

(3) The application does not demonstrate how the proposed radio facilities will serve the public need or interest;

(4) The application does not demonstrate compliance with the special requirements applicable to the radio service involved (e.g. noted in § 21.13(a)(6) of this chapter);

(5) The application does not demonstrate the availability of the proposed site of a new facility;

(6) The application does not include the environmental showing required for a "major action" under § 1.1305 of this chapter;

(7) The application does not include U.S. Forest Service or Bureau of Land Management certification of site availability under § 1.70 of this chapter whenever a proposed new or modified facility is to be located on land under the jurisdiction of these agencies;

(8) The application is filed after the "cut-off" date prescribed in § 21.30 of this part;

(9) The application proposes the use of a frequency not allocated to such use; or

(10) In the Domestic Public Land Mobile Radio Service failure to provide specific answers as required to Items 1, 5, 7, 8, 10, 17, 18, 19, 20, or 26 of FCC Form 401 (answers by cross reference are not acceptable—see § 21.13(b)), or failure to propose type accepted equipment (except for developmental applications).

(c) Applications considered defective under paragraph (a) of this section may be accepted for filing if:

(1) The application is accompanied by a request which sets forth the reasons in support of a waiver of (or an exception to), in whole or in part, any specific rule, regulation, or requirement with which the application is in conflict; or

(2) The Commission, upon its own motion, waives (or allows an exception to), in whole or in part, any rule, regulation or requirement.

(d) If an applicant is requested by the Commission to file any documents or any supplementary or explanatory information not specifically required in the prescribed application form, a failure to comply with such request within a specified time period will be deemed to render the application defective and will subject it to dismissal.

21. Section 21.34 is revised to read as follows:

§ 21.34 Forfeiture and termination of station authorization.

(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the term of the construction permit (as evidenced by the commencement of service tests as specified by § 21.212), or within such additional time as may be authorized by the Commission (upon receipt of an appropriate and timely filed application), unless prevented by causes not under the control of the permittee. Where so forfeited, the Commission will consider a petition for reinstatement of a construction permit only where:

(1) It is filed within 30 days of the expiration of the construction permit;

(2) Good cause is shown for the failure to apply for an extension of the permit prior to its expiration date; and

(3) Where it is accompanied by an appropriate application for extension of time to construct or modification of construction permit.

(b) A license shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license has been filed with the Commission. An application for renewal filed after the expiration date of the license will be considered only if:

(1) It is filed within 30 days of such expiration date;

(2) It explains the failure to timely file a renewal application is submitted; and

(3) It describes procedures which have been established to insure timely filings in the future.

(c) A special temporary authorization shall automatically terminate upon the expiration date stated therein or upon failure of the carrier to comply with any special terms or conditions set forth therein. Operation may be extended beyond such termination date only upon specific authorization by the Commission.

22. The first two sentences of paragraph (c) of § 21.108 are revised to read as follows:

§ 21.108 Directional antennas.

* * * * *

(c) Fixed stations (other than temporary fixed) operating at 2,500 MHz or

higher shall employ transmitting and receiving antennas meeting the appropriate performance Standard A indicated below, except that in areas not subjected to frequency congestion, antennas meeting performance Standard B may be used subject to the liability set forth in § 21.109(c). Additionally, the main lobe of each antenna operating below 5,000 MHz shall have minimum power gain of 36 dBi over an isotropic antenna; at or above 5,000 MHz the minimum gain shall be 38 dBi. * * *

23. Change the title of § 21.109 and add a new paragraph (d) to read as follows:

§ 21.109 Antenna and antenna structures.

* * * * *

(d) No replacement or change of antenna or antenna structure shall be effected without prior authorization from the Commission except as provided for under this section.

24. The last sentence of § 21.111 is amended to read as follows:

§ 21.111 Simultaneous use of common antenna structure.

* * * * *

Provided, however, That each permittee, licensee or user of any such structure is responsible for maintaining the structure, and for painting and illuminating the structure when obstruction marking is required by the Commission. (See § 21.15(d) and § 21.109(b).)

25. Section 21.113 is revised to read as follows:

§ 21.113 Quiet zones.

Quiet zones are those areas where it is necessary to restrict radiation so as to minimize possible impact on the operations of radio astronomy or other facilities that are highly sensitive to radio frequency interference. The areas involved and procedures required are as follows:

(a) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, or temporary fixed seeking authorization for a new station or to modify an existing station in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south, and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, West Virginia 24944, in writing, of the technical particulars of the proposed operation. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity (if any), proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(b) In order to minimize possible harmful interference at the Table Mountain Radio Receiving Zone of the Research Laboratories of the Department of Commerce located in Boulder County, Colorado, applicants for new or modified radio facilities in the vicinity of Boulder County, Colorado are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that field strengths at 40°07'50" N. latitude, 105°14'40" W. longitude, resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

	Field strength (mV/m) in authorized bandwidth of service	Power flux density [1] (dBW/m²) in authorized bandwidth of service
Below 540 kHz	10	−65.8
540 to 1600 kHz	20	−59.8
1.6 to 470 MHz	10	2−65.8
470 to 800 MHz	30	2−56.2
Above 800 MHz	1	2−85.8

[1] Equivalent values of power flux density are calculated assuming free-space characteristic impedance of 376.7=120 ohms.

[2] Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 1.5 statute miles;

(ii) Stations within 3 statute miles with 50 watts or more effective radiated power (ERP) in the primary plan of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 10 statute miles with 1 kW or more ERP in the primary plan of polarization in the azimuthal direction of Table Mountain Radio Receiving Zone;

(iv) Stations within 50 statute miles with 25 kW or more ERP in the primary plan of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, NOAA/OT/NBS, Time and Frequency Division, Boulder Laboratories, Boulder, Colo. 80302; telephone 303–499–1000, extension 3542 or 3294, in advance of filing their applications with the Commission.

(3) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the reference point in excess of the field strength specified herein.

26. Paragraph (d) of § 21.118 is revised to read as follows:

§ 21.118 Transmitter construction and installation.

* * * * *

(d) Each base station in these services is required to have:

(1) At least one control point (see § 21.515); and

(2) A person on duty at the control point who is in charge of the station's operations during the normal rendition of service (see § 21.205). The location of an authorized control point may not be moved beyond the boundary of the city, borough, town or community without prior Commission approval. Any associated changes made in the dispatching arrangements should accompany the application for change in such cases.

27. Section 21.119 is revised to read as follows:

§ 21.119 Limitation on use of transmitters for other services.

Transmitters licensed for operation in services governed by this part may not be concurrently licensed or used for non-common carrier communication purposes. However, mobile units may be concurrently licensed or used for non-common carrier communication purposes provided that the transmitter is type-accepted for use in each service.

28. Section 21.501(f) is redesignated 21.501(f)(1) and a new section 21.501(f)(2) is added to read as follows:

§ 21.501 Frequencies.

* * * * *

(f) * * *

(2) Each application requesting authority to establish operations on frequencies in the 72–76 MHz band shall be accompanied by:

(i) A showing that the applicant agrees to eliminate any harmful interference which may be caused by his operation to television reception on either channel 4 or 5, and if said interference cannot be eliminated within 90 days of the time the matter is first brought to his attention by the Commission, operation of the

interfering fixed station will be immediately discontinued.

(ii) In cases where it is proposed to locate a 72–76 fixed station less than 80, but more than 10, miles from the site of a television transmitter operating on either channel 4 or 5, or from the post office of a community in which such channels are assigned but not in operation, a showing shall be made as to the number of family dwelling units (as defined by the U.S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the television station antenna site are not to be counted (the radius of which shall be determined by use of charts entitled, "Chart for Determining Radius From Fixed Station in 72–76 MHz Band to Interference Contour Along Which 10 Percent of Service from Adjacent Channel Television Station Would Be Destroyed" (Charts for television channels 4 and 5 are set forth in § 21.103).

(iii) In cases where more than 100 family dwelling units are contained within the circle (determined according to paragraph (f) (2) of this section), the number of dwelling units therein shall be stated and a factual showing made that:

(A) The proposed site is the only suitable location.

(B) It is not feasible, technically or otherwise, to use other available frequencies.

(C) The applicant has a definite plan, which should be disclosed, to control any interference that might develop to television reception from his operations.

(D) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate interference caused by his operations.

* * * * *

29 Paragraphs (a) and (b) of § 21.706 are revised to read as follows:

§ 21.706 Supplementary showing required with applications.

(a) Each application for initial installation of a radio station in this service, or for installation of equipment to provide additional service, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposal will serve the public interest, convenience and necessity. Such statement must include information concerning:

(1) The nature and type of services to be rendered (e.g. telephone/telegraph, private line voice/data, television transmission, etc.)

(2) The cities or communities to be served including the number of circuits to be established. Where multiple cities are to be served, specify by diagram or other appropriate means the circuit cross section between service points.

(3) Projected future circuit growth anticipated between service points and indicate the source of such projections.

(4) Where the construction of radio facilities is dependent upon the specific requirements of one or several customers of a limited class (e.g. those desiring television signals), the need for facilities should be supported by an order for service from each such customer.

(b) Where specific information required by paragraph (a) of this section has been submitted in connection with applications filed under Part 63 of this chapter, duplicate information in support of applications submitted pursuant to this part is not required provided appropriate references are made therein. The information submitted in connection with paragraph (a) of this section shall not be considered to replace any requirement to acquire authority for channelizing pursuant to Section 214 of the Communications Act.

* * * * *

30. Section 21.709 is amended by the addition of a new paragraph (d) to read as follows:

§ 21.709 Renewal of station licenses.

* * * * *

(d) Each applicant for renewal of license for a term commencing between January 1, 1976 and January 1, 1981 shall submit with the application all of the technical parameters of the station (as licensed) listed on page 1 of FCC Form 435. If the same information has previously been submitted for the station on a Form 435, this requirement will be waived. Applicants are urged to file this information on punched cards in accordance with the Commission publication *Punched Card Format for Common Carrier Microwave Applications*. (Copies of this publication may be obtained through the Common Carrier Bureau.)

[FR Doc.75-27158 Filed 10-8-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"; Denial of Petitions for Reconsideration

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 5th day of September 1975.

It appearing, That the Commission, on the date hereof, has made and filed its report in this proceeding upon further consideration setting forth its conclusions and findings and reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That the term "securities" as found in section 20a of the Interstate Commerce Act be henceforth interpreted as including, among other things, those instruments specifically enumerated in section 20a(2) as well as other evidences of interest in or indebtedness of carriers, which include, but are not limited to advances payable to an affiliated company, loan agreements, credit agreements, mortgages, chattel mortgaes, deeds of trust, equipment trusts, security agreements, and purchase agreements of property having a useful life in excess of 1 year whose terms provide for other than full payment at the time of consummation, but shall not at this time be interpreted to include agreements entered into for the sole purpose of acquiring motor carrier operating motor carrier operating equipment.

It is further ordered, That the terms "assume any obligation or liability" as found in section 20a of the Interstate Commerce Act be henceforth interpreted as including an advance of funds to an affiliated company.

It is further ordered, That the petitions for reconsideration of that part of the Commission's August 16, 1973 (38 FR 23953, 24903; Sept. 5, 1973, Sept. 11, 1973) order adopting amendments to Part 1115 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations (the text of such amendments being set forth in appendix C to the Commission's report of this date) be, and they are hereby, denied.

It is further ordered, That this order shall become effective December 8, 1975.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.[1]

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

APPENDIX C

The following additions to Form OP-F-200 (formerly Form BF-6) were adopted by the Commission in its 1973 report and order in this proceeding: [2]

Item 1(c).—A statement clearly outlining the measures taken by a carrier, and its subsidiaries or affiliates, to insure that compliance with section 10 of the Clayton Antitrust Act (15 U.S.C. 20) has been achieved with respect to the proposed financing and all nonsecurity financing entered into in the current year of the application and the 2 previous calendar years.

Item 2(d).—Applicant shall file a list of the amounts, terms, and purposes of all nonsecurity financing for the current year and 2 previous calendar years, by separate category, including, but not limited to, conditional sale contracts, chattel mortgages, security agreements, mortgages, deeds of trust loan agreements in the nature of standby credit agreements, credit agreements, and advances.

The terms of each category of nonsecurity financing shall include the interest rate, terms of repayment, collateral pledged as security therefor, material restrictions of

---

[1] Appendix A, Petitioners, and Appendix B, Summary of Representative Arguments and Proposals of the Parties, are filed as part of the original document.

[2] Amendments were originally filed as part of the original document in the issue of Sept. 5, 1973; 38 FR 23953.

such arrangements, as well as a detailed breakdown as to the use of the proceeds or credit thus obtained, specifically identifying uses for noncarrier purposes.

Item 2(e).—Applicant shall file the following:

(i) Consolidated balance sheet and a consolidated income statement for applicant and its subsidiaries, showing inter-company eliminations.

(ii) A balance sheet and income statement for each of applicant's subsidiaries, or if this is not possible, a statement listing the annual net income and stockholders' equity (net worth) of each of the subsidiaries.

(iii) Applicant's pro forma income statement showing its forecasted revenues, expenses, and net income for the 12 months following the application date.

(iv) Applicant's cash flow statement for the 12 months preceding the filing of the application and its forecasted cash flow statement for the 12 months subsequent to such filing. These statements should show opening cash on hand, receipts by categories, disbursements by items, and cash balance at the end of the period, with a breakdown of funds flowing to and from carrier subsidiaries.

[FR Doc.75-27225 Filed 10-8-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Amendment Listing the Snail Darter as an Endangered Species

Background. On January 20, 1975, Joseph P. Congleton, Zygmunt J. B. Plater, and Hiram G. Hill, Jr., petitioned the Department of the Interior to list the snail darter (*Percina (Imostoma)* sp.) from the Little Tennessee River, as an endangered species according to the expedited emergency procedures of section 4(f)(2)(B)(ii) of the Endangered Species Act of 1973. This petition, and accompanying supportive data, were examined by the Fish and Wildlife Service which determined that sufficient evidence existed to warrant a review of the status of these species. A notice to that effect was placed in the FEDERAL REGISTER on March 10, 1975 (40 FR 11618). Simultaneously, the Governor of Tennessee was notified of the review, and was requested to supply data on the status of the species in his State.

As a result of this review, the Director of the Fish and Wildlife Service found that there are sufficient data to warrant a proposed rulemaking that the snail darter be listed as an endangered species. This proposed rulemaking was published in the FEDERAL REGISTER on June 17, 1975 (40 FR 25597). Interested persons were invited to submit written comments on the proposal to the Director no later than August 18, 1975.

Summary of Comments. Sixteen comments were received. Portions relevant to the biological status of the snail darter are summarized as follows:

(1) Twelve persons completely supported the proposed rulemaking. These included several ichthyologists and biology professors who felt it was a valid species and did need protection. Also among these were several concerned citizens decrying the possible destruction of the species which is threatened by the Tellico Dam.

(2) There were three letters opposing the listing of the snail darter as "endangered," none of which was relevant to the biological evaluation.

(3) A letter and attached appendices were received from the Tennessee Valley Authority, the agency sponsoring the construction of Tellico Dam. The Tennessee Valley Authority is opposed to listing the snail darter as an Endangered species. Quoted below are the specific objections raised by TVA in their extensive comments and appendices:

1. Listing of this fish would have no valid basis since the taxonomic status of the fish has not been determined, there is no known publication of its description, and it has never been classified as a new and distinct species.

2. Clearly, no present threat exists to the snail darter which would justify shortcutting the customary scientific procedures. There has been no systematic or adequate study of the range of this fish. There is, however, scientific opinion that the fish undoubtedly exists elsewhere in the Tennessee River system, unaffected by the Tellico project. In light of this, the statement in the notice that impoundment of Tellico "would result in total destruction of the snail darter's habitat" is in error.

3. Listing the snail darter would not enhance the likelihood that this fish would survive and therefore would not further the purposes of the Endangered Species Act. As a part of the Tellico project, TVA and others already are undertaking a scientifically recognized program to conserve the snail darter.

4. For the foregoing reasons, it is clear that the Endangered Species Act does not require, nor indeed does it even permit, the Secretary's proposed listing. In light of this we do not believe that the Fish and Wildlife Service should inject itself into the long-standing controversy surrounding the wisdom of the Tellico project. Tellico is a lawfully authorized federal project which has been under construction since March 1967. It has been repeatedly funded by Congress, over objections of opponents, and impoundment is presently scheduled for January 1977. Its environmental consequences, including specifically its effect on undescribed species of darters which were thought to be rare and endangered, were fully described and considered in TVA's Environmental Impact Statement for the project. The sufficiency of that statement and the reasonableness of the TVA Board's decision to proceed after enactment of the National Environmental Policy Act has been litigated and upheld by both the United States District Court for the Eastern District of Tennessee and the Sixth Circuit Court of Appeals. Subsequent to such litigation, Congress, with full knowledge of the project's environmental impacts, has continued to appropriate money for completion. In light of this exhaustive review of the project, including specifically a consideration of its effect on possibly rare and endangered species of fish, no worthwhile purpose could possibly be served by listing the snail darter as "endangered" solely because "The proposed impoundment of water behind the proposed Tellico Dam would result in total destruction of the snail darter's habitat," as stated in your notice. We believe the likely result would be more time-consuming and meritless litigation.

In summary, TVA believes that there is no scientific basis to support listing the snail darter, there is no environmental need for such action, and that nothing positive would be accomplished.

The Director has considered the above comments as well as the appendices accompanying such comments. The Director has also considered other information obtained by the Fish and Wildlife Service subsequent to the proposed rulemaking. The following response to the Tennessee Valley Authority's comments is based on all information available at this time.

1. The original data submitted in the petition to list the snail darter as an endangered species could reasonably be read to suggest that the snail darter was a distinct species in danger of extinction throughout its range. Comments received on the FEDERAL REGISTER notice of March 12, 1975, to review the status of the species, in no way suggested otherwise and provided additional evidence to warrant a proposed rulemaking. Subsequent to the proposed rulemaking, we received additional data in the form of an unpublished manuscript, in which the species was described, further substantiating the validity of the snail darter as a distinct species. The manuscript has been reviewed and accepted by a panel of ichthyologists at the Smithsonian Institution, and approved by them for publication in the *Proceedings of the Biological Society in Washington.* The expected publication date of the description of the snail darter is December 1975, or January 1976.

The Fish and Wildlife Service is proceeding with the formal listing of the snail darter, *Percina (Imostoma)* sp., as an endangered species because biological evidence indicates that it is a valid species in danger of extinction. The Service acknowledges the lack of a published formal description of the snail darter with the designation of a name-bearing holotype at this time. The Service also recognizes the fact that the snail darter is a living entity which is genetically distinct and reproductively isolated from other fishes. Section 3 (11) of that Act states that "the term 'species' includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature". The weight of scientific opinion recognizes the snail darter as a distinct species. To delay its listing as endangered until the formalities of a species description and its publication are completed would thwart the purpose of the Endangered Species Act.

2. More than 1,000 collections in recent years and additional earlier collections from central and east Tennessee have not revealed the presence of the snail darter outside the Little Tennessee River. The TVA has conducted numerous fish population studies throughout the Tennessee River Basin since the 1930's, and none of these studies apparently

yielded specimens of the snail darter. The snail darter was probably more widespread prior to the impoundment of most of the large rivers of east Tennessee, but how widespread is uncertain. Despite all efforts to locate additional snail darter populations in rivers and creeks other than the Little Tennessee River, to date there have been no reported findings.

The Tellico Project, now under construction, would completely inundate the entire range and only known established population of the snail darter. The sponsoring agency offers only opinion rather than specific scientific evidence that the snail darter has been found to exist elsewhere. The agency does not deny that the Tellico project will completely inundate the habitat of the only known established population of the fish.

3. The purposes of the Endangered Species Act of 1973 as stated in Section 2(b) are "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species * * *". The TVA has formulated and begun to implement a program in which snail darters are being transplanted from the Little Tennessee River into the Hiwassee that there may be biological and other River. That the snail darter does not already inhabit the Hiwassee River, despite the fact that the fish has had access to it in the past, is a strong indication that there may be biological and other factors in this river that negate a successful transplant. In addition, the TVA has presented us with little evidence that they have carefully studied the Hiwassee to determine whether or not these biological and other factors exist. The TVA program also does not provide for the conservation of the ecosystem upon which the only known established population of snail darter depends.

4. The TVA's Tellico Project Environmental Impact Statement was finalized prior to the passage of the Endangered Species Act of 1973. While the Statement did include a discussion of the endangered species which might occur in the project area, the snail darter was not discovered until the fall of 1973 and thus was not included in the discussion of endangered species in the Environmental Impact Statement. Also, all litigation of the Tellico project occurred prior to the discovery of the snail darter. In light of the above, we have no evidence to indicate that the Tennessee Valley Authority has given adequate consideration to the snail darter with respect to the Tellico project.

The Service is aware of the Congressional authorization of the Tellico project. In section 2(a) of the Endangered Species Act of 1973, Congress did find and declare that * * * "(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation * * *". The intent of Congress was to insure that endangered and threatened species are conserved, by responsibly integrating the well-being of such species into all Federal actions that could affect them and providing a means whereby such species can continue to exist. This was specified in Section 2(c) of the Act, which states that "* * * it is further declared to be the policy of Congress that all Federal departments and agencies shall utilize their authorities in furtherance of the purposes of this Act". Section 7 of the Act further delineates the responsibilities of all Federal departments and agencies in implementing the Endangered Species Act of 1973.

The Director has considered the above comments as well as the evidence accompanying such comments. The Director has also considered other information obtained by the Service, both before and after the proposed rulemaking. Taken together, the evidence as a whole indicates that the snail darter of the Little Tennessee River should indeed be listed as an endangered species for the reasons discussed hereafter.

Discussion. Section 4 of the Endangered Species Act of 1973 (16 U.S.C. § 1533(a)(1)) establishes the following criteria for determining whether a species should be listed as an endangered species:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

Specifically, with regard to the snail darter, present evidence suggests that only condition (1) is pertinent. Major factors affecting this condition include, but are not limited to, the following:

1. The present or threatened destruction, modification, or curtailment of its habitat or range. The snail darter *Percina (Imostoma)* sp. is known only from portions of gravel shoals in the main channel of the Little Tennessee River between River Miles 4 and 17 in Loudon County, Tennessee. River Miles 4 and 17 are shown on a map entitled "Tellico Project," prepared by the Tennessee Valley Authority (TVA), Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501). River Mile 17 is 2 river miles below the U.S. Highway 411 bridge over the Little Tennessee River, and is near Rose Island; River Mile 4 is 1½ miles below Davis Ferry.

In this area the snail darter occurs only in the swifter portions of shoals over clean gravel substrate in cool, low-turbidity water. Food of the snail darter is almost exclusively snails which require a clean gravel substrate for their survival. The proposed impoundment of water behind the proposed Tellico Dam would result in total destruction of the snail darter's habitat.

2. Overutilization for commercial, sporting, scientific, or educational purposes. Not applicable.

3. Disease or predation. Not applicable.

4. The inadequacy of existing regulatory mechanisms. Not applicable.

5. Other natural or manmade factors affecting its continued existence. Not applicable.

For the reasons stated above, it is hereby determined that the snail darter (*Percina (Imostoma)* sp.) is an endangered species within the meaning of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below, and will be effective on November 10, 1975.

Dated: October 6, 1975.

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

1. Amend Section 17.11(i) by adding the following to the list of "Fishes," after the entry for "Darter, Okaloosa; *Etheostoma, okaloosae*":

§ 17.11 Endangered and threatened wildlife.

* * * * *

(i) * * *

Species			Range		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range where Threatened or Endangered			
FISHES							
Darter, snail	*Percina (Imostoma)* sp.	n.a.	U.S.A.: Little Tennessee River, Loudon County, Tennessee.	Entire.	E.	12	n.a.

2. Add footnote 12 to read:

[12] 40 FR 47506; October 9, 1975.

[FR Doc.75-27171 Filed 10-8-75;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on November 1, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Alabama, is suspended for the 1975-76 season due to a serious decline in numbers of wintering geese in the refuge area.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. The open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) *Open Season:* Hunting will be permitted only on Wednesdays through Sundays during the regular waterfowl season.

(2) *Daily Bag Limits:* Same as prescribed by State and Federal regulations.

(3) *Permits:* A National Wildlife Refuge Hunting Permit is required for all persons hunting in the area. Permit may be obtained by appearing in person at refuge headquarters at 8 a.m. to 4:30 p.m., Monday through Friday or by mail.

(4) *Juveniles:* Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(5) *Entry:* Hunters must follow the routes of travel within the refuge that are designated by posting by the officer-in-charge. The routes of travel for airboats to and from the public hunting area are shown on a map available at refuge headquarters. While traveling to and from the hunting area, hunters must have guns unloaded and cased.

(6) *Blinds:* Only temporary blinds constructed of native vegetation are permitted.

(7) *Dogs:* The use of dogs is encouraged to retrieve dead and wounded birds. Dogs must be under control at all times.

(8) *Airboats:* A Federal permit is required for the use of airboats on the area. Airboats must be equipped with an exhaust muffler. Airboat permits may be obtained by applying in person at refuge headquarters, 4½ miles south of Homosassa Springs, Florida, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(9) Decoys will be retrieved by owners at the end of each day's hunt.

(10) Boats and hunting equipment and all game bagged will be presented for inspection to refuge agents or other wildlife enforcement officers upon request.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on Loxahatchee National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Boynton Beach, Florida, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots and subject to the following special conditions:

(1) *Daily Bag Limits:* See State regulations. Note: Only ducks and coots may be taken on the refuge.

(2) *Open Season:* See State regulations.

(3) *Daily Shooting Hours:* One-half hour before sunrise to sunset.

(4) All hunters must possess a refuge permit to hunt on Loxahatchee National Wildlife Refuge. This permit is available at refuge headquarters. Mail requests will be honored until the opening of the waterfowl hunting season.

(5) All air-thrust boat operators must possess a valid refuge permit for operating on Loxahatchee Refugee. This permit is available at refuge headquarters.

(6) *Entry to Refuge:* Hunters are required to enter and leave the refuge from the headquarters landing or the S–39 landing (Loxahatchee Recreation Area). Air-thrust boats may be launched at the headquarters landing only. Use of the refuge is limited to the hours from one and one-half hours before sunrise to one hour after sunset. Hunters must use the designated routes of travel to and from the hunting area. These routes are those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area. The refuge marsh near headquarters and S–39 landing lying between the hunting area and said portions of the above canals may also be used for travel. No hunting is permitted in these canals or the marsh off-sets.

(7) *Firearms:* Ducks and coots may be taken only by shotguns ten gauge or smaller. All other types of firearms are prohibited year-round. The possession or use of shotgun shells with larger than No. 4 shot is prohibited. Hunters must carry unloaded shotguns that are dismantled or cased over the routes stated under Item 6 in travelling to and from the hunting area.

(8) *Hunting Dogs:* Hunters are permitted to use dogs for the purpose of retrieving dead or wounded birds.

(9) *All Boats:* For safety reasons all boats must display a light when travelling to and from the hunting area when travelling in darkness. All boats operating within the public hunting area are required to fly a flag 12" by 12" ten feet above the bottom of the boat.

(10) *Blinds:* Only temporary blinds constructed of native vegetation are permitted.

(11) *Posted Areas:* The public hunting area has been designated by red signs with black lettering. Other signs designate closed areas.

(12) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on a map available at the refuge headquarters, Merritt Island National Wildlife Refuge, Florida and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting is allowed Wednesday through Sunday during the State waterfowl season except no hunting on Christmas Day.

(2) Shooting hours are from legal starting time until noon.

(3) Use of steel (iron) shot is required in hunt areas 1 and 4. Possession of lead shot is prohibited in areas 1 and 4.

(4) Shooting within 10 feet of any refuge dike or road (except in Area 1) is prohibited.

(5) Air-thrust boats are not permitted on the refuge.

(6) Hunting from permanent blinds is prohibited in Areas 2, 3 and 4.

(7) Hunters under 18 years of age must be accompanied by an individual 21 years of age or older.

(8) No overnight camping is allowed.

(9) A general refuge hunting permit is required and must be carried on the hunter's person at all times.

PUBLIC HUNTING AREA NO. 1

(1) A certificate showing successful completion of the Florida Game and Fresh Water Fish Commission's Hunter Safety Course is required.

(2) Hunting is from established blinds only and a daily permit is required. See hunting and permit information available at Refuge Headquarters.

(3) Hunters must have a boat and/or retriever to apply for this area.

(4) Steel (iron) shot is required.

PUBLIC HUNTING AREA NO. 2

(1) A maximum of 200 permits will be issued daily throughout the season. See hunting and permit information available at the Refuge Headquarters for specifics on drawing.

(2) No shooting is permitted from or across the railroad right-of-way or any paved road.

(3) Area south of the railroad track is closed to hunting.

PUBLIC HUNTING AREA NO. 3

(1) Access is permitted by using designated dikes and/or by boat only.

PUBLIC HUNTING AREA NO. 4

(1) A certificate showing successful completion of the Florida Game and Fresh Water Fish Commission's Hunter Safety Course is required.

(2) A maximum of 100 permits will be issued daily throughout the season. See hunting and permit information available at the Refuge Headquarters for specifics on drawing.

(3) Vehicles are prohibited from traveling on any dikes and must park in designated areas.

(4) Steel (iron) shot is required.

GEORGIA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Eufaula National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 770 acres, is delineated on a map available at the refuge headquarters, Eufaula, Alabama, and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Saturdays. Hunting hours will be from one-half hour before sunrise to 11:30 a.m. during the waterfowl season.

(2) Hunters must hunt only from designated blinds provided and located by refuge personnel. Shooting is not permitted outside of designated blind zone.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds.

(4) Each hunter is limited to one box of 12-gauge shells in his possession. Only shells containing steel shot will be permitted and these may be purchased at the check-in station at cost.

(5) Hunters are required to check in and out of the hunt area and must present all bagged game for inspection.

(6) A refuge permit is required. A blind fee of $6 per blind will be charged at the time the permits are issued prior to each day's hunt.

(7) Applications for reservations for refuge permits must be received by the Refuge Manager, Eufaula Refuge, Eufaula, Alabama, prior to 12 noon, Friday, October 31, 1975. Successful applicants will be determined by an impartial drawing on Monday, November 3, 1975.

(8) Hunters under 17 years of age must be accompanied by an adult 21 years of age or older.

(9) Blind reservations are nontransferable.

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge, Georgia, is permitted only on the area delineated on the Public Hunt Area map which is available at the refuge headquarters, Hardeeville, South Carolina, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

(1) Daily bag limits are the same as State regulations for ducks, coots, and snipe. Hunters are cautioned against killing, shooting at, or molesting any species of wildlife other than those listed.

(2) Hunting will be permitted only on Thursday, Friday, and Saturday, from one-half hour before sunrise to 12 o'clock noon during the season set by State regulations. Note: Snipe season opens at different dates than ducks and coots but will close on the refuge on the same date.

(3) Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

(4) Hunters will not be permitted to enter the hunting area sooner than one and one-half hours before sunrise.

(5) Guns must be unloaded while being carried to and from the hunting area. Shot size larger than number 4 will not be permitted on the refuge.

(6) Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds and furnish their own boats and decoys.

(7) Dogs used to retrieve waterfowl must be under control at all times.

(8) Season permits *must* be carried on person while hunting. Permits may be obtained in person from the refuge manager or by mailing an application to refuge headquarters.

(9) Hunting questionnaire must be completed and returned to Refuge Manager, Savannah National Wildlife Refuge, within 30 days following the end of the season. Failure to comply may result in suspension of future hunting privileges.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots is permitted only on the area designated by signs as open to hunting. The open area comprises 6,400 acres and is delineated on a map available at the refuge headqurters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable Federal and State regulations subject to the following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge. Permits will be issued from October 15 on through the entire duck hunting season.

(2) Hunting is restricted to 12 gauge shotguns and iron shot shells only. No lead shot shell or other gauge shotguns will be permitted on the refuge. Iron shot shells will be available at the hunt area. No limit on quantity.

(3) *Hunting Season:* November 1 to 30, 1975, and December 11, 1975, to January 3, 1976. Hunting permitted five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tuesdays, and no hunting on December 25.

(4) *Shooting Hours:* One half-hour before sunrise until 11 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Hunters under 17 years of age must be accompanied by a responsible adult. No more than two youth hunters per each adult hunter will be permitted.

(7) Hunting parties may not blind-up and hunt closer than 100 yards apart. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt; other parties must move away from them at least 100 yards.

(8) Firearms must be encased or dismantled when carried in transit through refuge canals.

(9) Temporary blinds made of native vegetation are permitted but they may *not* contain boards, lumber, poles or wire. Portable blinds may be carried in for each hunt.

(10) Use of retriever dogs is permitted and encouraged, but they must be under control of hunter at all times.

(11) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed by hunters.

(12) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(13) Running lights are required on all boats using refuge canals before sunrise. Life jackets must be *worn* by all juvenile hunters while travelling on refuge waters.

SABINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Sabine National Wildlife Refuge is permitted only in areas designated by signs as open to hunting. These areas, comprising approximately 10,000 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Waterfowl hunting shall be in accordance with all applicable State and Federal regulations including the following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge. Permits will be issued from October 15 through the duck hunting season.

(2) Hunting is restricted to 12 gauge shotguns and iron shot shells only. *No* lead shot shell or other gauge shotguns will be permitted on the refuge. Iron shot shells will be available for sale at the hunt area. No limit on quantity.

(3) *Hunting Season:* November 1 to 30, 1975, and December 11, 1975 to January 3, 1976. Hunting permitted five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tues-

days, and no hunting on December 25.

(4) *Shooting Hours:* One-half hour before sunrise until 11 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) Hunting parties may not blind-up and hunt closer than 100 yards apart. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt; other parties must move away from them at least 100 yards.

(8) Firearms must be encased or dismantled when carried in transit through refuge canals.

(9) Temporary blinds made of native vegetation are permitted, but they may *not* contain boards, lumber, poles or wire. Portable blinds may be carried in for each hunt.

(10) Use of retriever dogs is permitted and encouraged, but they must be under control at all times.

(11) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed.

(12) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(13) Running lights are required on all boats using refuge canals before sunrise. Life jackets must be *worn* by all juvenile hunters while travelling on refuge waters.

(14) Hunters are required to show any waterfowl bagged to one of the refuge agents before leaving the area and must complete a questionnaire.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. The open area of 520 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays and Saturdays from one-half hour before sunrise to 12 noon during the periods December 6, 1975 through January 20, 1976.

(2) The use of boats with electric motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner that 45 minutes before legal shooting hours.

(5) No hunter may take more than 16 shotgun shells into the hunting area.

(6) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(7) All hunters are required to check in and out at the designated check station.

(8) Lead shot may not be used in the waterfowl hunting area. Iron shot shells will be available for purchase at the check station.

(9) Permit required. A limited number of permits will be available. Applications will be accepted by mail or in person at the refuge office during the period October 1–31, 1975.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is suspended during the 1975–76 waterfowl hunting season owing to the continued serious decline of Canada geese wintering in the Mattamuskeet area.

OCTOBER 1, 1975.

ROY R. VAUGHN,
Acting Regional Director.

[FR Doc.75-27141 Filed 10-8-75;8:45 am]

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on October 9, 1975.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole and set lines, including use of live bait on the Medicine Lake National Wildlife Refuge, Medicine Lake, Montana, is permitted on all of Medicine Lake from December 1, 1975, through March 31, 1976, inclusive. Sport fishing is permitted from June 15, through September 15, 1976, inclusive, but only on the area designated by signs as open to fishing. This open area comprises 800 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State Regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 31, 1976.

JAY R. BELLINGER,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana 59247.

OCTOBER 3, 1975.

[FR Doc.75-27142 Filed 10-8-75;8:45 am]

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE, AND PLANTS—COOPERATION WITH THE STATES

Applications for Financial Assistance

OCTOBER 2, 1975.

On April 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 18447) to formalize procedures governing applications by States for Federal financial assistance under Section 6, "Cooperation with the States," of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

Forty-five days were given within which any person wishing to do so could file written comments, suggestions or objections pertaining to the proposed regulations with the Director, U.S. Fish and Wildlife Service. All comments with respect to the proposed revision were given due consideration.

Thirty-one comments were received from 27 States and four other agencies. Seventeen States and one agency had no objection to the proposed rulemaking as written. With one exception, the remaining comments received relevant to the proposed regulations were for changes that would depart from the clear meaning of the Act.

After consideration of all relevant material presented by interested persons, the proposed rulemaking is hereby adopted as final regulations, subject to the following change set forth below:

1. The word "of" is added in § 81.3 (d) following the word "share" to correct an omission.

Accordingly, 50 CFR Part 81 is revised as set forth below.

Effective date. This regulation shall be effective on October 9, 1975.

Signed at Washington, D.C. on October 1, 1975.

F. V. SCHMIDT,
Acting Director,
U.S. Fish and Wildlife Service.

Sec.

AUTHORITY: Endangered Species Act of 1973, section 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d)(2) of the Act.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation and management of all species of fish and wildlife that exist in the wild in that State during any part of their life which are endangered or threatened, which includes goals, objectives, strategies, action, and funding necessary to be taken to accomplish the objectives on an individual basis.

(g) *Secretary.* The Secretary of the Interior or his authorized representative.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A subsantial undertaking to conserve the various species of fish or wildlife and plants facing extinction.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

§ 81.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share of such costs to be borne by the Federal Government and by the State.

§ 81.4 Allocation of funds.

The Secretary shall allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 81.5 Information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to Section 6(c) of the Act.

§ 81.6 Project Agreement.

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of

time necessary to accomplish the objectives, and both the Federal and State costs.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A–95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

§ 81.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74–7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74–7.

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74–7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

[FR Doc.75–27143 Filed 10–8–75;8:45 am]

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER D—TRANSPORTATION

TRANSPORTATION SERVICES FOR THE ACCOUNT OF THE UNITED STATES

Payments to Carriers and Forwarders

Public Law 93–604 authorized the transfer from the General Accounting Office to the General Services Administration of the function of auditing and adjusting payments to carriers and forwarders furnishing transportation services for the account of the United States Government. The Comptroller General has determined that it is appropriate that responsibility for prescribing uniform procedures and forms for accounting for such payments be assumed by the General Services Administration, as an integral part of the responsibility for performing the audit. This determination results in the elimination of parts 51, 52, 53 and 54, except portions relating to statutory provisions vesting in the Comptroller General discretionary functions and to matters requiring uniform fiscal standards. New regulations pertaining to review of transportation settlements are being promulgated.

The regulatory material heretofore contained in Parts 51, 52, 53 and 54 will be published, to the extent to be continued, by the General Services Administration as a part of the Federal Property Management Regulations in Title 41 of the Code of Federal Regulations.

Accordingly, effective October 12, 1975, Parts 51, 52, 53, 54 and 55 are revoked, and new Parts 51, 52 and 53 are promulgated as follows:

PART 51—DETERMINATIONS

Sec.
51.1 Scope of part.
51.2 Standard forms and procedures.

AUTHORITY: 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 112, 64 Stat 835; 31 U.S.C. 66.

§ 51.1 Scope of part.

This part contains basic determinations by the Comptroller General as to the extent he deems it necessary to continue or discontinue to exercise the authority to prescribe forms and uniform procedures provided in section 309, 42 Stat. 25, 31 U.S.C. 49.

§ 51.2 Standard forms and procedures.

It is determined that the prescribing of standard forms and procedures pertaining to payments for transportation services furnished for the account of the United States is so closely related to the audit of such payments and adjustment of claims pertaining thereto that it will generally be unnecessary for this function to be performed in the General Accounting Office upon transfer of the transportation audit to the General Services Administration. Standard forms and procedures may therefore be prescribed by the Administrator, General Services Administration, subject to consultation with the internal organization of the General Accounting Office assigned overview responsibility, except for the uniform standards and procedures necessary to permit performance of the discretionary functions vested by statute in the Comptroller General and other uniform fiscal requirements deemed necessary, as prescribed in part 52.

PART 52—UNIFORM STANDARDS AND PROCEDURES FOR TRANSPORTATION TRANSACTIONS

Sec.
52.1 Scope of part.
52.2 Use of American flag vessels and certificated air carriers.
52.3 Use of travel agencies.

AUTHORITY: Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U.S.C. 49 and sec. 112, 64 Stat. 835; 31 U.S.C. 66, unless otherwise noted.

§ 52.1 Scope of part.

This part contains uniform standards and procedures relating to discretionary functions vested by statute in the Comptroller General and to matters requiring uniformity of fiscal practices relating to transportation transactions entered into for the account of the United States Government.

§ 52.2 Use of American flag vessels and certificated air carriers.

(a) *Transportation of passengers.* Section 901 of the Merchant Marine Act of 1936, 46 U.S.C. 1241, requires the use of American flag vessels for travel on official business; and section 5 of the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. 1517, requires the use of air carriers certificated under section 401 of the Federal Aviation Act of 1958 (American flag) for Government-financed passenger transportation (including but not limited to Government dependents, consultants, grantees, contractors and subcontractors), when such carriers are available. Compliance with section 901 and section 5 is required whether the transportation expenses are paid by the United States or reimbursed to the traveler.

(b) *Transportation of personal effects and freight.* Section 901 of the Merchant Marine Act of 1936, 46 U.S.C. 1241, requires the use of American flag vessels by officers and employees of the United States for the transportation of their personal effects, when such vessels are available, and section 5 of the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. 1517, requires the use of air carriers certificated under section 401 of the Federal Aviation Act of 1958 (American flag) for any Government-financed movement of freight by air when such air carriers are available.

(c) *Disallowance of expenditures.* The Comptroller General will disallow any expenditures for commercial non-American-flag air or foreign-flag ocean passenger transportation, or for foreign-flag ocean transportation of personal effects or non-American-flag air transportation of freight, unless there is attached to the payment voucher a certificate or memorandum adequately explaining why American-flag service was unavailable signed by the traveler or other responsible official of the agency authorizing the travel or transportation who has knowledge of the facts concerning such usage.

(d) *Required documentation.* Each voucher for reimbursement of expenses for travel in whole or in part via a non-American-flag air or foreign flag ocean carrier, and each bill for payment of transportation services furnished in whole or in part by a non-American-flag air or foreign flag ocean carrier will be supported by the following documentation:

(1) *Required certificate.* The certificate or memorandum required under this part should be substantially as follows:

I certify that it (is) (was) necessary for

(name of traveler or agency)
to use

(foreign-flag vessel(s))

---

or noncertificated* air carrier(s)

---

flight identification No(s).
or to transport (personal effects) (freight) between

--- and

--- en route
from ---
to --- on

(date)
for the following reasons:

| --- | --- |
Date	Signature of traveler or authorizing officer

	Title or position

	Organization

*Section 401 of Federal Aviation Act of 1958 (49 U.S.C. 1501).

(2) *Documentation for passenger and freight transportation by American-flag direct air carriers.* All bills submitted by American-flag direct air carriers for payment for commercial foreign air passenger or freight transportation must contain either: (i) a certification by the carrier that no non-American-flag air carriers were used in the carriage of the passenger or freight or (ii) copies of documents required to be retained by the carrier under 14 CFR Part 249 that would indicate which portion of the through movement was performed by American-flag and non-American-flag air carriers, together with the certificate required in paragraph (d)(1) of this part covering such usage.

(3) *Documentation by indirect air carriers.* All bills submitted by indirect air carriers as defined in 14 CFR 296.1 and 297.1 for the payment of transportation charges for the movement of freight by air must be supported by a copy of the air waybill and manifest required to be executed by 14 CFR 296.70 and 297.51.

(e) *Responsibility of carrier to secure certificate.* The certificate or memorandum required under paragraph (d)(1) must be obtained by the ocean or air carrier or freight forwarder and submitted as support in billing charges for transportation services.

(f) *Responsibility of accountable officers.* Certifying officers and military disbursing officers have the responsibility in the first instance of determining the accuracy and acceptability of the certification or memorandum and other documentation required in paragraph (d) of this section which must be attached to bills involving transportation by non-American-flag air carriers and foreign-flag vessels prior to the certification of such bills. When there is doubt as to the acceptability of the certification, accountable officers or the head of the agency involved may request an advance decision by addressing a submission to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548.

(g) *Responsibility of General Services Administration.* In auditing vouchers for payment of transportation charges to carriers and forwarders, the General Services Administration will ascertain that payments involving the use of a non-American-flag vessel or air carrier are supported by the required certificate or memorandum and documentation required in paragraph (d) of this section justifying such use. When there is doubt as to the accuracy or acceptability of any justification, the matter will be referred to the Comptroller General for decision.

(42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 112, 64 Stat. 835; 31 U.S.C. 66; sec. 901 (a), 49 Stat. 2015, 46 U.S.C. 1241(a); sec. 5, 88 Stat. 2104, 49 U.S.C. 1517; sec. 8, 28 Stat. 207, as amended, 31 U.S.C. 74)

§ 52.3 Use of travel agencies.

(a) Travel agencies may not be utilized to secure any passenger transportation service (1) within the United States, Canada, or Mexico, (2) between the United States, Canada, or Mexico, (3) from the United States or its possessions to foreign countries, and (4) between the United States and its possessions, and between and within its possessions.

(b) Travel agencies may be used only when authorized under administrative regulations, to secure air, bus, rail, water, or any combined passenger transportation service within foreign countries (except Canada or Mexico); between foreign countries; or from foreign countries to the United States and its possessions; provided:

(1) The request for transportation is made first to a company branch office or a general agent of an American-flag air or ocean carrier if the travel originates in a city or its contiguous carrier-servicing area in which such branch office or general agent is located and through ticketing arrangements for the transportation authorized cannot be secured, or

(2) No company branch office or general agent of an American-flag air or ocean carrier is located in the city or its contiguous carrier-servicing area in which the official travel originated. (Information as to branch offices and general agents of American-flag air and ocean carriers is available at overseas offices of the Department of State.)

(c) No payment is to be made to a travel agency for charges in excess of those which would have been properly chargeable had the requested service been obtained by the traveler direct from the carrier or carriers involved.

PART 53—REVIEW OF GENERAL SERVICES ADMINISTRATION TRANSPORTATION SETTLEMENT ACTIONS

Sec.
53.1 Definitions.
53.2 Actions reviewable by Comptroller General.
53.3 Requests for review.
53.4 Copies to General Services Administration.

AUTHORITY: Secs. 53.1 through 53.4 issued under sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply Sec. 322, 54 Stat. 955, as amended, 49 U.S.C. 66(b).

§ 53.1 Definitions.

(a) "Claim" means any bill or demand, including submission of voucher or supplemental bill, for payment of charges for transportation and related services by a carrier or forwarder entitled under 49 U.S.C. 66 to payment for such services prior to audit by the General Services Administration.

(b) "Settlement" means any action taken by the General Services Administration in connection with the audit of payments for transportation and related services furnished for the account of the United States that has a dispositive effect, including:

(1) Deduction action (or refund by carrier) in adjustment of asserted transportation overcharges;

(2) Disallowance of a claim, or supplemental bill, for charges for transportation and related services, either in whole or in part,

(3) Any other action that entails finality of administrative consideration.

§ 53.2 Actions reviewable by Comptroller General.

Actions taken by the General Services Administration on a claim by a carrier or freight forwarder entitled under 49 U.S.C. 66 to be paid for transportation services prior to audit that have dispositive effect and constitute a settlement action as defined in § 53.1 will be reviewed by the Comptroller General, provided request for review of such action is made within six months (not including time of war) from the date such action is taken or within the periods of limitation specified in 49 U.S.C. 66(a), whichever is later.

§ 53.3 Requests for review.

Requests for review of settlement actions by the General Services Administration should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548. Each request for review must identify the transaction as to which review is requested by the date the action was taken, the Government bill of lading or Government transportation request number, the carrier's bill number, Government voucher number and date of payment, General Services Administration claim number, or other identifying information, to enable speedy location of the pertinent records. Each request for review should state why the action taken is believed erroneous and specify any factual, technical, or legal basis relied on.

§ 53.4 Copies to General Services Administration.

Review of settlement actions will be expedited if a copy of the document requesting review by the Comptroller General is sent to the General Services Administration to facilitate assembly of the pertinent records.

PART 54—CLAIMS AGAINST THE UNITED STATES RELATING TO TRANSPORTATION SERVICES [REVOKED]

Part 54 is revoked.

PART 55—RECONSIDERATION AND REVIEW OF GENERAL ACCOUNTING OFFICE TRANSPORTATION CLAIMS SETTLEMENTS [REVOKED]

Part 55 is revoked.

ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-27170 Filed 10-8-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Administrator, Urban Mass Transportation Administration, is excepted under Schedule C.

Effective on October 9, 1975, § 213.3394 (f) (5) is added as set out below:

§ 213.3394 Department of Transportation.

* * * * *

(f) *Urban Mass Transportation Administration.* * * *

(5) One Special Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-27248 Filed 10-8-75;8:45 am]

proposed rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

CONTROLLED SUBSTANCES

Authorization To Purchase for Vessels

Due to recent form changes by the Public Health Service, and in order to clarify proper handling of the Authorization to Purchase Controlled Substances for Vessels, the Acting Administrator finds it necessary to propose several changes in the regulations regarding the acquisition of controlled substances by ocean vessels.

Therefore, pursuant to Section 301 and 302(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 822(d)) and under the authority vested in the Attorney General by Sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Acting Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby proposes that Part 1301.28(d) of Title 21 of the Code of Federal Regulations be revised to read as follows:

§ 1301.28 Registration regarding ocean vessels.

* * * * *

(d) If no medical officer is employed by the owner or operator of a vessel, or in the event such medical officer is not accessible and the acquisition of controlled substances is required, the master of the vessel, who shall not be registered under the Act, may purchase controlled substances only with the approval of and upon special order from (HSA–590, Authorization to Purchase Controlled Substances for Vessels, formerly HSM–590) provided by a medical officer of the United States Public Health Service. Upon issuance, a copy of each Form HSA–590 will be immediately submitted by the USPHS facility where issued to the Drug Enforcement Administration Regional Office covering the area in which the facility is located. Blank or presigned Form HSA–590 may not be furnished to ships or shipping companies by USPHS.

* * * * *

All interested parties are invited to submit their comments or objections to this proposal in writing. These comments and objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537 and must be received on or before November 10, 1975.

Dated: September 29, 1975.

HENRY S. DOGIN,
Acting Administrator.

[FR Doc.75–27164 Filed 10–8–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 17]

RICE

Sales Under Agricultural Trade Development and Assistance Act; Contracting Requirements

Notice is hereby given that the United States Department of Agriculture is considering an amendment of the contracting requirements with respect to rice under the regulations governing the financing of commercial sales of agricultural commodities made available under Title I of the Agricultural Trade Development and assistance Act of 1954, as amended, 7 U.S.C. 1701–1710 (7 CFR Part 17).

Section 17.7 of these regulations provides that the sales price, agreed to between the supplier of the commodity and the importing country or private trade entity to which a Title I purchase authorization has been issued, must be approved by the United States Department of Agriculture as a condition of eligibility for Commodity Credit Corporation's financing of the sale. Section 17.7 further provides that "The supplier's sales price must not exceed the prevailing range of export market prices as applied to the terms of sale at the time of sale as determined by USDA * * *" and that "If USDA is unable to ascertain the prevailing range of export market prices for a specific commodity, USDA will determine a maximum export market price, representing the top of the range of export market prices, for the commodity * * *." It is provided therein that "the 'time of sale' unless otherwise defined for specific commodities in Appendix A, shall mean the day as of which the sale price is established in or pursuant to the contract between the importer and the supplier or the day of any amendment thereto if such amendment in any manner affects the sales price as determined by USDA."

A revision of paragraph (3) Section H (Contracting Requirements for Rice) of Appendix A to such regulations is being proposed which would set forth in detail the factors to be considered by USDA in the approval of suppliers' sales prices for rice and would adopt a special definition of "time of sale" to be used for the purposes of § 17.7 when an invitation for bids is issued under the terms of a rice purchase authorization.

Statement of Considerations. For most major commodities exported under Title I, Pub. L. 480, prices are established daily in public markets. Such prices reflect actual trading in cash and futures transactions. This information is published and widely disseminated; while all of it does not represent export sales positions, it nevertheless serves as a primary indicator of price trends for export. There are such markets for wheat, feed grains, soybean oil, cotton and other commodities; however, there is no such market for rice. Thus, USDA review of suppliers' sales prices for rice sold under Title I involves somewhat special circumstances, and the approval of suppliers' sales prices may be based upon indicators other than published market prices.

Various problems are encountered in establishing a basis for rice price review. First, there are relatively few exporters of rice compared with exporters of other major Pub. L. 480 commodities. Although about 40 firms participate in the commercial rice export market, ten firms account for about 90 percent of the business. Two firms annually handled from 73 to 99 percent of the Pub. L. 480, Title I rice exports from fiscal year 1968 through fiscal year 1974. Therefore, it is essential that the widest possible range of sources of market information be used for gathering data. Second, little of the type and quality of rice which is normally exported under Title I, Pub. L. 480 ("No. 5, 20% brokens") moves in U.S. commercial channels. However, this type of rice does constitute a large portion of the total U.S. rice exports (concessional sales, such as Pub. L. 480, plus commercial sales). Therefore, Pub. L. 480 sales of such rice could affect the competitive position of U.S. rice in commercial exports. Finally, actual commercial export sales prices are seldom disclosed by the parties concerned.

Compiling export market price information for Title I rice is, then, a complex procedure. This information must be gathered by making regular, direct inquiry among firms representing a broad sample of wholesalers, brokers, millers and exporters. Inquiries to these sources must be made daily to ascertain the prices at which rice is being traded, offered and bid. Such information may need to be supplemented with reports from foreign markets, since these may further indicate the trend of world and U.S. export market prices.

Price Factors. It is believed that the factors considered in the approval of suppliers' sales prices for rice should be set forth in detail in Appendix A to the Regulations and published in the FEDERAL REGISTER in order to inform all those affected by this aspect of the program. It is proposed that USDA will take into consideration available information on domestic and export sales, including offer and bid prices. Factors which may also need to be considered include costs of the raw material; domestic and foreign supply and demand conditions; market premiums and discounts between grades and qualities of rice and degrees of milling; and trends of prices in foreign markets for rice from the U.S. and other countries.

"Time of Sale". It is also proposed that, in cases where an invitation for bids (tender) for rice is issued by the importer under the terms of a Title I purchase authorization, "time of sale" for the purpose of price approval under §17.7 be defined as the closing date and time for submission of bids under the relevant invitation for bids. However, the "date and time of sale" for the purpose of submission of notice of sale and evidence of sale would remain as outlined in "General Modification No. 1 to Appendix B of the Financing Regulations," issued May 30, 1974, which provides that "* * * date and time of sale shall be the date and time a firm sale it made * * *." (Under the provisions of General Modification No. 1, a sale is considered firm "* * * when an agreement on a firm price and the other terms of sale has been reached by the supplier and importer * * *.")

Currently, a supplier determines his bid price, then submits it in accordance with the tender, prior to the tender closing date and time. If his bid is accepted, the price is reviewed as of the time and date of acceptance (that is, when there was a "firm sale" and the supplier and importer agreed on the terms of sale). This must of course fall after the closing date and time for submission of bids.

Thus, under the current definition of "time of sale," if the market is falling faster than the supplier estimated, his bid, made prior to tender closing, might be too high to be approved based on price review as of the time a "firm sale" was made. Conversely, if the market is rising, a supplier may be unwilling to commit himself to a bid price which might be successful under the tender but yet might be considerably lower than the price he could have obtained for the rice at the time the "firm sale" was made.

Changing the definition of "time of sale" for rice sold under invitations for bids will shorten the period of time which elapses between the supplier's setting his bid price and the time which governs price review. This will reduce the amount of market price movement possible between the two times and consequently reduce the risk borne by the supplier; more suppliers may thereby be enabled to participate in Title I sales, maximizing competition.

Another reason for proposing to amend the definition of "time of sale" is that it is customary for price bid information under public tenders to become public knowledge immediately following the public opening of bids and preceding actual contract award. Thus it is possible for the bids themselves to cause market price changes and alter the market price information upon which price review is conducted, under the current definition of "time of sale." This would not be the case if "time of sale" for purpose of USDA price review were the date and time the tender is closed.

All persons who desire to submit written data, views or arguments for consideration in connection with these proposals should file the same in duplicate, not later than October 24, 1975, with the Administrator, Foreign Agricultural Service, Room 5073, South Agriculture Building, 14th and Independence, Washington, D.C. 20250, where they will be available for public inspection during the official hours of business (8:30 a.m. to 5:00 p.m., Monday through Friday). All material received on or before October 24, 1975 will be considered.

It is proposed that, after comments have been received and considered, such amendment will be made effective by publication in the FEDERAL REGISTER without further delay.

It is proposed that the terms of General Modification No. 1 would not supersede those of paragraph (3) of Section H (Contracting Requirements for Rice) of Appendix A to said Regulations, and that said paragraph (3) would be amended to read as follows:

APPENDIX A—CONTRACTING REQUIREMENTS

* * * * *

(H) *Rice, milled and/or brown in bags and/or in bulk:*

* * * * *

(3) *Prices:* For the purpose of price approval under § 17.7:

(a) USDA will take into consideration available information on domestic and export sales, including offer and bid prices, and may consider other factors such as the costs of raw materials, domestic and foreign supply and demand conditions, market premiums and discounts between grades and qualities of rice and degrees of milling, and trends of prices in foreign markets for rice from the U.S. and other countries.

(b) The "time of sale," in cases where an invitation for bids (tender) is issued under the terms of a Title I purchase authorization for rice, shall mean the closing date and time for the submission of bids under the relevant invitation for bids.

Dated: October 7, 1975.

DAVID L. HUME,
Administrator,
Foreign Agricultural Service.

[FR Doc 75-27319 Filed 10-8-75; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

NORTH CAROLINA

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina plan and adoption of Subpart I of Part 1952 containing the decision and describing the plan. By letters dated October 22, 1974, February 27, 1975, May 2, 1975, and June 25, 1975, from W. C. Creel, North Carolina Commissioner of Labor to Donald E. MacKenzie, Assistant Regional Director, Occupational Safety and Health Administration, the State of North Carolina submitted supplements to its plan involving developmental and State-initiated changes. Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether they should be approved. The supplements are described below.

2. *Description of the supplements.* (a) Compliance Manual. In response to the commitment contained in 29 CFR 1952.153(j) the State has developed and subsequently revised a Field Operations Manual, "A Manual of Guidelines for Implementing the North Carolina Occupational Safety and Health Act of 1973," for use by its compliance staff.

(b) Inspection Schedule. The North Carolina plan has been revised by amending the State's inspection scheduling protocol. A more general commitment to conduct 1% of inspections in agriculture, 23% in construction, 56% in manufacturing, and 20% in "other," replaces the "first year of operation" goals contained in the original plan.

(c) Voluntary Compliance Program. North Carolina has increased the size of its voluntary compliance staff from six (6) to seven (7) consultants.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Assistant

Regional Director, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Geogia 30309; and the Office of the North Carolina Commissioner of Labor, 11 W. Edenton Street, Raleigh, North Carolina 27611.

4. *Public participation.* Interested persons are hereby given until November 10, 1975, in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart I of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 6th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-27213 Filed 10-8-75;8:45 am]

[29 CFR Part 1952]

OREGON

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, a notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D of Part 1952 containing the decision and describing the plan. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881). The State of Oregon has submitted five (5) supplements to the plan involving developmental changes to the Seattle Regional Office of the Occupational Safety and Health Administration. Following regional review, the supplements were forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether they should be approved. These supplements are described below.

2. *Description of the supplements.* (a) Rules for the Administration of the Oregon Safe Employment Act (hereinafter called OSEA). The State has submitted regulations governing the rights and responsbilities of the Workmen's Compensation Board; consultant services; the adoption, modification, and revocation of standards; enforcement procedures; penalty system; rights and responsibilities of employers and employees; variance procedures; and recordkeeping and reporting procedures (Oregon Administrative Rules, Chapter 436, sections 46-005 to 46-750).

(b) Rules of Practice and Procedure for Contested Cases. The State has submitted regulations concerning the rules of practice and procedures for contested cases under OSEA which describe jurisdiction, filing, service, notice, pleading, settlement and hearing requirements (OAR, Chapter 436, sections 85-005 to 85-915).

(c) Statement of Goals and Objectives. In accordance with 29 CFR 1952.-1008(e) the State has submitted a statement of occupational safety and health goals and objectives.

(d) Compliance Manual. The State has submitted a Field Compliance Manual which is modeled after the Federal Field Operations Manual.

(e) Occupational Health Rules. Oregon has submitted a manual containing the Regulations for the Control of Radiation. Since 1961 the State Board of Health (designated as the Radiation Control Agency) has adopted regulations for control of radiation and carried out a program of licensing and registration of radiation sources, inspecting users of radiation sources, and monitoring radiation in Oregon's environment. The 1971 Legislature, House Bill 1060, reorganized the Radiation Control Agency which became the State Health Division. The old regulations were rewritten in their entirety, and the new regulations were approved by the Radiation Advisory Committee in January 1972. On March 20, 1975, these new regulations were incorporated by reference in a new section 22-020, Chapter 333, of Oregon Administrative Rules and such section was promulgated as a rule of the State Health Division, Occupational Health Section.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310.

4. *Public participation.* Interested persons are hereby given until November 10, 1975, in which to submit written data, views, and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If, in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart D of Part 1952, and initiate further proceedings, if necessary.

Signed at Washington, D.C. this 6th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-27214 Filed 10-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 210, 225]

[Docket No. 75N-0056]

MEDICATED FEEDS; CURRENT GOOD MANUFACTURING PRACTICE

Extension of Time for Comments

The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of August 8, 1975 (40 FR 33554) proposed amendments to the regulations describing current good manufacturing practice in the production of medicated animal feeds. Comments were to be filed on or before October 7, 1975.

The Commissioner has received requests for extension of the comment period from: (1) The National Feed Ingredient Association, to permit the preparation of meaningful comments following the Association's annual meeting scheduled for October 5-7, 1975; and (2) the Animal Health Institute (AHI), which asserts that the complexity of the proposal and the extensive changes it would make in the manner of formulation of medicated animal feeds, make it impossible for AHI to develop comprehensive meaningful comments within the allotted 60-day period.

Good reason therefor appearing, the Commissioner hereby extends the period

for filing comments on the subject proposal to close of business November 6, 1975.

Written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal shall be submitted to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 501, 512, 701(a), 52 Stat. 1049–1050 as amended, 1055, 82 Stat. 343–351 (21 U.S.C. 351, 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 2, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27107 Filed 10-8-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 413]

HISTORICAL DEPRECIATION COSTS FOR INFLATION

Adjustment

Notice is hereby given that the Cost Accounting Standards Board is considering the promulgation of a Standard on adjustment of historical depreciation costs for inflation. The proposed Standard is designed to implement further the requirement of Section 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 U.S.C. App. 2168. The Standard is proposed to be applicable to all contracts and subcontracts covered by the Cost Accounting Standards clause.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See Sec. 719(g) of the Defense Production Act of 1950, as amended.)

The following paragraphs are provided to help identify the issues considered by the Board in developing this specific proposal. The Board will consider all timely comments received from interested parties.

INTRODUCTION

One of the fundamental assumptions underlying accounting in the United States is that the purchasing power of the monetary unit remains stable. Increasingly, however, this assumption has been at variance with the facts. Measured in terms of the Gross National Product (GNP) implicit price deflator, inflation has been all but continuous for the past three decades, but in recent years has become very rapid. In depreciation accounting, expenditures for tangible capital assets in a given period are recognized as costs in subsequent periods. Thus, under inflationary conditions, answering the question what is cost? involves consideration of the purchasing power of the dollars representing that cost. Similar problems arise when agreements are reached based upon estimates of cost, as for labor and materials, made in one period when actual expenditures for such items, in inflated amounts, are made in subsequent periods. Many other accounting questions arise when inflationary price changes are a persistent fact of economic life.

These problems are widely recognized. Alternative approaches for dealing with them have been developed, and authoritative accounting bodies are hard at work devising appropriate implementation rules. For example, the Financial Accounting Standard Board (FASB) has issued an exposure Standard on price level restatement of financial accounting statements. The projected implementation date is January 1, 1976. Still under study by the FASB is an approach that would go beyond mere price-level restatements, recognizing perhaps as well the effect of specific price movements on fixed asset and inventory valuations. Along the same line, the Securities and Exchange Commission has recently announced a plan to require disclosure of replacement cost data relating to fixed assets and inventories. Still other responses to inflation problems have, in this country, taken the form of changes in accounting practice under existing Generally Accepted Accounting Principles (GAAP), as the widespread shift to LIFO attests.

Accounting for costs under inflationary conditions has been a matter of concern to the Cost Accounting Standards Board for some time. The Board has determined that affirmative action should be taken now to recognize the impact of inflation on contract cost. Choices must be made as to the extent of applicability, considering the desire for prompt effectiveness.

CONTRACT COSTS FOR LABOR AND MATERIALS UNDER INFLATION

An important cost measurement as related to cost of goods sold is that for raw materials and components, and the inventoried cost of work in process and finished goods. Persistent price movements affect all of these, but in defense production, some much more than others. In the case of cost-type contracts, ongoing changes in the prices of purchased materials and components constitute recoverable expenses of production, and to that extent are automatically taken into account. Much material is charged directly to contracts upon acquisition. The Board believes that for the present contract costing rules in connection with costs of materials equitably meet the principal impact of inflation on cost-type contracts.

The same conclusion appears to be justified as regards the direct labor component of work-in-process inventories. As wage increases take effect, they are brought to account as part of recoverable costs.

Fixed price contracts present a different picture. In periods of rapid and variable rates of price change, uncertainties due to this source have to be considered in arriving at a contract price. Under the conditions prevailing in recent years, reaching viable price agreements has been difficult. To deal with this problem, the Department of Defense has established methods for adjusting contract price in line with certain inflationary cost changes. The techniques and applicable situations are set down in Defense Procurement Circular 120. For example, this regulation provides a set of guidelines for negotiating a contract clause designed to provide relief based on the movement of materials and labor cost indices. Together with the provisions covering certain purchased materials in fixed price supply contracts (adjustment based on established prices) and others applying to negotiated fixed price supply contracts (actual cost method), these procedures appear capable of dealing with the cost items so far discussed in regard to major fixed price contracts.

THE PROBLEM AREA: ACCOUNTING FOR INVESTMENT COST OF TANGIBLE CAPITAL ASSETS

In the area of accounting for the investment cost of tangible capital assets, however, action is required. No procedure has been developed to date to recognize the effect of inflation as has been substantially accomplished for materials and labor. If one-tenth of a depreciable facility's potential services is used this year, and the facility cost $1 million five years ago, the historical approach has been to compute this year's depreciation cost as $100,000. But, with inflation, 100,000 1975 dollars are less valuable than 100,000 1970 dollars. Depreciation cost under the historical approach does not take into account the impact of inflation.

Some have argued that the problem of depreciation accounting under inflationary conditions should be offset by the use of unrealistically low asset lives and unduly accelerated depreciation methods. The Board has rejected such unrealistic depreciation as a remedy for this problem. Historical costs should be amortized over the period of expected useful service for the measure of depreciation on an historical cost basis. The Board believes that a more direct approach should be used to calculate the impact of inflation on the depreciation cost of tangible capital assets.

THE QUESTION OF BASIC APPROACH

Accounting theory and the work of the authoritative bodies mentioned earlier have produced more than one basic approach for dealing with inflationary price changes. Some would use current values—in most situations, the replacement costs—of an entity's fixed assets to compute depreciation. Others would restate historical dollar depreciation in terms of current purchasing power.

The Board recognizes many conceptual arguments for the recognition of replacement cost as the basis for measurement of the economic sacrifice involved in current operations through the employment of assets acquired in the past. The attempt to identify the relevant replacement costs, however, could involve the use of many price indices (all subject to audit and acceptance by the Government) and create undue complications, making current replacement depreciation cost accounting unsuitable for the contract situation. The Board will continue to observe efforts by others to develop appropriate techniques for dealing in a practical manner with depreciation based upon replacement cost but, at the present, does not believe that the available techniques are appropriate.

Contract administration will benefit if the impact of inflation can be measured, for all contract situations, by application of one index series. The Board recognizes that reliance on any one index, however, will result in measurements which do not correspond with the perceptions of some contractors as to the impact of inflation. Use of any one component of the wholesale price index (that of producer finished goods, for example) would not represent replacement costs of all assets, since structures would be excluded. Alternatively, one might choose an index of price-level change related to all business fixed investment (the implicit deflator for non-residential structures and producers' durable equipment, for example). Still, the resulting adjustment in depreciation expense would frequently miss the mark by wide margins because contractors utilize different combinations of capital assets.

The Board has chosen, for this proposal, to measure the impact of inflation in terms of the observed erosion of purchasing power. The Board recognizes that this choice does not represent what, until now, has been the intent of the contracting parties; contracts have not been negotiated with the idea of equal units of purchasing power in mind. The Board feels, nevertheless, that a measurement of the diminution of purchasing power is an appropriate measurement of the impact of inflation. The proposal which follows is, therefore, based upon the identification of the impact of inflation as perceived by changes in the general price-level.

Relationship to Cost of Capital

The Board has authorized a staff project for development of a possible Cost Accounting Standard to deal with the imputed cost of capital. Such a Standard will, in all probability, involve identification of assets, including depreciable assets, related to the performance of negotiated contracts. The recognition of capital cost could be on the basis of asset acquisition costs, on the basis of the current purchasing power equivalent of those costs, or on the basis of replacement values. The interest rate used in recognizing the contract cost of capital employment could be designed to cover the impact of inflation as well as the time value of money. The Board could, in other words, include recognition of the impact of inflation in a provision for capital cost recognition. The Board at this point, however, has chosen to deal separately with the effect of inflation on depreciation.

Recognition of an Imputed Cost

When contract prices are based on costs, the contract parties have typically assumed a definition of "cost" which would exclude amounts of the type under consideration in the proposed Standard. This proposal represents a break from the established requirement that "cost" be incurred in the sense of representing a cash outlay. The proposed Standard would measure a contract cost which is not such an expenditure.

The cost which is proposed for recognition can be audited readily because it is derived in an explicit manner from recognized account balances. The proposal thus does not impose any significant new kinds of effort in contract administration.

Applicability

The Standard being proposed today represents a significant conceptual change in contract costing. Contracts now being performed were negotiated with mutual understanding, by the contracting parties, of the generally accepted accounting principle that depreciation would be the amortization of acquisition cost expressed in historical dollar terms. Assets now on hand were acquired with an implied understanding that the acquisition costs would be amortized with no adjustment for changes in purchasing power.

At least three major choices could be considered here. One might readily argue that, once the Board acknowledges inflation as a cost, the full impact of inflation should be recognized for all assets, at least for all future contracts. Another possibility would be to recognize that any past inflation took place under previous contract costing rules, and to recognize only the further inflation after the effective date of the Standard. The Board has selected the third choice, that of making the proposal applicable only to the depreciation related to new assets.

The proposal is to continue the present depreciation costing practices for all assets acquired prior to the effective date of this Standard, and to provide for the adjustment on a purchasing power basis for the future depreciation of all assets acquired after this Standard and the Board's Standard on depreciation are effective.

This proposal depends on the use of a statistical measure of inflation as perceived in the domestic economy. The Board does not at this time have any specific proposal to provide comparable recognition for the impact of inflation on foreign contractors.

Gains and Losses at Disposition

This proposal is presented in a simple form to encourage attention to the major issues. When the Board has established the technique for measuring the impact of inflation on fixed asset accounting, the Board will take steps to assure appropriate action for recognition of gains and losses at time of disposition of tangible capital assets.

The Board solicits comments on the proposed Cost Accounting Standard. Interested persons should submit written materials which will assist the Board in its consideration of the proposal. Views and data should be submitted to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this Notice, written submissions must be made to arrive no later than December 8, 1975.

NOTE: All written submissions made pursuant to this Notice will be made available for public inspection at the Board's office during regular business hours.

The proposed Standard reads as follows:

PART 413—COST ACCOUNTING STANDARD ADJUSTMENT OF HISTORICAL DEPRECIATION COSTS FOR INFLATION

Sec.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 USC App. 2168.

§ 413.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 413.20 Purpose.

The purpose of this Standard is to establish the principle that price-level adjustments are relevant in the determination of contract costs. The Standard provides criteria for the determination of an adjustment to be made to the recorded depreciation expense which was based on the historical acquisition cost of depreciable assets. This adjustment will be a part of contract cost. Recognition of price-level adjustments, determined in accordance with the provisions of this Standard, will improve the economic usefulness of cost measurements for pricing purposes. This Standard is based on the techniques available at the time of promulgation. When improved techniques for dealing with the impact of inflation are developed, this Standard may be modified.

§ 413.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard

are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Domestic concern.* A concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States.

(3) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 413.40 Fundamental requirement.

(a) An inflation-related adjustment for depreciation shall be computed using an appropriate index annually at the end of each cost accounting period. The contractor shall: (1) Establish vintage groups of depreciable assets; (2) compute the depreciation expense based on historical costs for each group; (3) determine the percentage change in the index from each group's base year to the current year; and (4) determine the total inflation-related adjustment for the depreciation expense.

(b) The inflation-related adjustment for depreciation shall be allocated to final cost objectives in proportion to the assignment of the depreciation expense on which it is based.

(c) The inflation-related adjustment for depreciation shall be computed only on those tangible capital assets of a domestic concern whose service lives have been established in accordance with the provisions of Part 409 of the Cost Accounting Standards Board's rules and regulations and substantiated in accordance with § 409.50(e) thereof.

§ 413.50 Techniques for application.

(a) Records shall be maintained in sufficient detail to support the computation of the depreciation adjustment and permit audit verification.

(b) The annual average of the Gross National Product Implicit Price Deflator (GNP deflator) shall be used as the appropriate index. The GNP deflator is published by the Bureau of Economic Analysis of the U.S. Department of Commerce.

(c) Vintage groups of depreciable assets by year of acquisition (base year) shall be established.

(d) Annually the depreciation adjustment required by § 413.40(a) shall be computed by indexing the depreciation expense based on historical cost for each vintage group for the percentage change from that group's base year in the GNP deflator.

(e) The depreciation adjustment for each vintage group will be calculated in accordance with the following formula:

$$\text{Historical cost-based depreciation} \times \left(\frac{\text{Index for current year}}{\text{Index for base year}} - 1.0\right)$$

§ 413.60 Illustrations.

The GNP deflator information is supplied and the following examples are illustrative of the provisions of this Standard.

(a) GROSS NATIONAL PRODUCT IMPLICIT PRICE DEFLATOR

ANNUAL AVERAGES

Year:	*Deflator*
197A	135.2
197B	141.4
197C	146.1
197D	154.3
197E	170.2

Source: United States Department of Commerce, Bureau of Economic Analysis.

(b)(1) For purposes of this illustration, the provisions of this Standard became applicable to Company A in 197A. Company A's cost accounting period is a calendar year. In accordance with § 413.50(c), the vintage group of depreciable assets for 197C has been established and the 197E historical cost-based depreciation has been determined to be $123,000. In compliance with § 413.50(e), the computation of the depreciation adjustment for the 197C vintage group for fiscal year 197E is:

$$\$123{,}000 \times \left(\frac{170.2}{146.1} - 1.0\right) = \$20{,}290$$

(2) Company A's historical cost-based depreciation for its 197D vintage group of like assets is determined to be $315,000 for fiscal year 197E. The computation would be:

$$\$315{,}000 \times \left(\frac{170.2}{154.3} - 1.0\right) = \$32{,}460$$

(3) In compliance with § 413.50(d), a computation shall be made for each vintage group year. The sum of these computations shall comprise the one total depreciation adjustment which will be assignable to final cost objectives in proportion to the amounts of depreciation expense included in the costs allocated to those final cost objectives.

(c) Company B's cost accounting period ends June 30. The same computation shall be made as indicated above for each vintage group year's assets using the applicable annual average of the GNP deflator. For example, using the Bureau of Economic Analysis quarterly indices the computation for the period ending June 197D would be:

197D year:	*Quarterly average deflators*
3d quarter (C)	146.5
4th quarter (C)	148.0
1st quarter (D)	150.0
2d quarter (D)	152.6
	597.1÷4=149.3

§ 413.70 Exemption.

This Standard shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided for by the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions), Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 413.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-27203 Filed 10-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 441-3]

NORTH DAKOTA

Proposed Approval and Promulgation of State Implementation Plans

On May 31, 1972 (37 FR 10885), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated the North Dakota State Implementation Plan (SIP).

On June 14, 1973, the Governor of North Dakota submitted compliance schedules for 24 sources of air contaminants. No action was taken to approve these schedules because some of the schedules extended beyond the February 1, 1975, attainment date for the National Secondary Ambient Air Quality Standards for Particulates. The State of North Dakota Department of Health agreed to submit a clarification through the Governor's office that the Secondary Particulate Attainment Date was also being revised for the North Dakota Intrastate Air Quality Control Region, and supplemental information explaining why it is not reasonable for the affected sources to be in compliance by February 1, 1975.

On February 19, 1974, the Governor of North Dakota submitted revisions to the compliance schedule of one of the 24 sources included in his June 24, 1973, submittal. The Governor also submitted a revision to the North Dakota SIP providing for public notice and comment on new source review approval/disapproval actions as required by 40 CFR 51.18.

The clarification concerning the revision of the Secondary Particulate Standard Attainment Date was submitted by the Governor of North Dakota on November 21, 1974. This submittal changes the attainment date for the National Secondary Ambient Air Quality Standard for Particulates from February 1, 1975, to December 30, 1976, for the North

Dakota Intrastate Air Quality Control Region.

The supplemental information explaining why it is not reasonable for the sources whose compliance schedules extend beyond February 1, 1975, to be in compliance by that date was submitted on April 23, 1975, by the North Dakota State Department of Health. This supplemental information also contained 1974 air quality data showing that the North Dakota Intrastate Air Quality Control Region was in compliance with the National Primary Ambient Air Quality Standard for Particulates and that only the National Secondary Ambient Air Quality Standard for Particulates was being violated.

The requirements for public hearings, plan revisions, and compliance schedules (40 CFR 51.4, 51.6, and 51.15) have been met by the State's proposed revisions. The compliance schedules have been reviewed and found to be consistent with the approved control strategy and the proposed attainment date for the Secondary Particulate Standard. The supplemental information submitted by the State Department of Health has been reviewed, and a determination has been made that the proposed attainment date of December 30, 1976, for the North Dakota Intrastate AQCR is reasonable in view of the compliance problems of certain sources.

The Administrator hereby issues this notice setting forth as proposed rulemaking, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the North Dakota Compliance Schedules as submitted on June 14, 1973, and revised in the submittal of February 19, 1974; the revision providing for public notice and comment on new source review approval/disapproval actions submitted on February 19, 1974, and the revised attainment date for the secondary particulate standard for the North Dakota Intrastate AQCR clarified in the submittals of November 21, 1974, and April 23, 1975.

In the proposed § 52.1830 below, the final compliance date is listed for each source for which a compliance schedule has been proposed. In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While these incremental dates are not listed in the table, they are set forth in the schedules and are Federally enforceable.

The proposed North Dakota revisions are available for public inspection at the Office of the North Dakota Department of Health, Division of Environmental Engineering, State Capitol, Bismarck, North Dakota, 58505. Copies of the proposed revisions and an evaluation of the revisions are available at the Offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Freedom of Information Center, Room 329, 401 M Street SW., Washington, D.C. 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the proposed revisions. Such comments will be accepted for consideration until November 10, 1975. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

(Section 110 of the Clean Air Act, as amended, (42 U.S.C. 1857c–5))

Dated: September 30, 1975.

JOHN A. GREEN,
Regional Administrator, Region VIII.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart JJ—North Dakota

1. In § 52.1820, paragraph (c) is added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 14, 1973; February 19 and November 21, 1974, by the Governor of North Dakota;

(2) April 23, 1975, by the State Department of Health.

§ 52.1823 [Amended]

2. In § 52.1823, the table setting forth attainment dates for national standards is revised by replacing the date "Feb. 1975" for the attainment date of the secondary standard for particulate matter in the North Dakota Intrastate Region with the date "December 30, 1976".

3. Section 52.1830 is added as follows:

§ 52.1830 Compliance schedules.

(a) The compliance schedules for the sources listed below are approved as meeting the requirement of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

NORTH DAKOTA

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Montana-Dakota Utilities	Mandan	23 to 25	June 1, 1973	Immediately	June 1, 1975
Do	Beulah	do	do	do	Sept. 30, 1975
United Power	Stanton	do	do	do	Jan. 1, 1975
Basin Electric	do	do	do	do	Dec. 1, 1974
Do	Velva	do	do	do	Nov. 1, 1975
Municipal Utilities	Valley City	do	do	do	July 1, 1975
Northern States Power	Minot	do	do	do	Dec. 31, 1975
Otter Tail Power	Jamestown	do	do	do	July 31, 1975
Do	Whapeton	do	do	do	Do.
Minnkota Power	Center	do	do	do	Nov. 15, 1974
Do	Grand Forks	do	do	do	Jan. 31, 1974
Consolidated Coal	Velva	do	Dec. 21, 1973	do	Apr. 1, 1975
Husky Ind	Dickinson	do	June 1, 1973	do	Feb. 1, 1975
American Colloid	Gascoyne	do	do	do	July 1, 1973
American Crystal, Units 1 and 2	Drayton	do	do	do	Feb. 1, 1975
State Hospital	Jamestown	do	do	do	Jan. 15, 1974
Minot State College	Minot	do	do	do	Jan. 31, 1974
University of N. Dak	Grand Forks	do	do	do	Dec. 30, 1976
N. Dak. State University	Fargo	do	do	do	Feb. 28, 1974
Valley City State College	Valley City	do	do	do	Aug 31, 1974
N. Dak. State University	Bottineau	do	do	do	June 30, 1976
N. Dak. State School of Science	Whapeton	do	do	do	Sept. 30, 1974
San Haven Hospital:					
Units 1 and 2	San Haven	do	do	do	Oct. 1, 1974
Incinerators	do	do	do	do	Sept. 15, 1975
N. Dak. School for Deaf	Devils Lake	do	do	do	Apr. 1, 1976

[FR Doc.75–27088 Filed 10–8–75;8:45 am]

[40 CFR Part 52]

[FRL 441–4]

COMMONWEALTH OF PENNSYLVANIA

Proposed Revision to State Implementation Plan

On August 7, 1975, the Commonwealth of Pennsylvania submitted to the Regional Administrator, EPA Region III, amendments to Chapters 123 and 139 of the Rules and Regulations of the Department of Environmental Resources (DER). The Commonwealth requests that these amendments be considered as a revision to the Pennsylvania State Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The amendment to Chapter 123 consists of the addition of § 123.24, controlling emissions from primary zinc smelters. The emission limitations in this section specify that:

1. No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, from any zinc roasting operation, in such a manner that the concentration of sulfur oxides, expressed as SO_2, in the effluent gas exceeds 500 parts per million by volume (dry basis) calculated as a two-hour moving average.

2. No person shall cause, suffer, or permit the emission into outdoor atmosphere of sulfur oxides, from any zinc sintering operation, at any time in excess of the rate calculated by the following formula:

$$Y = 0.054X$$

where

X = Calcine feed rate to the sinter plant (pounds per hour).

Y = Allowable sulfur oxide emissions (pounds per hour).

Similarly, the amendment to chapter 139 consists of a modification to section 139.13. Subsection (8) has been modified to read: "Results shall be reported as pounds per hour of SO_x as SO_2, pounds per hour of H_2S, or pounds per hour of NO_x as NO_2 and in accordance with the units specified in §§ 123.21–123.24 and 129.11–129.13 of this Title (relating to standards for contaminants and sources)".

The amendments are the result of legal action brought under section 307 of the Clean Air Act by the St. Joe Minerals Corporation and others [*Duquesne Light Company* v. *EPA*, 481 F2d 1 (3rd cir. 1973)]. The Third Circuit Court required EPA to consider the feasibility of the general sulfur dioxide regulation (§ 123.21) as it applied to the petitioning parties. Following hearings, EPA concluded that this regulation as applied to St. Joe Minerals was technologically infeasible. As a consequence of this conclusion, the Administrator suggested that Pennsylvania submit a plan revision. In response, Pennsylvania formulated a new regulation controlling sulfur dioxide emissions from zinc smelters, based on discussions between DER and the zinc industry, and amended the DER Regulations accordingly.

On August 21, 1975, the Commonwealth of Pennsylvania submitted adequate proof that hearings regarding these amendments were held on June 9, 1975, in Palmerton and on June 10, 1975, in Beaver, in accordance with the requirements of 40 CFR 51.4.

The public is invited to submit comments on whether the amendments to the Rules and Regulations of the Department of Environmental Resources should be approved as a revision to the Pennsylvania State Implementation Plan. Only comments received before (30 days after date of publication) will be accepted. The Administrator's decision to approve or disapprove the proposed revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision, and the analysis on which it is based are available during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be addressed to:

Howard Heim, Chief, Air Planning Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; ATT: AH010PA.

(42 U.S.C. 1857 c–5)

Dated: September 26, 1975.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.75–27236 Filed 10–8–75;8:45 am]

[40 CFR Part 52]

[FRL 442–1]

COMMONWEALTH OF PENNSYLVANIA

Proposed Revision to State Implementation Plan

On August 7, 1975, the Commonwealth of Pennsylvania submitted to the Regional Administrator, EPA Region III, amendments to Chapters 123 and 139 of the Rules and Regulations of the Department of Environmental Resources (DER). The Commonwealth requests that these amendments be considered as a revision to the Pennsylvania State Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The amendment to Chapter 123 consists of the addition of section 123.24, controlling emissions from primary zinc smelters. The emission limitations in this section specify that:

1. No person shall cause, suffer, or permit the emission into the outdoor atmosphere of sulfur oxides, from any zinc roasting operation, in such a manner that the concentration of sulfur oxides, expressed as SO_2, in the effluent gas exceeds 500 parts per million by volume (dry basis) calculated as a two-hour moving average.

2. No person shall cause, suffer, or permit the emission into outdoor atmosphere of sulfur oxides, from any zinc sintering operation, at any time in excess of the rate calculated by the following formula:

$$Y = 0.054X$$

Where:

X = calcine feed rate to the sinter plant (pounds per hour)

Y = allowable sulfur oxide emissions (pounds per hour)

Similarly, the amendment to chapter 139 consists of a modification to section 139.13. Subsection (8) has been modified to read: "Results shall be reported as pounds per hour of SO_x as SO_2, pounds per hour of H_2S, or pounds per hour of NO_x as NO_2 and in accordance with the units specified in §§ 123.21–123.24 and 129.11–129.13 of this Title (relating to standards for contaminants and sources)".

The amendments are the result of legal action brought under section 307 of the Clean Air Act by the St. Joe Minerals Corporation and others [*Duquesne Light Company* v. *EPA*, 481 F2d 1 (3rd cir. 1973)]. The Third Circuit Court required EPA to consider the feasibility of the general sulfur dioxide regulation (§ 123.21) as it applied to the petitioning parties. Following hearings, EPA concluded that this regulation as applied to St. Joe Minerals was technologically infeasible. As a consequence of this conclusion, the Administrator suggested that Pennsylvania submit a plan revision. In response, Pennsylvania formulated a new regulation controlling sulfur dioxide emissions from zinc smelters, based on discussions between DER and the zinc industry, and amended the DER Regulations accordingly.

On August 21, 1975, the Commonwealth of Pennsylvania submitted adequate proof that hearings regarding these amendments were held on June 9, 1975, in Palmerton and on June 10, 1975, in Beaver, in accordance with the requirements of 40 CFR 51.4.

The public is invited to submit comments on whether the amendments to the Rules and Regulations of the Department of Environmental Resources should be approved as a revision to the Pennsylvania State Implementation Plan. Only comments received before November 10, 1975, will be accepted. The Administrator's decision to approve or disapprove the proposed revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision, and the analysis on which it is based are available during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be addressed to:

Howard Heim, Chief, Air Planning Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. ATT: AH010PA.

(42 U.S.C. 1857c–5)

Dated: September 26, 1975.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.75–27089 Filed 10–8–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20496]

CABLE TELEVISION SYSTEM

Extension of Comment Period

In the matter of amendment of Part 76 of the Commission's rules and regulations to modify or eliminate the use of signal strength contours for purposes of cable television system regulation.

1. By Order of August 5, 1975, and in response to a petition filed by the Storer

Broadcasting Company, the time for filing comments in the captioned proceeding was extended from August 11, 1975, to October 8, 1975, and the reply comment due date was changed from September 1, 1975, to October 24, 1975. Counsel for the Public Broadcasting System (PBS) has submitted a timely petition requesting that the time for filing comments and replies be extended once again. In support of its request, PBS states that additional time is needed to complete a "massive engineering study" undertaken to analyze the signal carriage alternatives under consideration in this proceeding and to determine their potential impact on educational television broadcast stations, especially those operating on UHF channels. Additional time is also required, petitioner maintains, to send the results of this research to its member stations so that they too can determine any position they may individually wish to take in this proceeding. PBS asserts that the availability of this engineering study will provide the Commission with valuable information concerning the impact of any signal carriage rule modification the Commission may decide to adopt. Counsel for PBS has requested a sixty-day extension for the filing of comments and replies.

2. Although it does appear that good cause has been shown for another extension of time for the filing of comments and replies in this proceeding, we do not believe that an extension of the magnitude requested by petitioner is warranted. Rather, we believe that an extension of thirty days is more appropriate. Accordingly, the dates for filing comments and replies will be extended to November 10, 1975, and November 26, 1975, respectively. While this does not constitute the full extension requested, it should provide adequate time for the preparation of comments and replies.[1]

Accordingly, *it is ordered*, That the dates for filing comments and replies in the captioned proceeding are extended to November 10, 1975, and November 26, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Adopted: September 30, 1975.

Released: October 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-27159 Filed 10-8-75;8:45 am]

[1] Counsel for NEP Communications, Inc. has filed a request for a one-week extension of time for the filing of comments in the captioned proceeding. In view of our grant today of a longer extension of time in response to the PBS petition, the request filed by NEP Communications, Inc. is rendered moot.

[47 CFR Part 89]

[Docket No. 20560; RM-2522]

NATIONWIDE POLICE EMERGENCY COMMUNICATIONS CHANNEL

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 89 of the Commission's rules and regulations to designate the frequency 155.475 MHz as a common, nationwide police emergency communications channel.

1. The Associated Public Safety Communications Officers, Inc. (APCO) has asked for an extension of the period for filing reply comments in this proceeding from September 30, 1975 to October 14, 1975. APCO cites the shortness of the period originally provided and states that it needs the additional period for the preparation of meaningful replies.

2. It appears that the additional period requested is reasonable. Accordingly, *it is ordered*, Pursuant to §§ 0.331 and 1.46 of the Commission's rules, That the time for filing reply comments in this proceeding is extended to October 14, 1975.

Adopted: September 30, 1975.

Released: October 3, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-27160 Filed 10-8-75;8:45 am]

[47 CFR Parts 74 and 78]

[Docket No. 20539]

MICROWAVE RELAY STATIONS; OPERATION OF TELEVISION TRANSLATOR STATIONS USING MODULATION OF A DIRECT VIDEO AND AUDIO FEED

Order Extending Time for Filing Reply Comments

In the matter of amendment of Subparts F and G of Parts 74 of Subpart B of Part 78 to provide for the use of FM microwave relay stations, and to provide for the operation of television translator stations using modulation of a direct video and audio feed.

1. On July 2, 1975, the Commission adopted a *Notice of Proposed Rule Making* in the above-mentioned proceeding. Publication was given in the FEDERAL REGISTER on July 24, 1975, 40 FR 30985. The time for filing comments has expired and the date for filing reply comments is September 29, 1975.

2. On September 25, 1975, Counsel for the National Translator Association (NTA), requested that the time for filing reply comments be extended to and including October 13, 1975. Counsel states that much of the information relating to the comments in this proceeding is technical in nature and an engineering statement is being prepared for NTA on a gratuitous basis and the engineer preparing this statement is unable to comply with the deadline date for the filing of reply comments. In addition, counsel states that he has been ill for the past week and has been unable to properly advise his client or prepare the necessary motion for extension of time to file pleadings in this proceeding.

3. Pursuant to the provisions of Section 1.46 of the rules, motions for extension of time are to be filed at least seven days prior to the filing date. Late-filed requests will be considered in cases of emergency. We believe the instant request sets forth sufficient reason for not having complied with the seven-day rule and that the public interest would be served by granting petitioner's request in this proceeding.

4. Accordingly, *it is ordered*, That the date for filing reply comments is extended to and including October 13, 1975.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Sections 0.281 and 1.46 of the Commission's rules.

Adopted: September 30, 1975.

Released: October 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-27167 Filed 10-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 230]

[FRA General Docket No. H-75-4]

LOCOMOTIVE INSPECTION TEST PROGRAM

Notice of Hearing

Notice is hereby given that the Railroad Safety Board of the Federal Railroad Administration (FRA) is considering instituting a limited test program designed to provide information on the feasibility and advisability of utilizing different inspection requirements solely applicable to electrically powered multiple unit passenger cars in lieu of those presently required pursuant to the 30 day provisions of the existing locomotive inspection regulations 49 CFR 230. The type of equipment which is presently under consideration in this proposal to institute a test program is illustrated by the passenger cars currently being operated by the Port Authority Trans Hudson Corporation (PATH).

PATH presently provides commuter rail passenger service in the New York metropolitan area. It operates approximately 300 electrically powered, multiple unit passenger cars most of which are of recent vintage.

Information provided to the Railroad Safety Board has indicated that there

are reasons to believe that improvements in technology and the design of electrically powered multiple unit passenger equipment may warrant the establishment of such a test program. Data has also become available which indicates that similar type equipment operated by carriers who furnish exclusively rapid transit service over their lines is subjected to widely divergent safety inspection practices. The Railroad Safety Board has also received information from PATH which indicates that PATH is willing to serve as a participating railroad in the event any test program is approved by the Board.

The Railroad Safety Board seeks the comments and views of all interested parties on the appropriateness of such a test program as well as on the terms and conditions, to assist in determining whether any test program should be established. Detailed technical information on the current safety inspection practices of rapid transit operators as well as their operational experience with those inspection practices is desired.

In furtherance of this effort the Railroad Safety Board will hold a public hearing on the proposal for a test program. Accordingly, a public hearing is hereby set for 10:00 a.m. on November 6, 1975 in Room 2839, Federal Building, Federal Plaza, New York City.

The hearing will be an informal one, and will be conducted in accordance with Rule 31 of the FRA Rule-Making Procedures (49 CFR 211.31), by a representative designated by the Board. The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representatives of the Board will make an opening statement outlining the scope of the hearing and the nature of the contemplated test program. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

Interested persons are also invited to participate in this proceeding by submitting written data, views, or comments on the terms and conditions of this test program. Communications should identify the Docket Number and Notice Number (FRA General Docket No. H–75–4) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 10, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during reguar business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 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 October 3, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-27131 Filed 10-8-75;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 DEFENSE

Department of the Navy

REGIONAL DISCHARGE REVIEW SYSTEM

Establishment

The Navy Discharge Review Board is authorized under 10 U.S.C. 1553 to review the discharge or dismissal of any former member of the Navy or Marine Corps, either at the request of the former member or upon the board's motion. A person who requests a review of a discharge or dismissal is entitled to appear before the board in person or by counsel. In a memorandum dated June 18, 1975, the Department of Defense directed the military services to establish procedures for the review of discharges in locations outside of Washington, D.C. The purpose of the Department of Defense directive is to make it easier and less expensive for applicants who live at great distances from Washington, D.C. to appear in person before the board.

Beginning in November 1975, the Navy Discharge Review Board will convene and conduct hearings for a number of days each quarter in each of the following locations: Chicago, Illinois; New Orleans, Louisiana, and San Francisco, California. Any former member of the Navy or Marine Corps who desires to obtain a review of his or her discharge, either in one of the new regional locations or in Washington, D.C., should file an application with the board using DD Form 293. If a personal appearance is requested, the applicant should indicate which of the four board locations is preferred. The completed application form (DD 293) should be mailed to the following address:

Navy Discharge Review Board, Department of the Navy, Washington, D.C. 20370.

Copies of the DD Form 293 may be obtained from the board at the above address.

Dated: October 6, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc.75-27207 Filed 10-8-75;8:45 am]

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on October 28-29, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9:00 a.m. and terminate at 5:30 p.m. daily.

The agenda will be limited to briefings and discussions of matters of advanced technology required by Executive Order to be kept secret in the interest of national defense, including presentations on intelligence systems and applications, security programs, systems development, advanced and specialized technology, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that this meeting be closed to the public because it will be concerned with matters listed in 5 U.S.C. Section 552 (b)(1).

Dated: OCTOBER 6, 1975.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.75-27208 Filed 10-8-75;8:45 am]

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on November 19-20, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9:00 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including a current intelligence assessment and discussions on naval missions, policy and strategy, systems development, specialized technology, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that this meeting be closed to the public because it will be concerned with matters listed in 5 U.S.C. Section 552(b)(1).

Dated: OCTOBER 6, 1975.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.75-27209 Filed 10-8-75;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE SCHOOL BOARD OF VISITORS

Notice of Partially Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that partially closed meetings of the Defense Intelligence School Board of Visitors will be held at Rollins College, Winter Park, Florida on 13-14 November 1975.

The two Executive Sessions, scheduled from 0900-1100 hours on 13 November and from 0900-1130 hours on 14 November, will be devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content. All other sessions will be concerned with unclassified academic matters and are open to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 6, 1975.

[FR Doc.75-27218 Filed 10-8-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "SURFACE NAVAL WARFARE"

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Surface Naval Warfare will meet in closed session on 3-4 November 1975. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and direction of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface engagements to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller),

OCTOBER 6, 1975.

[FR Doc.75-27217 Filed 10-8-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

INDUSTRIAL USES AND HANDLING OF P_2P (PHENYLACETONE, PHENYL-2-PROPANONE, AND BENZYL METHYL KETONE)

Solicitation of Information

The Drug Enforcement Administration has become aware that a compound known as P_2P, and variously identified as phenylacetone, phenyl-2-propanone, and benzyl methyl ketone, has been reported used in the clandestine manufacture of amphetamine for trafficking purposes.

In view of this, DEA is studying P_2P in deciding whether control of it is necessary under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801–966) and regulations promulgated thereunder (21 CFR Part 1300 to end). These measures, if ultimately imposed, would regulate the manufacture, distribution and other handling of P_2P by requiring among other controls registration, security, and recordkeeping, and would make unauthorized use of P_2P unlawful.

DEA is aware this compound is used by industry in the preparation of polymers, selective solvents, flavoring agents, perfumes, insecticides, and antibacterial agents, and recognizes that DEA regulation of P_2P may have some effect upon these, and other industrial activities regarding the compound. However, DEA is not aware of the entire scope of use of P_2P by industry and therefore cannot predict the impact its regulation would have on them. To determine the extent of any such resulting impact, the Acting Administrator of the Drug Enforcement Administration invites all interested persons to provide DEA with any information on the manner of acquisition, consumption, storage, disposal and uses of P_2P by industry.

Such information may be submitted to the Special Programs Division, Office of Science and Technology, Drug Enforcement Administration, Washington, D.C. 20537, by November 1, 1975.

Dated: October 2, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–27166 Filed 10–8–75;8:45 am]

CIBA-GEIGY CORP.

Manufacture of Controlled Substances; Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

> The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:
>
> (1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on August 12, 1975, Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of methylphenidate, a basic class of controlled substance in schedule II.

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with section 1301.43 (a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above person has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of methylphenidate, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than November 10, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: September 25, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–27165 Filed 10–8–75;8:45 am]

Law Enforcement Assistant Administration

NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Notice of Meeting

Notice is hereby given that the National Advisory Committee on Juvenile Justice and Delinquency Prevention and the three subcommittees will meet Wednesday, Thursday and Friday, October 29, 30, and 31, 1975, in Denver, Colorado. The meeting of the full Committee is scheduled to convene at 9:30 a.m., Thursday, October 30, in Conference Rooms B and C, Denver Airport Hilton Inn, Denver, Colorado. The full Committee meeting is scheduled to adjourn at 5:00 p.m. on Thursday, resume at 9:00 the next day, and will adjourn at 5:00 p.m. on Friday. The Subcommittee on Standards will meet between 1:00 p.m. and 5:00 p.m. on Wednesday, October 29, 1975.

Discussions at the full Committee meeting will focus on:

The First Annual Report of the Office of Juvenile Justice and Delinquency Prevention, submitted to the President and Congress on September 30, 1975.

The development of the First Comprehensive Plan for juvenile justice and delinquency prevention, which is due March 1, 1976.

Subcommittee reports.

The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention (the National Institute Committee), the Advisory Committee on Concentration of Federal Effort (the Concentration of Federal Effort Committee) and the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (the Standards Committee) will meet from 1:30 p.m. to 4:00 p.m. on Thursday, October 30.

All meetings will be open to the public.

For further information, contact Mr. Frederick P. Nader, Acting Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

GERALD H. YAMADA,
Attorney Advisory,
Office of General Counsel.

[FR Doc.75–27144 Filed 10–8–75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Research and Development Task Force on Criminal Justice Standards and Goals.

The Research and Development Task Force will meet on October 31, 1975 at the Mayflower Hotel, 1127 Connecticut Avenue, N.W., Washington, D.C. 20036. The meeting will convene at 9:30 a.m. and will be open to the public.

This is the first meeting of the Research and Development Task Force. Discussion will focus on the functions and duties to be performed by the Task Force members and staff.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75–27149 Filed 10–8–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26536 and 26708]

NEW MEXICO

Notice of Applications

OCTOBER 2, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.
Sec. 14, N½N½.
T. 31 N., R. 12 W.
Sec. 23, lots 2, 3, 4, 5, and 6.

These pipelines will convey natural gas across 1.277 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27138 Filed 10-8-75;8:45 am]

[NM 26624]

NEW MEXICO

Notice of Application

OCTOBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Amoco Production Company has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.
Sec. 8, NW¼SW¼ and S½SW¼;
Sec. 17, NW¼NE¼ and E½NW¼.

This pipeline will convey natural gas across .819 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27134 Filed 10-8-75;8:45 am]

[NM 26626 and 26642]

NEW MEXICO

Notice of Applications

OCTOBER 2, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 6 W.
Sec. 23, SE¼SE¼;
Sec. 26, N½NE¼.
T. 30 N., R. 8 W.
Sec. 8, NE¼SW¼ and N½SE¼.

These pipelines will convey natural gas across .863 mile of national resource lands in San Juan and Rio Arriba Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27137 Filed 10-8-75;8:45 am]

[NM 26703]

NEW MEXICO

Notice of Application

OCTOBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 25 E.
Sec. 35, E½NE¼ and NE¼SE¼

The pipeline will convey natural gas across .385 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75-27135 Filed 10-8-75;8:45 am]

[NM 26706]

NEW MEXICO

Notice of Application

OCTOBER 2, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 26 E.
Sec. 1, SE¼SE¼.

This pipeline will convey natural gas across .092 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27139 Filed 10-8-75;8:45 am]

[NM 26724]

NEW MEXICO

Notice of Application

OCTOBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.
Sec. 18, E½NE¼ and SW¼NE¼.

The pipeline will convey natural gas across .494 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27136 Filed 10-8-75;8:45 am]

NEW ORLEANS OUTER CONTINENTAL SHELF OFFICE

Notice of Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, La., and the New York Outer Continental Shelf Office, Bureau of Land Management, New York, N.Y. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTECTION DIAGRAMS

Description:	*Approval date*
NI 18-2 Manteo	October 31, 1974
NI 18-3	Do.
NJ 18-11 Eastville South	Do.
NJ 18-12	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200 The Plaza Tower, 1001 Howard Avenue, New Orleans, La. 70113 and the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, U.S. Custom House Room 600D, 6 World Trade Center, New York, New York 10048. Checks or Money Orders should be made payable to the Bureau of Land Management.

JOHN L. RANKIN,
Manager, New Orleans Outer Continental, Shelf Office.

[FR Doc.75-27103 Filed 10-8-75;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. on Saturday, October 25, 1975, at the Environmental Education Center, Tilden Park, Berkeley, CA.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mrs. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Dr. Edgar Wayburn

The major items on the agenda are a briefing on the summer recreation transportation system and a briefing on the status of the Fort Mason interim use program.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, CA 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by November 28, 1975 in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: October 3, 1975.

JOHN H. DAVIS,
Acting Regional Director, Western Region Office.

[FR Doc.75-27330 Filed 10-8-75;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on October 28, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman)
Mr. John P. Bracken
Hon. Michael J. Bradley
Hon. James A. Byrne
Mr. Michael J. Byrne
Mr. Filindo B. Masino
Mr. Frank C. P. McGlinn
Mr. John B. O'Hara
Mr. Howard D. Rosengarten
Mr. Charles R. Tyson

The matters to be considered at this meeting include:

1. Use of Park Facilities in 1976.
2. Plans—Liberty Bell and July 4.
3. Valley Forge Progress.
4. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: September 30, 1975.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.75-27202 Filed 10-8-75;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD

Notice of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 4:00 p.m., October 22, in Room 5160, Department of the Interior, 18th & C Streets, N.W., Washington, D.C.

The meeting will cover policy issues related to the Outer Continental Shelf leasing program.

The meeting is open to the public. Interested persons may make oral or written presentations to the committee or file written statements. Such requests should be made to the official listed below not later than October 16.

Further information concerning this meeting may be obtained from Mrs. Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Washington, D.C. 20240, telephone 202/343-9314. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th & C Streets, N. W., Washington, D. C.

KENT FRIZZELL,
Acting Secretary of the Interior.

OCTOBER 7, 1975.

[FR Doc.75-27247 Filed 10-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A261]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Allen Parish, Louisiana, as a result of a natural disaster consisting of persistent heavy rainfall April 29 to July 2, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 17, 1975, for physical losses and June 17, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of October, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–27211 Filed 10–8–75;8:45 am]

[Notice of Designation Number A260]

MONTANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Carter County, Montana, as a result of a natural disaster consisting of a snowstorm March 21, 22 and 23, 1975, which continued intermittently for two weeks, and extensive flooding May 5 and 6, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Thomas L. Judge that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 17, 1975, for physical losses and June 17, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 2nd day of October, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–27151 Filed 10–8–75;8:45 am]

Forest Service

MULTIPLE USE PLAN, O'BRIEN-SEVENTEENMILE-CROSS MOUNTAIN PLANNING UNITS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for O'Brien-Seventeenmile-Cross Mountain Planning Units, Forest Service Report Number R1–76–7 USDA–FS–DES (Adm).

The environmental statement concerns a proposed implementation of a revised multiple use plan for the O'Brien-Seventeenmile-Cross Mountain Planning Units, Troy, Libby and Yaak Ranger Districts, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 146,500 acres of National Forest lands which have been stratified into twelve management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ October 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.
USDA, Forest Service, Troy Ranger Station, Troy Ranger District, Troy, MT 59935.
USDA Forest Service, Libby Ranger Station, Libby Ranger District, Libby, MT 59923.
USDA, Forest Service, Yaak Ranger District, Sylvanite Ranger Station, Troy, MT, 59935.

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923. Comments must be received by December 4, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: October 3, 1975.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region.

[FR Doc.75–27132 Filed 10–8–75;8:45 am]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE, LACROSSE, WISCONSIN

Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $55,095,000 to Dairyland Power Cooperative (Dairyland) of LaCrosse, Wisconsin. These loan funds will be used to finance 30 percent of a 350 MW steam generating plant to be constructed near Alma, Wisconsin, and related 161 kV transmission outlet facilities. The loan guarantee notice for the remaining 70 percent of this project appeared in the September 30, 1974, Federal Register and arrangements have been consummated among REA, Dairyland and the Federal Financing Bank for $121,591,000 to finance this 70 percent of the project.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John Madgett, Manager, Dairyland Power Cooperative, 2615 East Avenue, South, LaCrosse, Wisconsin 54601.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Madgett. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Dairyland and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 2nd day of October, 1975.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-27152 Filed 10-8-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GREAT LAKES FARMS AND LA PEER MUSHROOM CORP.

Notice of Petition for Determination

A single petition for certification of eligibility to apply for adjustment assistance submitted jointly by Great Lakes Farms and La Peer Mushroom Corporation of Imlay City, Michigan, related entities assertedly owned and controlled by substantially the same group of persons, was accepted for filing on October 3, 1975, under Section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of the petitioning firms. The petitioners assert that imported articles classified in items 144.10, 144.12 and 144.20 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with mushrooms produced by the firms.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

CHARLES L. SMITH,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-27180 Filed 10-8-75;8:45 am]

GREAT LAKES MUSHROOM COOPERATIVE, INC.

Notice of Petition for Determination

A petition by Great Lakes Mushroom Cooperative, Inc., of Warren, Michigan, was accepted for filing on October 3, 1975, under Section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 144.10, 144.12 and 144.20 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with mushrooms processed by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 250.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

CHARLES L. SMITH,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-27179 Filed 10-8-75;8:45 am]

MARZETTI BROTHERS, INC., ET AL.

Notice of Petition for Determination

A single petition for certification of eligibility to apply for adjustment assistance submitted jointly by Marzetti Brothers, Inc., of Utica, Michigan, and MGM, Inc., and Dryden Farms, Inc., of Dryden, Michigan, related entities assertedly owned and controlled by substantially the same group of persons, was accepted for filing on October 3, 1975, under Section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of the petitioning firms. The petitioners assert that imported articles classified in items 144.10, 144.12, and 144.20 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with mushrooms produced by the firms.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

CHARLES L. SMITH.
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-27181 Filed 10-8-75;8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satis-

fied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the *Federal Register* for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 75–00121–33–46500. Applicant: University of California/San Francisco, Coleman Memorial Laboratory, HSE–863, 3rd and Parnassus Streets, San Francisco, Calif. 94143. Article: Ultramicrotome, Model LKB 8800A and accessories. Date of denial without prejudice to resubmission: June 3, 1975.

Docket Number: 75–00122–33–46500. Applicant: University of Oregon, Eugene, Oregon 97403. Article: Ultramicrotome, LKB 8800A and accessories. Date of denial without prejudice to resubmission: June 3, 1975.

Docket Number: 75–00132–33–46500. Applicant: Presbyterian-University of Pennsylvania Medical Center, Scheie Eye Institute, 51 North 39th Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: June 3, 1975.

Docket number: 75–00189–33–46500. Applicant: University of South Florida Medical School, 4202 Fowler Avenue, Tampa, Florida 33620. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: June 3, 1975.

Docket number: 75–00364–98–81095. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Talystep with measuring unit, Electronics Unit and Recorder. Date of denial without prejudice to resubmission: June 10, 1975.

Docket number: 75–00385–99–46070. Applicant: Georgia Institute of Technology, 888 Hemphill Avenue, N.W., Atlanta, Georgia 30332. Article: Table Top Scanning Microscope, Model MSM–5. Date of denial without prejudice to resubmission: June 13, 1975.

Docket number: 75–00389–89–46070. Applicant: Carnegie Institution of Washington, Geophysical Laboratory, 2801 Upton Street, N.W., Washington, D.C. 20008. Article: Scanning Electron Microscope, Model JSM–35U. Date of denial without prejudice to resubmission: June 3, 1975.

Docket number: 75–00399–01–77040. Applicant: Grand Forks Energy Research Center, Energy Research and Development Administration, Box 8213, University Station, Grand Forks, N.D. 58202. Article: Mass Spectrometer, Model MS 3074 and Data System, DS–50. Date of denial without prejudice to resubmisison: June 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–27182 Filed 10–8–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Acetylene Tetrachloride

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)(3)] provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop a criteria document containing recommended occupational health standards for acetylene tetrachloride.

The criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving this substance is requested to submit such information, with accompanying documentation to Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Park Building, Room 3–18, Rockville, Maryland 20852 within 90 days.

1. Establishment of safe occupational environmental levels for this agent including levels for acute and chronic exposure to airborne concentrations of the chemical agent as well as safe practices concerning direct contact with such agent.

2. Establishment of biologic standards i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substance with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical method for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agent and methods of measuring levels of exposure to the physical agent.

6. The need for medical examinations for workers exposed to such an agent, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such an agent that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such an agent.

All information received concerning this substance will be available for public inspection after the development of the respective criteria document.

Dated: October 2, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75–27133 Filed 10–8–75;8:45 am]

Food and Drug Administration

[Docket No. 75N–0140]

MEDICAL DEVICE GOOD MANUFACTURING PRACTICE DRAFT REGULATIONS

Notice of Public Meetings

The Commissioner of Food and Drugs announces a series of public meetings to allow all interested persons an opportunity to present data, technical information, and views concerning the draft medical device good manufacturing practice (GMP) regulations, which were made available to the public through a notice of availability published in the FEDERAL REGISTER of August 8, 1975 (40 FR 33482). There will be four public meetings. The locations, dates, and contact persons for each location are as follows:

1. Dallas, TX, Monday, November 3, 1975. Contact Mr. Jerry Henderson, (214) 749–2735, Food and Drug Administration, 3032 Bryan St., Dallas, TX 75204.

2. San Francisco, CA, Tuesday, November 4, 1975. Contact Mr. Ron Fisher, (415) 556–2062, Food and Drug Administration, 50 Fulton St., Rm. 526, San Francisco, CA 94102.

3. Chicago, IL, Thursday, November 6, 1975. Contact Mr. George McDonald,

(312) 353–1046, Food and Drug Administration, 175 West Jackson Blvd., Rm. A–1945, Chicago, IL 60604.

4. Washington, DC, Monday, November 10, 1975. Contact Mr. William McVicker or Ms. Pat Kunze, (301) 443–4627, Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Those planning to attend are requested to notify the appropriate FDA contact person to assure that adequate space will be available. The contact persons will be able to supply the time and meeting location prior to the meeting date.

The format of the public meetings will consist of a presentation by FDA personnel on the draft medical device GMP, followed by a question and answer session. The purpose of these meetings is to inform all interested persons about the draft GMP and to allow specific questions to be raised and answered prior to publishing medical device good manufacturing practice regulations as a proposal in the FEDERAL REGISTER.

Copies of the draft medical device good manufacturing practice regulations will be available at these meetings, or prior to those dates by writing to the Bureau of Medical Devices and Diagnostic Products, Attn: GMP, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Dated: October 3, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75–27108 Filed 10–8–75;8:45 am]

Office of Education

LIBRARY TRAINING PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Part B of Title II of the Higher Education Act of 1965 (20 U.S.C. 1021, 1031, and 1033), applications are being accepted from institutions of higher education and library organizations and agencies for library training grants for institutes, fellowships, and traineeships. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 15, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13:468. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 10, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Libraries and Learning Resources, Division of Library Programs, Bureau of School Systems, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202, Attention: 13:468.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations governing training in librarianship published in the FEDERAL REGISTER on May 17, 1974 at 17540 (45 CFR Part 132).

(20 U.S.C. 1021, 1031, and 1033)

(Catalog of Federal Domestic Assistance Number 13.468; Training in Librarianship Program)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.75–27200 Filed 10–8–75;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Notice of Chartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Public Law 92–463, (86 Stat. 770–776) the Health Resources Administration announces the chartering by the Secretary, DHEW, of the National Advisory Council on Health Planning and Development on September 29, 1975, pursuant to Public Law 93–641.

Designation: National Advisory Council on Health Planning and Development.

Purpose: The Council will advise, consult with, and make recommendations to the Secretary with respect to (1) the development of national guidelines concering health planning policy, (2) the implementation and administration of Title VX, National Health Planning and Development, and Title XVI, Health Resources Department, and (3) an evaluation of the implications of new medical technology for organizations, delivery, and equitable distribution of health care services.

Authority for this Council is continuous and a charter will be filed every two years in accordance with section 14(b)(2) of Public Law 92–463.

Dated: October 3, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75–27101 Filed 10–8–75;8:45 am]

NATIONAL ADVISORY COUNCILS

Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of November 1975:

Name: National Advisory Council on Health Professions Education.

Date and time: November 10–11, 1975, 8:30 a.m.

Place: Conference Room 4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Open for entire session.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions.

Agenda: The Council will meet for the purpose of considering and establishing program priorities, formulating recommendations with respect to effective administration of the Financial Distress Program, and considering progress reports on the recruitment and retention of minorities and on other subjects.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster or other relevant information should contact Mrs. Lynn Stevens, Building 31, Room 4C–02, National Institutes of Health, Bethesda, Maryland 20014, Telephone (301) 496–6601.

Name: National Advisory Council on Nurse Training.

Date and time: November 10–12, 1975, 10:30 a.m.

Place: Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Open on November 10, 10:30 a.m.–12:00 noon. Closed remainder of meeting.

Purpose: The Council performs final review of applications for construction projects, special projects for the improvement of nurse training, and research grants.

Agenda: Agenda items for the open portion of the meeting will cover announcements; consideration of minutes of previous meeting; discussion of future dates; and administrative and staff reports. During the closed session, the

Council will conduct a final review of grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in section 552(b)(5) and 552(b)(6), U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

That portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to obtain a roster or other relevant information should contact Dr. Mary S. Hill, Federal Building, Room 6C08, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6985.

Agenda items are subject to change as priorities dictate.

Dated: October 2, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-27102 Filed 10-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-75-16]

SAVANNAH STATE DOCKS RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Savannah State Docks Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-16, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before November 10, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on October 3, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-27130 Filed 10-8-75;8:45 am]

ACTION

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.

Date: November 10 and 11, 1975.

Place: ACTION, 806 Connecticut Avenue, N.W., Washington, D.C., Room 522.

Time: 9 a.m.

Purpose of the meeting: to discuss the work of each of the Council's committees and to continue preparations for the Annual Report of the Advisory Council.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the meeting.

Any member of the public may file a written statement with the Council before, during or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Ms. JoAnn Giordano, Advisory Council Executive Officer, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

JOANN GIORDANO,
Staff Assistant, Office of the Director.

[FR Doc.75-27090 Filed 10-8-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 27881, 26141, 27287]

TRANSPORTERS AEREOS NACIONALES, S.A. (TAN), AND SERVICIO AEREO DE HONDURAS, S.A. (SAHSA)

Foreign Carrier Permit Renewal; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provision of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled consolidated proceedings, which was assigned to be held November 6, 1975 (40 F.R. 42044, September 10, 1975), is postponed to November 25, 1975, at 10:00 a.m. (local time) and will be held in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., October 3, 1975.

[SEAL] DEE C. BLYTHE,
Administrative Law Judge.

[FR Doc.75-27201 Filed 10-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50039; FRL 441-6]

PPG INDUSTRIES, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780); and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 748-EUP-9) allows the use of 127,500 pounds of the fungicide sodium azide for suppression of soil-borne organisms (*Rhizoctonia, Verticillium, Pythium,* and *Fusarium*) on potatoes, tomatoes, and beans. A total of 4,000 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from September 19, 1975, to September 19, 1976. Temporary tolerances for residues of the active ingredient have been established in or on the above raw agricultural commodities.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 2, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-27233 Filed 10-8-75;8:45 am]

[FRL 441-5]

MARINE SANITATION DEVICE FOR THE STATE OF MICHIGAN

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Michigan requesting a determination by the Administrator, Environmental Protection Agency, pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Michigan waters of Lakes Michigan, Huron, Superior, Erie, and St. Clair, all waterways connected thereto, and all inland lakes. The petitioner requests that any determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all commercial vessels for the above waters be made effective two years after the date of any initial determination.

The petition states that as of 1972 the Michigan Department of Natural Resources was aware of 49 public marinas, 104 commercial marinas, and 19 private marinas with pump-out facilities to serve the recreational boating fleet. The Department estimates that this number now exceeds 200. A listing of vessel pump-out facilities in Michigan has been submitted with the petition for both recreational and commercial craft.

This petition represents a resubmission on the part of the State of Michigan. On April 25, 1975, notice was published that the State of Michigan had petitioned the Administrator, Environmental Protection Agency, by regulation, to completely prohibit the discharge from a vessel of any sewage (whether treated or not) into the Michigan waters of Lakes Michigan, Huron, Superior, Erie, and St. Clair, all waterways connected thereto, and all inland lakes. This petition was filed pursuant to section 312(f)(4) of Pub. L. 92-500 (40 FR 18217, April 25, 1975). The petition identified in the April 25, 1975 notice was denied on the ground that no substantiating information had been submitted showing that the designated waters required water quality protection greater than that afforded by the Federal standard (40 FR 36797, August 22, 1975).

Comments and views regarding the requested action described herein may be filed on or before November 24, 1975. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-551), Office of Water Planning and Standards, OWHM, Room 737 East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: October 3, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-27232 Filed 10-8-75;8:45 am]

[OPP-33000/324; FRL 441-7]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before December 8, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 8, 1975.

Dated: October 2, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 35039-R. Bakersfield Ag-Chem, Inc., Rt. 1, Box 858, Bakersfield CA 93308. BAKERSFIELD AG-CHEM, INC. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 36430-R. Better Living Laboratories, Inc., 2873 Director's Cove, Memphis TN 38131. H20K PORTABLE DRINKING WATER TREATMENT UNIT. Active Ingredients: Metallic Silver 1.05%. Republished: Method of Support changed from 2(c) to 2(b) of interim policy. PM33

EPA File Symbol 35925-R. By Pas Inter. Corp., PO Box 14, Hudsonville MI 49426. BY*PAS PLUS. Active Ingredients: Sodium metasilicate 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 10471-G. C & B Chemical Co., 3706 Raymond St., Houston TX 77007. C-& B MINT 15 DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methylsalicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 9018-U. Collier Carbon & Chemical Corp., PO Box 60455, Los Angeles CA 90060. COLLIER CARBON AND CHEMICAL CORPORATION TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 4829-LU. Costal Chemical Co., 190 Jony Dr., Carlstadt NJ 07072. ISOCLOR II SUPER STABILIZED CHLORINE TABLETS. Active Ingredients: Sodium Dichloro-s-Triazinetrione Dihydrate 100.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 279-2922. FMC Corp., Agricultural Chemical Div., 100 Niagra St., Middleport NY 14105. FURADAN 5% G. Active Ingredients: Carbofuran 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 4087-A. Industrial Chemical Co. of San Francisco Inc., 2655 Ingalls St. San Francisco CA 94124. INDCO-SEPT SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 9647-ER. Masury-Columbia Co., 1502 N. 25th Ave., Elmhurst IL 60126. MYCO SANITIZER NR DISINFECTANT, SANITIZER, DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.64%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.64%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 4467-G. Milprint, Inc., 4200 N. Holton St., Milwaukee WI 53201. MILPRINT MIL-SHIELD PACKAGING. Active Ingredients: Pyrethrins 0.04%; Piperonyl Butoxide, technical 0.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 3125-49. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. DYLOX 50% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphanate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM16.

EPA Reg. No. 3125-184. Chemagro Agricultural Div., Mobay Chemical Corp. DYLOX 80% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphanate 80%. Method of Support: Application proceeds under 2(b) of interim policy. PM16.

EPA File Symbol 3125-GNT. Chemagro Agricultural Div., Mobay Chemical Corp. DISYSTON 8 EMULSIFIABLE SYSTEMIC INSECTICIDE. Active Ingredients: O,O-Diethyl *S*-[2-(ethylthio)thyl] phosphorodithioate 85%; Aromatic Petroleum Distillate 3%. Method of Support: Application proceeds under 2(b) of interim policy. PM15.

EPA File Symbol 6020-RL. MOM Chemical Co., Inc., 7775 NW 66th St., Miami FL 33166. DY-NAMO SUPER DISINFECTANT-DETERGENT-DEODORANT. Active Ingredients: Alkyl (C14 90%, C12 5% C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Sodium metasilicate 1.00%; Essential oils 0.50%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 6020-RU. MOM Chemical Co., Inc., 7775 NW 66th St., Miami FL 33166. DY-NAMO DISINFECTANT-DETERGENT-DEODORANT. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential oils 0.250%;

Ethylene-diaminetetraacetic acid, tetrasodium salt 0.190%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 7001-ENT. Occidental Chemical Co., Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. METHYL PARATHION 25 MP. Active Ingredients: Methyl Parathion (O,O-Dimethyl O-p-nitrophenyl phosphorothioate) 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 11682-EL. J. R. Simplot Co., Minerals & Chemical Div., PO Box 912, Pocatello ID 83201. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 35957-R. Southern Valley Chemical Co., PO Box 181, Arvin CA 93203. SOUTHERN VALLEY CHEMICAL CO. TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM 21

EPA File Symbol 9619-T. Synthetic Labs. Inc., Victory Lane, Dracut MA 01826. GC SUPER 10 DISINFECTANT-SANITIZER-FUNGICIDE-DEODORIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chloride 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7546-RI. United States Chemical Corp., PO Box 366, Watertown WI 53094. EMERGE NO. 75. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35919-R. Water Purification Technology, Inc., 527 Madison Ave., New York, N.Y. 10022. THE PUREWATER MAKER NEW AND IMPROVED. Active Ingredients; Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.75-27234 Filed 10-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 774]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 6, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20492-CD-MP-(2)-76—Lubbock Radio Paging Service, Inc. (KKE970). Modification of Permit to change antenna system and relocate facilities operating on 454.275 & 454.350 MHz located at Metro Tower, Broadway and Avenue L, Lubbock, Texas.

20518-CD-ML-76—Auto Phone Company (KME439). Modification of License to change frequency from 454.15 MHz to 454.-05 MHz at Loc. #1: Pilot Peak, California.

20551-CD-P/L-76—Baxley Radio Telephone, Inc. (KLF581). Reinstatement of an expired license operating on 152.21 MHz located at 109 Park Avenue, Baxley, Georgia.

20552-CD-P-76—Contact of Washington, Inc. (KGA806). C.P. to add antenna Loc. #2 operating on 43.58 MHz located at National Press Bldg., 14th & F Sts., N.W., Washington, D.C.

20553-CD-P-(4)-76—Michigan Bell Telephone Company (KQD605). C.P. to change antenna system operating on 152.63 MHz, and replace transmitter; additional facilities to operate on 152.66 & 152.81 MHz; and add standby frequencies operating on 152.66 & 152.81 MHz located 2.75 miles West of Traverse City, Michigan.

20554-CD-AP-76—Empire Paging Corporation. Consent to Assignment of C.P. from Empire Paging Corporation Assignor, to New Jersey Mobile Telephone Co., Inc., Assignee. Station: KWU200 Beachwood, New Jersey (formerly granted under Call Sign KEJ886). For particulars see PN #768-A, dated 8-25-75. File No. 20807-CD-P-(4)-74.

20555-CD-P-76—Contact, Inc. (KGA807). C.P. to add antenna Loc. # 5 to operate on 35.22 MHz to be located at 7300 Ritchie Highway, Glen Burnie, Maryland.

20556-CD-P-76—Colton Telephone Company (KOK339). C.P. for additional facilities to operate on 454.400 MHz located on Goat Mtn., 8.1 miles SE of Colton, Oregon.

20557-CD-P-76—The Conestoga Telephone & Telegraph Company (KGI769). C.P. to change antenna system and location operating on 35.22 MHz located on Gibraltar Hill 0.5 mile West of Seyfert, Pennsylvania.

20558-CD-P-76—Continental Telephone Company of California (KMM663). C.P. to change antenna system operating on 152.54 MHz located at Highland Street, Lucerne Valley, California.

20559-CD-MP-(2)-76—The Conestoga Telephone & Telegraph Company (KUS323). Modification of Permit to change antenna system operating on 454.375 & 454.525 MHz located at Gibraltar Hill ½ mile West of Seyfert, Pennsylvania.

20560-CD-P-76—William G. Bowles, Jr., dba Mid-Missouri Mobilfone (New). C.P. for a new 2-way station to operate on 152.06 MHz to be located at KPOB-TV Tower, North Highway 67, Poplar Bluff, Missouri.

20561-CD-P-(3)-76—Capitol Radiotelephone Co., Inc. (New). C.P. for a new 2-way station to operate on 152.09 MHz to be located 13.2 miles SSE of Beckley, West Virginia.

20562-CD-P-76—Southwestern Bell Telephone Company (KKC263). C.P. to change antenna system and location operating on test facilities 157.77, 157.80, 157.89, & 158.01 MHz, located at 9th & Colorado Streets, Austin, Texas.

20563-CD-P-(2)-76—Empire Mobilcomm Systems, Inc. (KLF595). C.P. to add antenna Loc. #2 to operate base facilities on 152.24 MHz to be located at Coburg Ridge, 3 miles NNE of Eugene, Oregon; and Loc. #3 to operate control facilities on 454.05 MHz to be located at 392 E. 3rd, Eugene, Oregon.

20564-CD-P-76—Telanswer Radiophone Service (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 610 Main Avenue, North, Twin Falls, Idaho.

20565-CD-P-76—Radiopaging, Inc. (KIE367). C.P. to add antenna Loc. #4 to operate on 43.58 MHz to be located at 12500 NW 92 Avenue, Miami, Florida.

20566-CD-P-(2)-76—Western Communications Service (KKG416). C.P. to change antenna system operating on 152.03 MHz and for additional facilities to operate on 152.15 MHz located at 320 West 26th Street, San Angelo, Texas, Loc. #1.

20567-CD-P-76—Answer Iowa, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 5th Avenue West at 12th Street, Duluth, Minnesota.

20568-CD-P-76—Tel-Car Corporation (KRM 961). C.P. to add antenna Loc. #4 to operate on 152.24 MHz to be located at 12500 NW 92nd Avenue, Miami, Florida.

20569-CD-P-76—Eagle Aviation, Inc. (New) (Resubmitted). C.P. for a new 2-way station to operate on 454.125 & 454.175 MHz to be located on Television Rd., 1000 North Trolly Lane Road, Aiken, South Carolina.

20570-CD-MP-76—Digital Paging Systems of Pittsburgh, Inc. (KWB370). C.P. to replace transmitter operating on 152.24 MHz located at Duquesne Reservoir, West Mifflin Boro, Pennsylvania, Loc. #2.

20571-CD-P-(2)-76—Denver & Ephrata Telephone & Telegraph Company (KGI 782). C.P. for additional facilities to operate on 152.84 MHz at Loc. #1: Ephrata Township Rd., 0.8 mile East of Ephrata, Pennsylvania; and additional facilities to operate on 152.84 MHz at Loc. #2: Marietta & West End Avenue, Lancaster, Pennsylvania.

---

[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).

20572–CD–P–(5)–76—CFR Corporation dba Mobilfone of Baton Rouge (KKX707). C.P. for additional facilities to operate on 454.050, 454.125, 454.175, 454.250, & 454.275 MHz located at 451 Florida Avenue, Baton Rouge, Louisiana.

20573–CD–P–(2)–76—Filer Mutual Telephone Company (KLF466). C.P. to change antenna system operating on 152.72 MHz and for additional facilities to operate on 152.54 MHz located at 405 Main Street, Filer, Idaho.

RURAL RADIO SERVICE

60180–CR–P/L–76—The Mountain States Telephone & Telegraph Company (New). C.P. for a new rural subscriber station operating on 157.80 MHz to be located at Gulf American Mining Enterprises, Inc., 3½ miles NW of Wickenburg, Arizona.

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following applications have been received from Southwestern Bell Telephone Company to change station coordinates:

774–CF–ML–76—(KAB53) Viburnum, Missouri. Change from Lat. 37°42'54" N., Long. 91°07'55" W. to Lat. 37°42'44" N., Long. 91°07'57" W.

779–CF–ML–76—(KAY76) Montezuma, Kansas. Change from Lat. 37°35'39" N., Long. 100°26'39" W. to Lat. 37°36'01" N., Long. 100°26'39" W.

781–CF–ML–76—(KBI41) Worden, Kansas. Change from Lat. 38°47'22" N., Long. 95° 26'11" W. to Lat. 38°47'07" N., Long. 95° 26'09" W.

782–CF–ML–76—(KBI42) Cape Girardeau, Missouri. Change from Lat. 37°23'12" N., Long. 89°38'46" W. to Lat. 37°23'16" N., Long. 89°38'26" W.

789–CF–ML–76—(KCM90) Kirksville, Missouri. Change from Lat. 40°11'28" N., Long. 92°34'55" W. to Lat. 40°11'41" N., Long. 92°34'56" W.

794–CF–ML–76—(KKK99) Wayne, Oklahoma. Change from Lat. 34°55'52" N., Long. 97° 22'12" W. to Lat. 34°56'05" N., Long. 97° 21'54" W.

800–CF–ML–76—(KLT52) Seminole, Texas. Change from Lat. 32°43'05" N., Long. 102° 38'36" W. to Lat. 32°42'57" N., Long. 102° 38'48" W.

766–CF–R–76—American Telephone and Telegraph Company (KEF72). Location: Within Continental limits: USA. Applications for Renewal of Radio Station License (Developmental) expiring November 1, 1975. Term: November 1, 1975 to November 1, 1976.

1086–CF–P–76—The Mountain States Telephone and Telegraph Company (KLU90). 13 Miles WNW of Fairacres, New Mexico. Lat. 32°22'23" N., Long. 107°02'53" W. C.P. to add frequency 11175H MHz toward an additional point of communication Pan Am Las Cruces, New Mexico on azimuth 108.9°.

1087–CF–P–76—Matanuska Telephone Association, Inc. (New). East Wire, East DeBarr Street, Anchorage, Alaska. Lat. 61°12' 39" N., Long. 149°44'20" W. C.P. for a new station on frequency 2118.4V MHz toward Government Hill, Alaska on azimuth 101° 39'.

1088–CF–P–76—Same (New). Government Hill, Bluff Drive, Anchorage, Alaska. Lat. 61°13'56" N., Long. 149°52'22" W. C.P. for a new station on frequency 2168.4V MHz toward East Wire, Alaska on azimuth 287° 21'.

1090–CF–P–76—Triangle Telephone Cooperative Association, Inc. (New). Lot 25, Block 8, Original Townsite, Big Sandy, Montana. Lat. 48°10'38" N., Long. 110°06'35" W. C.P. for a new station on frequency 2178.0H MHz toward Big Sandy Jct., Montana (Mtn. Bell) on azimuth 236.5°.

1106–CF–P–76—The Mountain States Telephone and Telegraph Company (WIV22). 5.6 Miles WSW of Kelvin, Arizona. Lat. 33° 04'10" N., Long. 111°03'13" W. C.P. to change polarity from Horizontal to Vertical on frequencies 6197.2 and 6315.9 MHz toward Apache Jct., Arizona.

1082–CF–P–76—Eastern Microwave, Inc. (KEM58). Helderberg Mtn., New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to add 6212.OH MHz toward Mt. Greylock, Mass., on azimuth 89°7'.

1083–CF–P–76—Same (KCL72). Mt. Greylock #2, Vermont. Lat. 42°38'14" N., Long. 73°10'07" W. C.P. to add 6137.9V MHz toward Bennington, Vermont, on azimuth 348°2'; correct station location to the foregoing coordinates; and correct azimuth toward Gore Mtn., New York, to 328°3'.

1084–CF–P–76—Same (KCK70). Mt. Greylock #1, Mass. Lat. 42°38'07" N., Long. 73°09'57" W. C.P. to correct station location to the foregoing coordinates; and change polarity to 6078.6V MHz toward Beech Hill, New Hampshire.

1085–CF–P–76—Same (New). Amherst, Mass. Lat. 42°23'23" N., Long. 72°24'21" W. C.P. for a new station on 6286.2V MHz toward West Springfield, Mass., on azimuth 221°4'. (A waiver of 21.701(1) is requested by Eastern Microwave, Inc.).

1105–CF–P–76—American Microwave and Communications, Inc. (WAH628). Walker, 6.1 Miles West of Grand Rapids, Michigan. Lat. 42°58'31" N., Long. 85°47'27" W. C.P. to change transmitters and add 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz, via power split, toward Holland, Michigan.

1107–CF–P–76—Mountain Microwave Corporation (KZI52). Spring Lake, 9.5 Miles WNW of Danford, South Dakota. Lat. 44°18'20" N., Long. 99°03'35" W. C.P. to add 6345.5H MHz toward Miller, South Dakota, on azimuth 10°9'.

1075–CF–P–76—American Television and Communication Corp. (KYC45). Beauty Lake, 5.0 Miles SE of Silica, Minnesota. Lat. 47°13'00" N., Long. 93°03'37" N. C.P. to add 6345.5H MHz toward Argus, Minnesota, on azimuth 132.6 degrees.

1076–CF–P–76—Same (New). Argus, 6.0 Miles N of Cloquet, Minnesota. Lat. 46°48'37" N., Long. 92°25'12" W. C.P. for a new station on 6093.5V MHz toward Duluth, Minnesota, on azimuth 95.8 degrees. (A waiver of 21.701 (1) is requested by American Television and Communications Corporation.)

1089–CF–MP–76—Same (WAU319). Winter Haven, Florida. Lat. 28°00'46" N., Long. 81°45'45" W. Mod. of C.P. to add 10975.0V MHz, 11135.0V MHz, & 10815.0V MHz toward Plant City, Florida; add 10975.0H MHz, 11135.0H MHz, & 10815.0H MHz toward Lakeland, Florida, on azimuths 267.9 degrees & 273.5 degrees, respectively.

1091–CF–P–76—M C I Telecommunications Corporation (WAU312). 3.0 Miles SSE of Medina, Ohio. Lat. 41°04'48" n., Long. 81°50'32" W. C.P. to add 6386.2H towards a new point of communication at Nova, Ohio on 256.5 degrees.

1092–CF–P–76—Same (New). 2.3 Miles SSE of Nova, Ohio. Lat. 40°59'55" N., Long. 82°17'02" W. C.P. for a new station on 6034.2V towards Mansfield, Ohio on 211.2 degrees and 6034.2H towards Medina, Ohio on 76.2 degrees.

1093–CF–P–76—Same (New). 3.0 Miles South of Mansfield, Ohio. Lat. 40°41'02" N., Long. 82°55'03" W. C.P. for a new station on 6226.9V towards Chesterville, Ohio on 211.0 degrees and 6286.2H towards Nova, Ohio on 31.0 degrees.

1094–CF–P–76—Same (New). 1.5 Miles NNE of Chesterville, Ohio. Lat. 40°30'08" N., Long. 82°40'37" W. C.P. for a new station on 5945.2V towards Sunbury, Ohio on 215.7 degrees and 5945.2H towards Mansfield, Ohio on 30.9 degrees.

1095–CF–P–76—Same (New). 3.5 Miles SE of Delaware, Ohio. Lat. 40°14'45" N., Long. 82°55'03" W. C.P. for a new station on 6226.9H towards Hilliard, Ohio on 221.5 degrees and 6197.2V towards Chesterville, Ohio on 35.6 degrees.

1096–CF–P–76—Same (New). 2.3 Miles SW of Hilliard, Ohio. Lat. 40°00'37" N., Long. 83°11'16" W. C.P. for a new station on 6004.5V towards Vienna, Ohio on 257.3 degrees; 5974.8H towards Sunbury, Ohio on 41.3 degrees and 10775.0V and 11175.0V towards Columbus, Ohio on 107.6 degrees.

1097–CF–P–76—Same (New). 180 East Broad Street, Columbus, Ohio. Lat. 39°57'48" N., Long. 82°59'46" W. C.P. for a new station on 11665.0V and 11265.0V towards Hilliard, Ohio on 287.7 degrees.

1098–CF–P–76—Same (New). 1.0 Miles North of Vienna, Ohio. Lat 39°56'13" N., Long. 83°36'26" W. C.P. for a new station on 6286.2V towards Byron, Ohio on 239.5 degrees and 6256.5V towards Hilliard, Ohio on 77.1 degrees.

1099–CF–P–76—Same (New). 7 Miles North of Xenia, Ohio. Lat. 39°47'06" N., Long. 83°56'27" W. C.P. for a new station on 5974.8V towards Waynesville, Ohio on 212.1 degrees; 6034.2V towards Vienna, Ohio on 59.3 degrees and 6004.5V towards Dayton, Ohio on 263.0 degrees.

1100–CF–P–76—Same (New). Winter's Bank Tower-2nd. & Main Street, Dayton, Ohio. Lat. 39°45'39" N., Long. 84°11'30" W. C.P. for a new station on 6256.5H towards Byron, Ohio on 82.8 degrees.

1101–CF–P–76—MCI Telecommunications Corporation (New). 4.8 Miles NE of Waynesville, Ohio. Lat. 39°34'14" N., Long. 84°06' 53" W. C.P. for a new station on 6286.2H towards Mason, Ohio on 212.1 degrees and 6256.5V towards Byron, Ohio on 32.0 degrees.

1102–CF–P–76—Same (New). 3.5 Miles South of Mason, Ohio. Lat. 39°19'20" N., Long. 84°19'07" W. C.P. for a new station on 5945.2V towards Cincinnati, Ohio on 214.3 degrees and 6034.2H towards Waynesville, Ohio on 32.4 degrees.

1103–CF–P–76—Same (New). 511 Walnut Street, Cincinnati, Ohio. Lat. 39°06'06" N., Long. 84°30'42" W. C.P. for a new station on 6286.2V towards Mason, Ohio on 34.2 degrees.

606–C1–P–71—Microwave Service Company of Florida (New) Sand Mtn., 5.0 Miles NE of Woodstock, Alabama. Lat. 33°14'11" N., Long. 87°03'16" W. Application amended (a) to change the applicant from Newhouse Alabama Microwave, Inc. to Microwave Service Company of Florida; (b) to relocate Tuscaloosa, Alabama, receive site to Lat. 33°11'52" N., Long. 87°20'05" W. and (c) to change frequency to 5989.7H MHz toward Tuscaloosa, Alabama, on azimuth 264 degrees. (Note: Microwave Service Company of Florida, Inc., pursuant an agreement with Newhouse Alabama Microwave, Inc., proposes to adopt applications, file numbers 606 thru 608–C1–P–71, for the purpose of facilitating the grant of certain mutually exclusive applications.).

CORRECTIONS

South Central Bell Telephone Company (KJK51), Danville, Kentucky. Change file number 445–CF–P–76 to read 455–CF–P–76. All other particulars remain as reported in Public Notice #768 dated August 25, 1975.

4674–CF–ML–75—South Central Bell Telephone Company (KJH23), Louisville, Kentucky. Correct entry to read: 4674–CF–P–75. 521 West Chestnut Street, Louisville, Kentucky. C.P. to delete 6345.5H ONLY toward Brooks, Kentucky. (Rest remains the same as reported on Public Notice dated August 11, 1975, page 8)

4675–CF–ML–75—Same (KJJ58), 2.5 Miles NW of Brooks, Kentucky. Correct entry to read: 4675–CF–P–75. C.P. to delete 595.2H ONLY toward Louisville, Kentucky; 6063.8V ONLY toward Elizabethtown, Kentucky. (Rest remains the same as reported on public notice dated August 11, 1975, page 8)

4676–CF–ML–75—Same (KJJ59), Elizabethtown, Kentucky. Correct entry to read: 4676–CF–P–75. C.P. to delete 6226.9V ONLY toward Brooks, Kentucky; 6345.5H ONLY toward Horse Cave, Kentucky. (Rest remains the same as reported on public notice dated August 11, 1975, page 8)

4677–CF–ML–75—Same (KJJ60), Horse Cave, Kentucky. Correct entry to read: 4677–CF–P–75 C.P. to delete 5945.2H Only toward Elizabethtown, Kentucky; 6093.5H ONLY toward Smiths Grove, Kentucky; and change antenna Only on 10795H and 11035V MHz toward Glasgow, Kentucky. (Rest remains the same as reported on public notice dated August 11, 1975, page 8)

4678–CF–ML–75—Same (KJJ61), Smiths Grove, Kentucky. Correct entry to read: 4678–CF–P–75 C.P. to delete 6197.2H toward Horse Cave, Kentucky and 6345.5H Only toward Bowling Green, Kentucky. (Rest remains the same as reported on public notice dated August 11, 1975, page 8)

4679–CF–ML–75—Same (KJJ62), Bowling Green, Kentucky. Correct entry to read: 4679–CF–P–75 C.P. to delete 5945.2H Only toward Smiths Grove, Kentucky. (Rest remains the same as reported on public notice dated August 11, 1975, page 8)

[FR Doc.75–27162 Filed 10–8–75;8:45 am]

[FCC 75–10661; Docket No. 20598, File No. 20–DSE–P–74; File No. DS–AA–I; File No. 1–P–D–5]

ALL AMERICA CABLES AND RADIO, INC., AND COMMUNICATIONS SATELLITE CORP.

Designating Applications for Consolidated Hearing on Stated Issues

In the matter of All America Cables and Radio, Inc. for authority to construct a domestic Fixed Public Satellite Earth Station at Cayey, Puerto Rico; For authority to acquire, install and operate channelizing equipment at the Cayey, Puerto Rico earth station; Communications Satellite Corporation for authority to discontinue service via the Cayey, Puerto Rico earth station and to transfer ownership to All America Cables & Radio, Inc.

1. The Commission is herein considering several related applications concerning the proposed transfer of ownership interest in the Cayey, Puerto Rico earth station and its proposed use in the provision of domestic satellite services between the United States Mainland and Puerto Rico. The first of these applications (File No. 20–DSE–P–74) was filed by All America Cables & Radio, Inc. (AAC&R) [1] on April 19, 1974. In that application AAC&R indicates that it has executed a letter agreement with the Communications Satellite Corporation (COMSAT) pursuant to which, and subject to FCC approval, AAC&R will acquire COMSAT's 50% ownership interest in the Cayey earth station which is presently being used for INTELSAT services. Upon grant of the construction permit sought by that application, AAC&R would commence modification of the existing Cayey station to enable it to operate within the domestic satellite system with an American Telephone and Telegraph Company (AT&T) earth station at Hawley, Pennsylvania. AAC&R anticipates that it could commence operating via the Cayey earth station within 10 months after a grant of the subject construction permit. It is intended that the existing operations via the INTELSAT system will continue without interruption until the station commences to operate via a domestic satellite system.

2. Ultimately, the Cayey earth station will operate via an AT&T "DOMSTAT" communications satellite expected to be available early in 1976.[2] AAC&R states that it will make available to the international record carriers (IRC's) on an indefeasible right-of-user (IRU) basis, sufficient capacity in the Cayey earth station to accommodate their reasonably anticipated needs for voice-grade circuits for normal requirements. AT&T has informed AAC&R that it will make available to the record carriers capacity in its Hawley earth station on a basis comparable to a normal IRU arrangement.[3]

3. AAC&R further states that it is willing to pass on to its customers the cost savings resulting from the use of a domestic satellite system. It intends to submit new rate proposals within six months after all authorizations necessary to implement United States-Puerto Rico service are issued. With regard to non-Mainland-Puerto Rico service presently being furnished via Cayey, AAC&R states that, insofar as it is aware, the existing earth station has normally operated via the Intelsat system with only Spain and the United States Mainland, and AAC&R is the only carrier to have operated satellite circuitry from Puerto Rico to any place other than the United States Mainland. AAC&R contemplates that the discontinued circuitry would be reestablished via cable between Spain and the United States and extended outward to Puerto Rico via either cable or domestic satellite.

4. The second of AAC&R's related applications was filed on June 17, 1974 (File No. DS–AA–1). It requests authority to:

(a) Acquire, install and operate channelizing equipment at Cayey for the derivation of channels of communications;

(b) acquire domestic communications satellite transponders and operate such jointly with AT&T; and

(c) use the aforementioned facilities to provide its regularly authorized services between the United States Mainland and Puerto Rico/Virgin Islands.

AAC&R will acquire the existing channelizing and ancillary equipment, the net book value of which was $225,000 as of March 31, 1974. The installed cost for the five super groups to be added in 1975 will approximate $70,000. With respect to the DOMSAT transponders, one would be operated on a full-time basis for normal services and the second would be operated as required to accommodate television services and for restoral purposes.[4]

5. The third of these related applications was filed by COMSAT on May 3, 1974 (File No. 1–P–D–5). It requests authority to transfer COMSAT's 50% ownership of Cayey to AAC&R and to discontinue the provision of service to Cayey by COMSAT.[5] In accordance with the Earth Station Ownership Agreement (Agreement) executed on March 23, 1967, 50% of the ownership of the Cayey earth station was vested in COMSAT with the remaining ownership divided in the following percentages which were based on anticipated usage:

Carrier:	*Share (percent)*
All America Cables & Radio, Inc. (AAC&R)	30.0
ITT World Communications Inc. (ITTWC)	11.5
RCA Global Communications, Inc. (RCAGC)	4.0
Western Union International, Inc. (WUI)	4.5

6. COMSAT states that following the Commission's *Second Report and Order* in the domestic satellite proceedings (Docket No. 16495)[6] calling for integration of offshore points into the domestic satellite system(s), AAC&R, the major user of satellite circuits to Puerto Rico, expressed the desire to own and operate its own earth station in Puerto Rico for use with a domestic system. Accordingly, COMSAT and AAC&R have entered into a letter agreement, the salient features of which are as follows:

(a) COMSAT will sell all its interest in the Cayey earth station to AAC&R for a price equal to the net book value of such interest at the closing date;

(b) closing will take place on the date traffic from Puerto Rico is to be integrated into the domestic communications system, anticipated to occur on or about January 1, 1976;

(c) AAC&R will be allowed, prior to closing, to commence such construction

---

[1] AAC&R is a subsidiary of the International Telephone and Telegraph Corporation (ITT).

[2] AT&T has filed an application for necessary authority to operate its domestic satellite between the Mainland and Puerto Rico. (See Application File No. I–P–C–8211).

[3] At both earth stations, capacity will be made available on a rental basis, as required for television service, or for additional periodic voice-grade circuit requirements for restoral purposes.

[4] AAC&R states, that if interim operation via a Western Union Telegraph Company satellite is necessary and technically and economically feasible, AAC&R and AT&T would seek authority to acquire and operate transponders from WUT pursuant to tariff.

[5] COMSAT also requests authority to modify the Cayey earth station license so as to delete Comsat as a joint owner and to modify the Andover and Etam earth station licenses to delete Cayey as an authorized point of communications. These requests are improperly included in the instant application and will not be addressed herein.

[6] 35 FCC 2d 844, hereinafter *Second Report and Order*.

as may be necessary to adopt the property for use in connection with a DOMSAT system;

(d) AAC&R will give COMSAT an option to buy, at net book value, a tract of five contiguous acres on the property which may be used only as the site for an earth station facility to handle international traffic; and

(e) AAC&R and COMSAT will endeavor to secure the appropriate concurrence of the other joint owners of Cayey to effectuate the provisions of the agreement.

7. With regard to (e) above, COMSAT states that it informed the other joint owners of the proposed transfer to AAC&R. The minority owners raised the issue of dividing proportionately COMSAT's interest among the remaining owners instead of COMSAT transferring its interest *in toto* to AAC&R. Since AAC&R was not willing to alter the terms of the agreement, COMSAT proceeded to file the instant application pursuant to the terms of that agreement.

PLEADINGS

8. In view of our decision herein, pleadings relating to the issue of the terms of appropriate access by the international record carriers to the domestic satellite facilities used to provide service to Puerto Rico will not be summarized.

9. On August 20, 1974, a Petition to Dismiss or Deny was filed by the Puerto Rico Telephone Authority (the Authority), sole owner of the Puerto Rico Telephone Company (PRTC).[7] In this Petition, the Authority states that it has considerable interest in this matter since it is the new owner of the PRTC and, as such, is interested in all aspects of the communications systems serving the Commonwealth of Puerto Rico.[8] The Authority maintains that in November of 1973 representatives of the Commonwealth and representatives of COMSAT met to discuss the future of the Cayey earth station. The Puerto Rico representatives indicated concern over acquisition of Cayey by AAC&R and indicated a willingness to consider purchasing it. Now that the Authority has become the owner of the PRTC, and is responsible for developing telephone service on the island, it has considered the instant applications and concluded that a favorable ruling on them would be contrary to law and policy.

10. First, the Authority maintains that a grant of the applications would be contrary to the express ruling of the Commission in the *Second Report and Order*. In conjunction with its determination that service and rates to off-shore points should be integrated into the domestic structure, the Commission stated that the AT&T should provide message telephone service, "in conjunction with the appropriate local carrier (e.g., Hawaiian Telephone Company, RCA Alascom)."[9] The Authority maintains that PRTC is the local carrier in Puerto Rico, providing over 90% of the telephone service on the island,[10] and that AAC&R is an international carrier.

Second, the Authority submits that the determination that service to Puerto Rico should be provided by AT&T in connection with the appropriate local carrier is correct. To permit any other interconnection would result in the imposition of an unnecessary Middleman in the provision of communications services resulting in inefficiency and greater cost to the user.[11] The Authority characterizes AAC&R as a middleman carrier, Telephone messages would be carried over the lines of PRTC, delivered to AAC&R who would then redeliver to AT&T. PRTC is willing and able to interconnect directly with AT&T through the satellite and AAC&R has offered no reason why its proposal is preferable.

11. The Authority's third point is that AACR is attempting to achieve a monopoly position in Puerto Rico, through action by the Commission, which it was unable to achieve in negotiation with the Commonwealth. AACR sought an exclusive traffic agreement, but the Commonwealth refused to agree because it believed that it was necessary to develop competition in service to Puerto Rico if full service and proper rates were to be achieved. AACR is now seeking a virtual monopoly of the telephone traffic in and out of Puerto Rico. The Commission's basic policy with respect to satellites is geared to encourage competition, the establishment of a new monopoly is totally inconsistent with this policy. The applications offer no justification for the favored position AACR seeks, nor do they offer explanation as to why it should not be required to continue to share ownership of the earth station. A further point made by the Authority is that the applications of AACR and Comsat are premature in that the owners of the Cayey station have not agreed to the sale. Finally, the Authority maintains that the public interest will be better served by the Authority's interconnecting with AT&T at the satellite. AAC&R previous owner of the PRTC, has not been responsive, in the past, to the needs and demands for quality telephone service in Puerto Rico, claiming that it was unable to secure necessary rate increases. The Authority, on the other hand, being a government entity offers certain advantages. The Authority is free of tax and profit obligations and is able to raise debt funds through tax-free bonds at lower interest rates. The Authority points out the difference between the economic situation on the Mainland and in Puerto Rico and insists that without a high-quality, low cost communications system, enterprises are restrained from flourishing.

12. AAC&R filed an Opposition to the Authority's Petition on September 5, 1974. AAC&R states that, although its applications look toward increased ownership in the station and the assumption of management responsibility therefore, no expansion of AAC&R's role in furnishing overseas communications is involved since AAC&R is already responsible for all such services. The Authority is using the pendency of these applications to make a controversial proposal, i.e., local government ownership of interstate and foreign communications facilities. This proposal demonstrates a lack of understanding on the part of the Authority because it fails to show legal, financial and technical qualifications, an operating agreement with AT&T; it ignores experienced conclusions that integrated operation of diverse facilities is required for high-quality, overseas telephone services; and it attempts to inject local government control into an area of concern to the U.S. as a whole.

13. AAC&R states that the transfer of control of the PRTC did not involve any overseas facilities or services, which have been provided by AAC&R. or its affiliates, in conjunction with AT&T since 1936. On many past occasions, AAC&R has evidenced its interest in acquiring control of the Cayey station.[12] Now that AAC&R has the tacit approval of the other owners of the Cayey station to assume control of that station for use in a domestic satellite system, the Authority is raising questions concerning the structure of the telephone industry. The Authority apparently desires to acquire all the communications facilities in Puerto Rico, stating that local government control will result in improved efficiency and lower rates, despite the fact that less than one month after its acquisition of PRTC, the Authority proposed a rate increase of 32%.

14. Addressing the specific points raised by the Authority, AAC&R states that the FCC did not assign domestic earth station ownership or operations to PRTC or to the Authority. The Commission did not define "local" as it was used in the *Second Report and Order*, but if the Commission had intended to restructure the telephone industry in

[7] The Authority requested an extension of time in which to file this pleading, citing the press of matters relating to its purchase of the PRTC as its reason. The Commission did not grant a general extension of time, however it did state that it would consider any view on this matter submitted by the Authority reasonably prior to Commission action. We shall herein consider it as a timely-filed Petition.

[8] By a Memorandum Opinion and Order, Released July 19, 1974, the Commission authorized the transfer of control of the PRTC, Puerto Rico's internal telephone company, from AAC&R to the Authority, which was created by the Puerto Rican legislature for this purpose.

[9] 35 FCC 2d 844, 858.

[10] The remaining service is provided by the Puerto Rico Communications Authority (PRCA) which, pursuant to the law creating the Authority, will be merged eventually with the Authority.

[11] The Authority cites the Commission decision in *Application of All America Cables and Radio, Inc.*, et. al., 15 FCC 2d 1 (1968) in which the Commission held that strong countervailing reasons would have to be present before a communications facility should be owned by a middleman carrier.

[12] Here AAC&R cites its comments in Docket No. 15735 and 18875.

Puerto Rico, it would have addressed that issue. The Commission's use of the Hawaiian Telephone Company and RCA Alascom as "local" carriers demonstrate its intention that domestic services to these points would be continued by the existing overseas carriers. AAC&R further states that it will not be a "middleman carrier" since AAC&R's services have and will be furnished directly to the public. The mere fact that AAC&R provides lines which connect PRTC with telephone companies on the Mainland does not make it a "middleman".

15. With regard to the Authority's "monopoly" argument AAC&R sees an attempt to secure a monopoly on all overseas services by the Authority. Actually, AAC&R's acquisition of Comsat's ownership share would be in full accord with the Commission's policy that investment participation should be reasonably related to use. AAC&R contends that the advantages of integrated services utilizing diverse (cable and satellite) facilities should not be discarded lightly. Planning and coordination of traffic allocations, circuit requirements, restoration of interrupted services, etc. would be needlessly complicated and less effective if another overseas telephone message carrier is introduced between Puerto Rico and the Mainland. Further, the Authority has not shown that its proposal has the concurrance of AT&T, which has a long-term operating agreement with AAC&R. AAC&R further states that, contrary to the position of the Authority, the Commission, while supporting a policy of competition, must still examine the pertinent facts and make specific findings that such competition would be in the public interest. In light of all the problems resulting from the participation by the Authority in overseas communications, there is no good or sufficient reason for the Commission to consider the inefficient arrangements suggested by the Authority.

16. AAC&R also states that local government operation of overseas communications would be contrary to U.S. policy and practice. The Puerto Rico legislature, in creating the Authority, did not intend that it acquire overseas facilities and certain provisions of the Puerto Rico Telephone Authority Act are incompatible with the administration and regulation of overseas services. Further, the Commission is being asked to act without the necessary information on the economic and technical qualifications of the Authority. In view of the unprecedented changes in communications policies and practices sought by the Authority, much more evidence is required. Finally, with regard to the Authority's argument that the applications are premature, Section 2.2 of the Earth Station Ownership Agreement does not give ESOC [14] authority to vote on the proposed transfer. AAC&R's applications are not an attempt to secure leverage in achieving agreement among the earth station owners, but are timely and appropriate applications for authority which only the FCC can issue.

17. In its Reply, filed on September 20, the Authority restates its position, that a greater cost saving will result from the use of the Cayey earth station in a domestic satellite system if the PRTC, and not AAC&R, acquires and operates the station. The principal issue then becomes whether operation by AACR would be more costly than operation by PRTC. Regarding AAC&R's statement that the Authority has sought a 32% rate increase, the Authority answers that it was acknowledged prior to the sale of the PRTC that a rate increase of 50–60 percent would be necessary if AAC&R had retained control. With its more modest rate increase, the Authority has been able to launch a $634 million capital improvement program. The Authority can accomplish what AAC&R cannot because it can issue tax-free bonds and it is not compelled to turn a profit for the benefit of investors. In addition, the Authority is not advocating a new industry arrangement, as AAC&R suggests, but rather the natural consequences of the AAC&R sale of PRTC.

18. The Authority further disputes AAC&R's claim that it is a "local" carrier within the context of the *Second Report and Order*. AAC&R has no local operations whatever since the sale of the PRTC. On the other hand, there is one carrier which provides all local, intrastate service to substantially all customers in Puerto Rico, i.e. PRTC. AAC&R's insistence that it will provide service directly to the public flies in the face of obvious facts. AAC&R receives telephone traffic from PRTC and AT&T. PRTC bills its customers, AT&T bills its customers and AAC&R receives its revenues from the carriers on either end of its system. The Authority also challenges AAC&R's argument that its ownership and operation of Cayey is in the public interest because unified operation of cable and satellite facilities is superior in terms of cost and efficiency. The Authority does not agree that divided ownership would result in cost increases or operational problems. Administration of traffic between separate facilities, already accomplished pursuant to the Commission's formula in the Memorandum Opinion of April 26, 1967 [15] would be no more difficult than it has been in the past. AAC&R states that the Authority's position in this matter would delay the advent of domestic satellite service to Puerto Rico and consequent rate reductions, but the Authority argues that delay is not inevitable because the Commission can fashion some form of interim relief and suggests an expedited hearing.

19. The Authority also argues that PRTC ownership of the Cayey earth station would not be contrary to policy. For the Commission to accept the Authority's position, it is not necessary to find that private ownership of interstate common carrier facilities is no longer in the public interest. The unique needs of Puerto Rico, not common to the states, motivate the Authority's desire to acquire and operate Cayey. Finally, with regard to AAC&R's assertion that the Authority and PRTC have not established their legal, technical and economic qualifications to own the Cayey station, the Authority states that its filings in support of the transfer of control are sufficient and that Sections 2 and 5 of the Act establishing the Authority authorize it, or its subsidiary, PRTC, to acquire a facility such as Cayey.

DISCUSSION

20. At the outset, it should be noted that our principal concern in this matter is to assure that the citizens of Puerto Rico are provided with the advantages of efficient and economical domestic satellite service. This concern was evident in our *Second Report and Order* in which we determined that message telephone service to Puerto Rico, and the other off-shore points, should be provided by AT&T "in conjunction with the appropriate local carrier". This determination was founded on our belief that the telephone carrier that provided message telephone service within the off-shore jurisdiction, would be the one most likely to be able to bring to its citizens efficient and economical service using a domestic satellite system. It appeared to us that the introduction of a third carrier, one who might provide a form of interconnection between AT&T and the local carrier, would be, in most circumstances, unnecessary, and, in the long view, inefficient and uneconomical.

21. At the time we made this policy determination, local telephone service within the Commonwealth of Puerto Rico was provided by AAC&R. At present, however, local telephone service within most of the Commonwealth is provided by PRTC. AAC&R does provide overseas service, pursuant to a traffic agreement with the Authority, but PRTC bills its customers directly and AAC&R receives its revenues from the carriers at either end of the system (PRTC and AT&T). This arrangement, based on AAC&R's historic ownership of the overseas facilities (both satellite and cable), appears to be inconsistent with our policy, enunciated in the Commission's *Decision* adopted October 29, 1968, in Docket No. 18072,[16] and in our *Second Report and Order* on *Ownership and Operation of Earth Stations*, in which we said:

> We find that the most logical and equitable formula is one under which ownership is reasonably related to use. Any major departure from this principle would, in essence, mean that a carrier ready, willing and able to pay for facilities which it actually requires to handle traffic would be required to lease

[14] Earth Station Ownership Committee.

[15] See 7 FCC 2d. 959.

[16] 15 FCC 2d 1

[17] AAC&R also states that Comsat's desire to remain "flexible" really refers to its intention to assume a neutral position with respect to the form of investment participation (e.g., ownership, IRU, etc.) by the IRC's.

them from a second carrier. The sole function of this second carrier would be that of investor in facilities on which such second carrier would realize a return at the expense of the first carrier user.[17]

22. Our "appropriate local carrier" policy was based upon our previous determination that ownership should be reasonably related to use. It still appears that the best, most efficient, and economical domestic satellite service would be provided by AT&T and a local carrier, without the unnecessary introduction of a third carrier whose function would be to own the facility through which AT&T and the local carrier would be interconnected. For that reason, we do not believe that the public interest would be served by a grant of the subject applications. Therefore, pursuant to Section 309(e) of the Communications Act, we shall herein designate these applications for hearing.

23. Accordingly, in view of the foregoing, *it is hereby ordered*, pursuant to Section 4(i), 201, 214, 309, and 403 of the Communications Act, that

A. The above captioned applications are designated for hearing at the offices of the Commission in Washington, D.C., for the purpose of determining:

(1) Whether AAC&R is the appropriate local carrier to provide message telephone service between the United States mainland and Puerto Rico;

(2) If AAC&R is not found to be the appropriate local carrier, whether the public interest requires a waiver of the Commission's policy determination that message telephone service should be provided by the appropriate local carrier;

24. *It is further ordered*, That the Administrative Law Judge appointed to preside at the hearing shall issue an Initial Decision at the close of the record.

25. *It is further ordered*, That All American Cables and Radio, Inc. and the Puerto Rican Telephone Authority are made parties in this proceeding and that all other persons wishing to participate may do so by filing a notice of intent to participate within 10 days of the publication of this Order in the FEDERAL REGISTER.

26. *It is further ordered*, That the Administrative Law Judge designated to preside at the hearing shall convene a pre-hearing conference to determine appropriate procedures for the expeditious prosecution of this investigation. Provisions for other proceedings shall be by further order of the Administrative Law Judge.

27. *It is further ordered*, That a separated trial staff shall participate in this proceeding pursuant to § 1.1209(d) of the Commission's Rules.

Adopted: September 17, 1975.

Released: October 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-27161 Filed 10-8-75;8:45 am]

[17] 5 FCC 2d 812, 818-819

COMMON CARRIER RADIO RELAY ADVISORY COMMITTEE

Meeting

OCTOBER 1, 1975.

The next meeting of the Common Carrier Radio Relay Advisory Committee, organized to prepare for the 1979 World Administrative Radio Conference, will be held on October 21, 1975 in Washington, D.C. The meeting will be held in Room 752, Federal Communications Commission, 1919 M Street, N. W. at 9:00 A.M. The purpose of the meeting is to review the progress of the five fact finding task forces, discuss problems and approaches, and establish a schedule for completion of the various tasks.

All participants in the task forces are urged to attend.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-27163 Filed 10-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-37]

INTERNATIONAL FREIGHT SERVICES, LTD.

Order of Hearing on Petition for License as an Independent Ocean Freight Forwarder

On February 19, 1975, pursuant to Section 44, Shipping Act, 1916 (46 U.S.C. 841b), International Freight Services, Ltd., Inc. (IFS) 6519 Eastland Road, Cleveland, Ohio, filed an application for a license as an independent ocean freight forwarder. This is the third application for a license to be filed by IFS.

The Commission's investigation of IFS's first application, filed November 30, 1973, revealed apparently that:

(1) The experience of one of the employees, who were to be made the qualifying officer of the corporation pursuant to § 510.5(a)(2)(iii) of the Commission's General Order 4 (46 CFR 510.5 (a)(2)(iii)) was falsely enlarged so that it would appear that the employee was fully qualified to perform ocean freight forwarding services. This employee was also allegedly induced by the applicant's then President, Mr. Rafael Swift, to make false and misleading statements to the Federal Maritime Commission investigator;

(2) A second person was also allegedly induced by Mr. Swift to make false and misleading statements to the Federal Maritime Commission investigator;

(3) Mr. Swift stated he was a citizen of the United States, when he apparently is a citizen of Mexico.

When confronted by discrepancies in this first application, Mr. Rafael Swift, who was named as the President and sole stockholder of the applicant, withdrew the application and filed a second modified application which was received by the Commission on March 18, 1974.

The Commission, on August 1, 1974, advised the applicant of its intention to deny the second application. By letter of August 9, 1974, Mr. Swift requested the opportunity to show at a hearing that the intended denial was not warranted. By Order of Hearing On Petition For License As An Independent Ocean Freight Forwarder the Commission instituted Docket No. 74-54 to determine if IFS was fit and able to be licensed as an independent ocean freight forwarder.

Subsequently, IFS filed the present third application which contained new information in regard to the applicant. Docket No. 74-54 was then dismissed at the request of Hearing Counsel, without objection by the applicant, to allow for an investigation of the changed circumstances surrounding the third application.

Mr. Ismail K. Renno is listed on the third application as the President and majority stockholder of the applicant corporation. Mr. Swift, who was listed as the President and sole stockholder in the first and second applications, is now named as an Executive Vice President and a minority stockholder of the applicant, and Mr. Dennis M. Costin is also named as an Executive Vice President and a minority stockholder.

The investigation in regard to the present application revealed apparently that:

(1) Mr. Renno was always, in fact, the majority stockholder of the applicant corporation;

(2) During the course of the investigation of the instant application, Mr. Swift stated that the capitalization of the applicant corporation came exclusively from his own personal savings and proceeds of loans he had received from a bank. The latest investigation revealed that Mr. Renno also contributed substantial monies for the capitalization of the corporation.

(3) Mr. Swift also stated, with respect to an application for an International Air Transport Association cargo agency, that he was the sole stockholder of IFS, when, in fact, he was not;

(4) Mr. Swift's conduct, with respect to a previous employer, gave rise to a lawsuit. The Court of Common Pleas, County of Cuyahoga, Ohio, entered final judgment of $1,000 and issued a restraining order prohibiting Mr. Swift and the applicant corporation from soliciting employees and accounts from that previous employer;

(5) Mr. Renno, President and majority stockholder of the applicant corporation, appears to have been a party to the deceptions and falsehoods of Mr. Swift, as they relate to the ownership of the applicant corporation.

Mr. Renno, President of IFS, appears to have had experience with air transportation, rather than the duties of an ocean freight forwarder. His experience with respect to the preparation of ocean freight documentation appears, therefore, to be marginal. However, Mr. Renno will not be present to supervise the day-to-day activities of the applicant corporation, but rather will be assigned to operate the applicant's London office. Mr. Swift's and Mr. Costin's experience likewise has been limited to air transportation and also appears to be insufficient in

regard to the duties performed by an independent ocean freight forwarder. Section 510.5(a)(2)(iii) of General Order 4 states:

> In the case of an applicant which is a corporation or association, at least one of the active corporate or associate officers must qualify.

Consequently, it would appear that none of the above active officers of the applicant meet the necessary qualifications required for the approval of IFS's application as an independent ocean freight forwarder.

The conduct of IFS's principal officers and stockholders, Mr. Renno and Mr. Swift, appears to demonstrate disregard of the Commission's rules and regulations issued pursuant to Section 44 of the Shipping Act, 1916, by lacking the fitness and ability necessary to be licensed independent ocean freight forwarder. The applicant, International Freight Services, Ltd., Inc., as a result, appears to lack the fitness and ability to be licensed as an independent ocean freight forwarder.

Pursuant to § 510.8 of the Commission's General Order 4 (46 CFR 510.8) the Commission, on July 18, 1975, advised the applicant of its intent to deny the application for the reasons set out hereinabove. In accordance with General Order 4, an applicant may, within 20 days of receipt of such advice, request a hearing on the application.

By letter dated July 31, 1975, International Freight Services, Ltd., Inc., through counsel, requested the opportunity to show at a hearing that denial of International Freight Services, Ltd., Inc.'s application is unwarranted.

Now, therefore, it is ordered, That pursuant to Section 44 of the Shipping Act, 1916, Section 510.8 of the Commission's General Order 4 (46 CFR 510.8), a hearing is hereby ordered to afford International Freight Services, Ltd., Inc. the opportunity to demonstrate that the foregoing information and/or reasons do not warrant finding that the applicant is not fit and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder.

It is further ordered, That International Freight Services, Ltd., Inc. be hereby made a petitioner in this proceeding pursuant to Rule 3(a) of the Commission's rules of Practice and Procedure (46 CFR 502.41).

It is further ordered, That this proceeding be assigned for public hearing and an initial decision 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 by the presiding Administrative Law Judge on or before April 1, 1976.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioner.

It is further ordered, That any persons other than petitioner who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene in accordance with Rule 5 (1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

It is further order, 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 of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27220 Filed 10-8-75;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BAN-CORP.

Formation of Bank Holding Company

Citizens Ban-Corporation, Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Citizens Bank of Atchison County, Rock Port, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 5, 1975.

Board of Governors of the Federal Reserve System, October 2, 1975.

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

[FR Doc.75-27097 Filed 10-8-75;8:45 am]

EMPIRE BANCORP INC.

Formation of Bank Holding Company

Empire Bancorp Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Empire State Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1975.

Board of Governors of the Federal Reserve System, October 1, 1975.

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

[FR Doc.75-27098 Filed 10-8-75;8:45 am]

REPUBLIC OF TEXAS CORP.

Proposed Retention of Republic National Mortgage Corporation of Texas

Republic of Texas Corporation, Dallas, Texas, has applied, pursuant to § four (c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain indirect ownership, through its trusteed affiliate, Republic Enterprises Corporation, of the voting shares of Republic National Mortgage Corporation of Texas, both of Dallas, Texas. Notice of the application was published on September 12, 1975 in the Dallas Times Herald, a newspaper circulated in Dallas, Texas.

Applicant states that Republic National Mortgage Corporation of Texas engages in the activities of mortgage lending and mortgage loan servicing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 3, 1975.

Board of Governors of the Federal Reserve System, October 1, 1975.

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

[FR Doc.75-27099 Filed 10-8-75;8:45 am]

SECURITY BANCSHARES OF MONTANA, INC.

Acquisition of Banks

Security BancShares of Montana, Inc., Billings, Montana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Big Horn County State Bank, Hardin, Montana and of Security Bank of Colstrip, Colstrip, Montana. The factors that are considered in acting on

the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 28, 1975.

Board of Governors of the Federal Reserve System, October 1, 1975.

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

[FR Doc.75-27100 Filed 10-8-75;8:45 am]

HENDERSON STATE CO.

Formation of Bank Holding Co.

Henderson State Company, Henderson, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95 per cent of the voting shares of Henderson State Bank, Henderson, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Henderson State Company, Henderson, Nebraska has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Thieszen Insurance Agency, Henderson, Nebraska. Notice of the application was published on August 28, 1975 in The Henderson News, a newspaper circulated in Henderson, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency, such activities to be conducted in a community with a population of less than 5,000 persons. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 4, 1975.

Board of Governors of the Federal Reserve System, October 1, 1975.

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

[FR Doc.75-27204 Filed 10-8-75;8:45 am]

NEW MEXICO BANCORPORATION, INC.

Acquisition of Bank

New Mexico Bancorporation, Inc., Santa Fe, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Fidelity National Bank, Albuquerque, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1975.

Board of Governors of the Federal Reserve System, October 6, 1975.

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

[FR Doc.75-27205 Filed 10-8-75;8:45 am]

THIRD NATIONAL CORP.

Order Denying Application for Acquisition of Bank

Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50 per cent or more of the voting shares of Bank of Huntingdon, Huntingdon, Tennessee ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Tennessee, controls eight banks with aggregate deposits of approximately $1.1 billion, representing approximately 8.8 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among the other banking organizations in the State. Accordingly, consummation of the proposal would not significantly increase the concentration of banking resources in Tennessee.

Bank holds deposits of approximately $32 million representing approximately 49 per cent of the total deposits in commercial banks in the relevant banking market and is the largest of six commercial banks operating therein.[2] Applicant's banking subsidiary closest to Bank is located 52 miles away in Savannah. It appears that no meaningful competition presently exists between any of Applicant's subsidiary banks and Bank, nor is any competition likely to develop in view of the distances involved. The relevant market is a sparsely populated, rural area, the *per capita* income of which is substantially below the *per capita* income of the State of Tennessee; the market's population and deposit ratios per banking office are also substantially below the State average. The market does not appear attractive for *de novo* entry and accordingly, but for this application, Applicant is not deemed a likely entrant into the market. The Board concludes that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application.

The Board has repeatedly indicated that a holding company should provide a source of strength for its subsidiary banks and that the Board examines closely the condition of an applicant in each case with this in mind. With respect to the present proposal, Bank would be acquired through a cash purchase of Bank's stock. Principal and interest payments on the debt incurred by consummation of this proposal would represent a significant cash drain on Applicant and an increase in its already leveraged position. Projected earnings of Applicant, in the Board's view, do not provide Applicant with the necessary financial flexibility to meet this proposed substantial increase in its annual debt servicing requirements as well as any unexpected problems that may arise at any of its subsidiary banks. In addition, Applicant, through its mortgage lending subsidiary, is currently experiencing financial pressures. The Board feels that Applicant should concentrate its financial and managerial resources to strengthen its present subsidiaries before seeking further expansion. Accordingly, on the basis of the record, the Board concludes that the considerations relating to the financial and managerial resources and future

[1] All banking data are as of December 31, 1974, and reflect holding company formations and acquisitions approved through July 31, 1975.

[2] The relevant banking market is approximated by Carroll County.

prospects of Applicant weigh against approval of the application.

Applicant has proposed to provide Bank with accounting and data processing services and to assist in meeting present and future management requirements. The Board does not consider these convenience and needs considerations sufficient to outweigh adverse financial considerations. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

During the course of processing the instant application, it came to the Board's attention that officials of Applicant and of its major subsidiary bank had indirect ownership interests in Bank, that because Applicant intended to pay a significant premium on shares of Bank, these individuals stood to gain a substantial profit as a result of Applicant's proposed acquisition of shares of Bank, and that these facts had not been previously disclosed to the public. Accordingly, the Board referred the matter to the Securities and Exchange Commission for consideration whether Applicant, or any of the individuals involved, had violated the Securities Act of 1933 or the Securities Exchange Act of 1934. The Board deferred determination of the instant application pending such consideration by the Commission. Without admitting or denying any of the Commission's findings, Applicant subsequently consented to the entry of an order by the Commission requiring certain public disclosures relating to the matter referred by the Board. Because the Board is denying this application on financial grounds it has not made independent findings of fact on the matters referred to the Commission, nor has it taken those matters into account in any way in reaching its decision in this case.[3] However, without intending to reflect in any way on the substance of the matters considered by the Commission in this case, the Board believes it would be appropriate to make clear for the future its position with respect to the involvement of bank holding company "insiders" in acquisitions by their companies.

Arrangements in which bank holding company directors, officers or employees, or their close relatives, have a personal financial interest in an acquisition proposed by the holding company will be closely scrutinized by the Board to ensure both that they do not involve an effort by the company to circumvent the requirement that prior approval of the Board be obtained for such an acquisition, and that they do not present the threat of any adverse effects upon the financial strength and soundness of the holding company or any of its subsidiaries. Further, to the extent a subsidiary bank of a holding company advances funds to such persons, or to third parties, for the purpose of purchasing or holding stock where the ultimate purpose is to enable its parent to become the owner of the stock, an inappropriate use of bank funds may occur. The impropriety of such transactions may have more serious effects where the loans are at preferential rates, or where the ultimate purchase by the holding company involves the payment of substantial premiums to the insiders. Such arrangements do not comport with sound banking practice and are inconsistent with the need to sustain public confidence in the integrity of the banking system.

The Board expects holding companies and their subsidiaries to avoid the conflicts of interest inherent in such self-dealing arrangements, and, in its consideration of applications before it, depending on the facts, it may deem the existence of such arrangements to reflect adversely upon the managerial resources of an applicant.

By order of the Board of Governors,[4] effective October 3, 1975.

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

[FR Doc.75-27206 Filed 10-8-75;8:45 am]

[3] The Board recognizes that Applicant's consent to the entry of the Commission's order did not constitute an admission of the relevant facts, and that were such matters to be litigated Applicant might put forward defenses and mitigating circumstances.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Holland.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Sociology.
2. Date: October 30 and 31, 1975.
3. Time: 9 a.m.-6 p.m. each day.
4. Place: Rm. 621, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Garry W. Wallace, Assistant Program Director for Sociology, Rm. 206, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4204.
7. Purpose of advisory panel: To provide advice and recommendations concerning support for research in sociology.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for closing: The proposals being reviewed 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.
10. Authority to close meeting: 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 Public Law 92-463.

M. R. WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1975.

[FR Doc.75-27106 Filed 10-8-75;8:45 am]

ADVISORY COMMITTEE ON ENERGY FACILITY SITING

Notice of Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Energy Facility Siting.

Date: October 24, 1975.

Time: 9:15 a.m. to 5:00 p.m.

Place: Main Conference Center, MITRE Corporation, Westgate Research Park, McLean, Virginia.

Type of meeting: Open.

Contact person: Dr. Hans L. Hamester, Energy Policy Analyst, Office of Energy R&D Policy, Rm. 537, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7804.

Summary minutes: Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To provide recommendations concerning the plans, status, and results of NSF sponsored studies relating to the siting of energy facilities.

Agenda: Will include:

9:15—Description of Federally Sponsored R&D Programs Related to Generic Questions on the Siting of Energy Facilities.

11:15—Discussion.

11:45—Description of NSF Sponsored Study at MIT: "Reaching Power Plant Siting Decision with Environmental and Social Consequences."

12:30—Recess.

2:00—Description of State-sponsored R&D Programs Related to generic questions on the Siting of Energy Facilities.

3:00—Concurrent Discussion in Subcommittee: (1) Legal and Institutional, (2) Environmental, (3) Technological, (4) Economic.

4:15—Reports of Subcommittee Chairman and discussion.

M. R. WINKLER,
Acting Committee Management Officer.

OCTOBER 7, 1975.

[FR Doc.75-27284 Filed 10-8-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-27]

MARINE CASUALTY REPORT; SAFETY RECOMMENDATION RESPONSES

Notice of Availability and Receipt

The National Transportation Safety Board announces the release September 29, 1975, of its report of the foundering

of the motorboard COMET off Point Judith, Rhode Island, 19 May 1973. The Safety Board determined that the sinking probably was caused by major, undetected flooding by water leaking through deteriorated hull planking. The Board also found that the loss of life following the sinking was caused by the absence of a radio distress call, the absence of signal devices for use by persons in the water, and the lack of adequate equipment to protect the victims from prolonged exposure to cold water. The Board concurred in a Coast Guard Marine Board of Investigation recommendation that primary lifesaving devices must be those which keep persons out of the water whenever prevailing water temperatures are expected to be 60° or less. The Board also recommended that the Coast Guard (1) determine the effectiveness of its current efforts to inform the public of inspection certificate requirements; (2) seek legislation for a safety program uniformly protecting all passengers of larger capacity boats, including a boat safety documentation system similar to that used for private aircraft, and a special transfer-of-ownership inspection; (3) seek legislation requiring larger boats to have a flooding alert system for decked-over compartments; (4) seek legislation requiring sufficient lifeboats or liferafts—equipped with signaling devices whenever operations are in below-60° water—for all persons aboard larger boats; (5) include immersion among accident factors which are considered, and include that factor in computerized accident data; (6) sponsor development of "reliable cold-water survival equipment" for cold-water boating; and (7) set up a cold-water-survival public education program.

The report, No. USCG/NTSB-MAR-75-4, is available to the general public. Single copies may be obtained from the Commandant (GMVI-3/83), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

RESPONSES TO SAFETY RECOMMENDATIONS

Received during the past week were the following letters responsive to safety recommendations, issued last June, following Board investigations into two railroad accidents:

From the U.S. Coast Guard, letter dated 23 September 1975, re recommendation R-75-15. The recommendation was contained in report No. NTSB-RAR-75-3 (40 FR 27081) concerning the collision of Penn Central Train OV-8 with an open drawbridge on the Cuyahoga River, Cleveland, Ohio, on May 8, 1974. The letter indicates that the Coast Guard concurs with the necessity to maintain regulations that will insure adequate accommodation of rail and river traffic in areas where there is conflict between the two, but, in this instance, "there is insufficient evidence that a conflict between the two modes of transportation exists that would justify the issuance of regulations governing the operation of the bridge at the present time." The Coast Guard states that it will continue review of the operating situation at this bridge, and, if frequent or recurring conflicts between traffic modes develop, that specific operating regulations will be promulgated to insure rail and river traffic safety.

From the Federal Railroad Association, letter of September 26, re R-75-18 and 19, and R-73-4 (reiterated). The recommendations were issued in report NTSB-RAR-75-4 (40 FR 27081) resulting from the hazardous materials accident in the railroad yard of the Norfolk and Western Railway at Decatur, Illinois, July 19, 1974. Concerning R-75-18, FRA, in cooperation with the Railway Progress Institute (RPI) and the Association of American Railroads (AAR), is conducting extensive research into tank car safety, including methods of protecting the tanks from the adverse effects of fires. FRA notes that safety relief devices, tank car steels, and thermal insulation are all being evaluated. Re R-75-19, FRA, in cooperation with the RPI and AAR, is now conducting switchyard impact tests at the Transportation Test Center, Pueblo, Colorado. FRA states, "The objectives of this program are to study the specific problems of head punctures and to determine the probable effectiveness of the shelf coupler, the head shield or both in combination, toward preventing the puncture." Regulations will be considered upon evaluation of these test results. With regard to R-73-4, issued in another hazardous materials accident in a railroad yard in East St. Louis, Illinois, January 27, 1972, FRA has revised accident reporting requirements under Part 225, effective January 1, 1975.

In its marine casualty report, No. USCG/NTSB-MAR-74-4, the Safety Board recommended that the Coast Guard require that every master of an ocean-going vessel inform himself of the pilot's plan to maneuver his ship in or out of a harbor and that the master determine, with the pilot's assistance, the critical aspects of the maneuver, including the pilot's plan for emergencies; the master should then be required to instruct his crew to insure that high-risk tasks receive priority. The Coast Guard responded 26 September 1975, stating, "The Marine Traffic Requirements which were published in Federal Register Volume 39, No. 126, 28 June 1974 as an Advance Notice of Proposed Rulemaking will satisfy this recommendation. We are presently evaluating this material and we will publish appropriate regulations in the very near future." The recommendation was issued in the report of the collision of the SS AFRICAN NEPTUNE with the Sidney Lanier Bridge, Brunswick, Georgia, 7 November 1972.

A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by report and/or recommendation number and date of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 6, 1975.

[FR Doc.75-27210 Filed 10-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT COMPANY

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company, which revised Technical Specifications for operation of the Arkansas Nuclear One Unit 1 located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment (1) modifies the rod withdrawal limit curves to include limitations associated with maintaining potential ejected control rod worth within previously established limits (including following control rod interchange) and limitations associated with maintaining shutdown margin, (2) deletes the separate specification on maximum inserted control rod worths, but includes the limits and bases therefor in (1) above, (3) incorporates an additional restriction on the regulating control rod positions prior to criticality to assure that the ejected rod worth does not exceed 1% delta k/k at hot zero power, and (4) permits the rod limits to be exceeded for a maximum period of four hours, provided that shutdown margin requirements are maintained and corrective measures are taken immediately to achieve a rod pattern consistent with the limit curves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975, (2) Amendment No. 6 to License No. DPR-51, with Change No. 6, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon re-

quest addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of October, 1975.

For the Nuclear Regulatory Commission.

B. C. BUCKLEY,
Acting Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27172 Filed 10-8-75;8:45 am]

[Docket Nos. 50-461 and 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 AND 2)

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Illinois Power Company to conduct certain site activities in connection with the Clinton Power Station, Unit 1 and 2, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1), and include site clearing and grading, installation of construction buildings, construction of access and service roads, and excavation for certain facility structures.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Illinois Power Company and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto. A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on September 30, 1975. A copy of the (1) Partial Initial Decision, (2) the applicant's Preliminary Safety Analysis Report and amendments thereto, (3) the applicant's Environmental Report, and amendments thereto, (4) the staff's Final Environmental Statement dated October 1974 and (5) the Commission's letter of authorization dated October 1, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Dated at Rockville, Maryland, this 1st day of October, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-27173 Filed 10-8-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment changes the required installation date for emergency power transfer switches for the fill header root values from October 1, 1975 to December 1, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1975, as supported by letter dated September 26, 1975, (2) Amendment No. 12 to License No. DPR-36, with Change No. 20 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

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 1st day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-27174 Filed 10-8-75;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment relates to the environmental monitoring program and its reporting requirements and to administrative details which better state the intended meaning of the specifications and eliminate unwarranted costs.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated May 21, June 13 and June 20, 1975, and (2) Amendment No. 9 to License No. DPR-50 with Change No. 9. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the State Library of Pennsylvania, Government Publication Section, Education Building, Harrisburg, Pennsylvania.

A copy of item (2) 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 2nd day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75-27174 Filed 10-8-75;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR PLANTS 1-8)

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed manufacture of floating nuclear plants on a repetitive assembly line basis. After assembly, the plants will undergo testing (without nuclear fuel) at the manufacturing site and subsequently will be towed to selected sites along or near the Atlantic and Gulf Coasts of the United States. Notice of receipt of Offshore Power Systems' application for a manufacturing license was published in the FEDERAL REGISTER on December 10, 1973 (38 FR 34008).

This application was submitted under one of the options of the Commission's March 5, 1973 Standardization Policy. The applicable option involves a stand-

ard design and an envelope of assumed site considerations for a specified number of plants to be manufactured at a location which is different from that where the plants will eventually be operated.

The report is being referred to the Advisory Committee on Reactor Safeguards (ACRS) and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204; Stockton State College Library, Pomona, New Jersey 08240; and the New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, Louisiana 70140, for inspection and copying. The report (Document No. NUREG–75/100) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 2nd day of October 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–27176 Filed 10–8–75;8:45]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Atomic Power Station located in Rowe, Massachusetts. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Yankee Atomic Power Station.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated December 10, 1974, and July 31, 1975, (2) Amendment No. 16 to License No. DPR–3, with Change No. 121, 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.

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 2nd day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–27177 Filed 10–8–75;8:45 am]

[Docket Nos. 50–460, 50–513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS NUCLEAR PROJECTS NOS. 1 AND 4)

Issuance of Revision to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Washington Public Power Supply System to conduct certain site activities in connection with the WPPSS Nuclear Projects Nos. 1 and 4 prior to a decision regarding the issuance of construction permits. Notice of the Limited Work Authorization was published in the FEDERAL REGISTER on August 11, 1975 (40 F.R. 3374).

Since that time, the Atomic Safety and Licensing Board has determined that additional activities may be authorized under the Limited Work Authorization. The additional activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and 10 CFR 50.10(e)(3) and include excavation for structures, installation of column footings, foundation mat, base slabs, walls and slabs, installation of water pipe and placing, compacting, and density testing of backfill.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Washington Public Power Supply System and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders of the Commission promulgated pursuant thereto.

A Memorandum and Order Making Findings Pursuant to 10 CFR 50.10(e)(3) Under Expedited Decisional Procedures Provided For In 10 CFR § 2.761 on matters relating to the National Environmental Policy Act and site suitability and unresolved safety issues was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on September 30, 1975. A copy of (1) the Partial Initial Decision and the Atomic Safety and Licensing Board's Order of September 30, 1975; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated March 1975; and (5) the Commission's letters of authorization dated August 1, 1975, and October 3, 1975 are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. The Final Environmental Statement (Document No. NUREG–75/012) may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland, this 3rd day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75–27178 Filed 10–8–75;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 October 3, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Producers', importers, purchasers, questionnaire on certain nonpowered hand tools, single-time, nonpowered hand tools industry, Harry B. Sheftel.

ENVIRONMENTAL PROTECTION AGENCY

Urine pesticide residue analysis report; tissue pesticide residue analysis report, patient summary report, 8510–8, 8510–9, 8510–10, on occasion, selected hospitals in continental United States, Marsha Traynham, 395–4529.

SMALL BUSINESS ADMINISTRATION

Timber set-aside program—questionnaire, single-time, bidders on national forest timber sales, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Economic Research Service:
U.S. food processor list update on overseas marketing, single-time, food processors, Lowry, R. L., 395–3772.
Coyote predation loss survey, single-time, large sheep producers, Lowry, R. L., 395–3772.
Farmers Home Administration, sellers certificate, FMHA 440–61, on occasion, sellers of FMHA financed homes, Harry B. Sheftel.

DEPARTMENT OF COMMERCE

Department of the Navy, Navy wives interview, single-time, wives of Navy enlisted men, Harry B. Sheftel.
National Bureau of Standards, NBS pressure measurement survey, NBS–1042, single-time, calibration laboratories, Harry B. Sheftel.
National Oceanic and Atmospheric Administration, climatological data users survey, on occasion, users of climatological data, Reese B. F., 395–3211.

DEPARTMENT OF DEFENSE

Department of the Navy:
Navy wives questionnaire, single-time, wives of Navy enlisted men, Harry B. Sheftel.
Navy wives survey, single-time, wives of Navy enlisted men, Harry B. Sheftel.
Departmental and other youth attitude tracking study, semi-annually, 16- to 21-year old males, Dick Eisinger, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, survey of foreign language registrations in United States institutions of higher education, fall 1976, OE 7600, annually, U.S. institutions of higher education, Joan Turek.
Health Resources Administration, update the national information system of optometrists, 1976, NCHS 0829, single-time, all licensed optometrists in the United States, George Hall, Lowry, R. L., 395–6140.
Office of Education:
Guidelines for evaluation of current basic title III programs, annually, institutions of post-secondary education, Lowry, R. L., 395–3772.
Survey of career education in teacher education, OE–439, single-time, teacher education departments, Joan Turek.
Office of Human Development, telephone survey of child welfare agencies, singletime, child welfare agencies, Human Resources Division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity:
Monthly sales report—insured home mortgage program, 935.1, on occasion, developers and sponsors using HUD sales housing programs, Community & Veterans' Affairs Division, 395–3532.
Affirmative fair housing marketing plans, 935.2, on occasion, developers and sponsors using HUD housing programs, Community & Veterans' Affairs Division, 395–3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, occupational wage survey—bituminous coal mining, BLS 3055, single-time, bituminous coal mining, Strasser, A., 395–5867.

DEPARTMENT OF STATE

Department of State (excluding aid and action), offer of employment to alien, single-time, companies hiring aliens, Harry B. Sheftel.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, forecast of availability of paving asphalt and road oil, 6–1329–A–1, annually, business firms, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

Departmental and other support statement and draft questionnaire, single-time, public transit operators, Strasser, A., 395–5867.

REVISIONS

VETERANS ADMINISTRATION

Declaration of marital status (veterans), 21–686–C, on occasion, claimant, Caywood, D. P., 395–3443.
Application for annual clothing allowance, 38 U.S.C. 362, 21–8678, on occasion, veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Departmental and other, on-road vehicle failure questionnaire, single-time, disabled vehicle driver/owner, Strasser, A., 395–5867.

DEPARTMENT OF COMMERCE

Bureau of Census:
Steel shipping barrels, drums, and pails, M34K, monthly, pail and drum manufacturers, Peterson, M. O., 395–5631.
Annual report of shoe and slipper production, shipments and type of construction—long form, MA31A, annually, shoe manufacturers, Peterson, M. O., 395–5631.
Refrigeration and air conditioning equipment including warm air furnaces—annual production, MA–35M, annually, manufacturing establishments, Peterson, M. O., 395–5631.
1975 public juvenile detention and correctional facilities census; 1975 private juvenile detention and correctional facilities census, CJ–17, CJ–29, annually, juvenile correctional facilities, Ellett, C. A., 395–5867.
Office, computing, and accounting machines, MA–35R, annually, manufacturing establishments, Peterson, M. O., 395–5631.
Selected instruments and related products—annual report, MA–38B, annually, manufacturing establishments, Peterson, M. O., 395–5631.
Current population survey questionnaire, CPS–1, monthly, household respondents, Sunderhauf, M. B., 395–6140.
Switchgear, switchboard apparatus, relays, and industrial controls, AM–36A, annually, manufacturing establishments, Peterson, M. O., 395–5631.
Closures for containers, M34H, monthly, manufacturing establishment, Peterson, M. O., 395–5631.

DEPARTMENT OF DEFENSE

Departmental and other, statement regarding disposition and use of property (bidders on foreign excess personal property); on occasion, buyers of DoD excess foreign property, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health resources administration, research design to conduct analysis of State DHR effect on HRA/NIMH programs, opel 0912, single-time, State/local health programs' officials, legislators, Reese, B. F., 395–3211.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service, farm real estate taxes levied (land and buildings), EDD–1A, annually, local tax officials, Marsha Traynham, 395–4529.
Agricultural Marketing Service, annual report of cooperative milk marketing association, DA–24, annually, milk cooperatives, Marsha Traynham, 395–4529.
Statistical reporting service, receipts and disposition of fruit by shippers and handlers, other (see SF–83), fruit shippers and handlers, Marshal Traynham, 395–4529.
Rural Electrification Administration, evaluation summary of operations and maintenance, REA 300, on occasion, REA Electric Borrowers, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, pre-survey questionnaire (for hospitals—regarding compliance with Social Security Act); SSA–1536, on occasion, Hospitals, Caywood, D. P., 395–3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–27282 Filed 10–8–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

AFFILIATED INVESTMENT FUND, LTD.

Issuance of Small Business Investment Company License

On July 16, 1975, a notice was published in the FEDERAL REGISTER (40 F.R. 29941) stating that an application had been filed by Affiliated Investment Fund, Ltd., 2225 Shurfine Drive, College Park, Georgia 30337 with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company (SBIC).

Interested parties were given until the close of business July 31, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued license No. 04/04–0118 to Affiliated Investment Fund, Ltd. to operate as an SBIC.

Date: October 1, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–27146 Filed 10–8–75;8:45 am]

[License No. 05/05–0105]

TOMLINSON CAPITAL CORP.

Issuance of a Small Business Investment Company License

On June 23, 1975, a notice was published in the FEDERAL REGISTER (40 F.R. 26317) stating that an application had been filed by Tomlinson Capital Corp., 13700 Broadway, Cleveland, Ohio 44125 with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975))

for a license as a small business investment company.

Interested parties were given until close of business July 8, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0105 to Tomlinson Capital Corp., to operate as a small business investment company.

Dated: October 1, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-27145 Filed 10-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.
Suspension of Trading

OCTOBER 3, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 6, 1975 through October 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27184 Filed 10-8-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.
Suspension of Trading

OCTOBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 7, 1975 through October 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27185 Filed 10-8-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA
Suspension of Trading

OCTOBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 4, 1975 through October 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27186 Filed 10-8-75;8:45 am]

[File No. 500-1]

FIRST VIRGINIA MORTGAGE AND REAL ESTATE INVESTMENT TRUST
Suspension of Trading

OCTOBER 2, 1975.

The shares of beneficial interest, warrants and 8% to 12% senior subordinated floating rate notes due 1980 of First Virginia Mortgage and Real Estate Investment Trust being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of First Virginia Mortgage and Real Estate Investment Trust being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11:30 a.m. (e.d.t.) on October 2, 1975 through midnight (e.d.t.) on October 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27187 Filed 10-8-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.
Suspension of Trading

OCTOBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 4, 1975 through October 13, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27188 Filed 10-8-75;8:45 am]

[70-5743]

MISSISSIPPI POWER & LIGHT CO.
Articles of Incorporation and Solicit Proxies in Connection Therewith

OCTOBER 3, 1975.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi, 39205, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

In order to provide a portion of the funds which will be needed to carry forward the construction program over the next five years, Mississippi proposes to amend its Articles of Incorporation so as to increase its authorized preferred stock from 454,476 to 704,476 shares. Mississippi also proposes to add to the authority of the Board of Directors, in establishing new series of preferred stock and in fixing those terms thereof as to which there may be variations between series, authority to fix and determine sinking fund provisions for the redemption or purchase of shares of such new series of preferred stock. In connection therewith, Mississippi proposes to solicit proxies from the holders of its outstanding stock for use at a special meeting of stockholders to be held on December 15, 1975.

It is stated that Mississippi finds it desirable to provide a portion of its capital requirements through the issuance and sale, from time to time, of additional preferred stock and that, under recent market conditions, other electric utilities have found it possible to sell preferred stock at acceptable divi-

dend rates only if the holders of the new series are granted the benefit of a sinking fund. Mississippi presently has 378,808 shares of preferred stock outstanding.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $17,000, including legal fees of $10,500. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail, air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27189 Filed 10-8-75;8:45 am]

[Release No. 34-11710; SR File No. SR-PBWSE-75-4]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Notice of filing of proposed rule change by PBW Stock Exchange, Inc. and order approving proposed rule change in the matter of PBW Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, PA 19103.

I. Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 22, 1975, the PBW Stock Exchange, Inc. ("PBW"), a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission copies of a proposed rule change. The proposed rule change would amend the paragraphs 3081(a) and (b) of the PBW Plan for the trading of options. Paragraph 3081 (a) and (b) set forth the standards for the selection of underlying securities for option trading on PBW. Currently, the PBW's standards for the selection of underlying securities incorporate the Commission's requirements for the registration of securities on Form S-7 under the Securities Act of 1933 as well as providing additional standards.

The Commission has recently proposed modifications relaxing the requirements for the use of Form S-7 and has indicated that, pending a decision by the Commission to adopt the proposed modifications, the Commission and the staff would not object if Form S-7 is used to register securities of an issuer that meets the proposed requirements as to the use of that form (Securities Act of 1933 Release No. 5613 (Sept. 11, 1975); 40 Fed. Reg. 44584 (Sept. 29, 1975)). The amendment of paragraphs 3081(a) and (b) of the PBW Plan would conform the rules of the PBW to the proposed modifications relaxing the requirements for the use of Form S-7. The effect of the change will be to make eligible certain securities the issuers of which did not meet earlier S-7 standards.

II. Publication of notice of the proposed rule change is expected to be made in the FEDERAL REGISTER during the week of October 6, 1975. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PBWSE-75-4.

III. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of Section 6 and the rules and regulations thereunder.

IV. Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof.

A rule change similar to the proposed rule change filed by PBW was filed with the Commission by the Chicago Board Options Exchange ("CBOE") on September 10, 1975, and has been published for comment (Securities Exchange Act Release No. 11674 (Sept. 24, 1975); 40 Fed. Reg. 44905 (Sept. 30, 1975)). No comments have been received concerning the CBOE's rule change.

The CBOE's rule change took effect upon filing pursuant to Section 19(b)(3)(A) of the Act. The PBW's proposed rule change is not eligible for immediate effectiveness pursuant to Section 19(b)(3)(A) because of technical differences in the structure of the rules of the two exchanges. Nevertheless, the Commission does not believe that the technical differences warrant delay in approval of the PBW's proposed rule change under the circumstances, where several exchanges are in pilot phase of exchange option trading. As noted above, the PBW's rules relating to the selection of underlying securities for option trading had incorporated the requirements heretofore in effect for use of the S-7 registration form. With the relaxation of those requirements by the Commission, all exchanges on which options are traded should be permitted to effect parallel changes in their own rules promptly if they so desire.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27191 Filed 10-8-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

OCTOBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 4, 1975 through October 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27190 Filed 10-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 877]

ASSIGNMENT OF HEARINGS

OCTOBER 6, 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 140611, Harkema Express Lines, Ltd., now assigned November 17, 1975 at Buffalo, New York; will be held in Room 714, U.S. Courthouse, 68 Court Street.

MC 126273 Sub 182, Midwestern Distribution, Inc., now being assigned November 3, 1975 (2 days), at Dallas, Tex., in Room 5A15, New Federal Building, 1100 Commerce Street.

MC 123407 Sub 234, Sawyer Transport, Inc., now assigned November 11, 1975, at Dallas, Texas, will be held in Room 5A15–17, New Federal Building, 1100 Commerce Street.

MC 103498 Sub 43, W. D. Smith Truck Line, Inc., now assigned November 12, 1975, at Dallas, Texas, will be held in Room 5A15–17, New Federal Building, 1100 Commerce Street.

MC 63792 Sub 23, Tom Hicks Transfer Company, Inc., now assigned November 13, 1975, at Dallas, Texas, will be held in Room 5A15–17, New Federal Building, 1100 Commerce Street.

No. 36090, General Environment Corporation—Petition for Declaratory Order—Applicability Of Tariff Provisions, now assigned November 17, 1975, at Dallas, Texas, will be held in Room 5A15–17, New Federal Building, 1100 Commerce Street.

MC 8342 Sub 4, Dawson Bus Service, Inc., now assigned November 3, 1975, at Dover, Delaware, will be held in South Conference Room, Highway Administration Bldg., Route 13.

MC–F–12304, Mid-States Trucking Co.—Investigation of Control—Govan Express, Inc., and Denton Produce, Inc., now assigned November 3, 1975, at Dallas, Tex., is canceled.

MC 123407 Sub 194, Sawyer Transport, Inc., now assigned October 29, 1975, at New Orleans, Louisiana, is cancelled and application is dismissed.

MC 82841 Sub 159, Hunt Transportation, Inc., now being assigned November 13, 1975 (1 day), at Omaha, Nebraska; in a hearing room to be designated later.

MC 136212 Sub 14, Jansen Trucking Co., Inc., now being assigned November 14, 1975 (1 day), at Omaha, Nebraska; in a hearing room to be designated later.

MC 107012 Sub 220, North American Van Lines, Inc., now assigned October 24, 1975, at Atlanta, Georgia, is cancelled and application dismissed.

MC–C 7925, Southeastern Freight Lines, Et Al. vs Crescent Motor Line, Inc., now assigned October 22, 1975, at Columbia, South Carolina, is cancelled.

MC 117883 Sub 196, Subler Transfer, Inc., now assigned October 29, 1975, at St. Louis, Missouri, is canceled and transferred to Modified Procedure.

MC 136647 Sub 17, Green Mountain Carriers, Inc., now assigned November 4, 1975, at Burlington, Vermont, will be held in the Bankruptcy Courtroom, Room 533, 5th Floor, Post Office & Federal Building, 11 Elmwood Avenue.

MC 127616 Sub 20, Savage Trucking Company, Inc., now assigned November 10, 1975, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 140747, Rancocas Valley Bus Service, Inc., now assigned November 11, 1975, at Philadelphia, Pa., will be held in Room 3240, William J. Green, Jr., Federal Building, 600 Arch Street.

MC 130286, Northern Transportation Services, Inc., now assigned November 19, 1975, at Montpelier, Vt., will be held in the Courtroom, Third Floor, Post Office & Federal Building, 87 State Street.

MC–F–12210, Jones Truck Lines, Inc.—Purchase (Portion)—Shippers Express, and Shippers Express—Purchase (Portion)—Jones Truck Lines, Inc., and MC 111231 Sub 186, Jones Truck Lines, Inc., now assigned November 4, 1975, at Memphis, Tenn., will be held in Room 978, Federal Office Building, 167 N. Main Street.

MC 78643 Sub 61, Hart Motor Express, Inc., now assigned November 4, 1975, at Bismarck, N.D., will be held in the Blue Room, Ground Floor, State Capitol Building.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–27222 Filed 10–8–75;8:45 am]

[AB 6 (Sub-No. 23)]

BURLINGTON NORTHERN, INC.

Abandonment Between Vaughn and Augusta, in Cascade, Lewis, and Clark Counties, Montana

OCTOBER 6, 1975.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

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 a newspaper of general circulation in Cascade, and Lewis and Clark Counties, Mont., on or before October 17, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 22nd day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN VAUGHN AND AUGUSTA, IN CASCADE, LEWIS AND CLARK COUNTIES, MONTANA

The Interstate Commerce Commission hereby gives notice that by order dated September 22, 1975, it has been determined that the proposed abandonment by Burlington Northern, Inc., of its line from Milepost .10, near Vaughn, to Milepost 42.24, near Augusta, in Cascade, and Lewis and Clark Counties, Mont., 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 associated environmental impacts are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety, or ecological consequences associated with the proposed abandonment. Highways in the vicinity of the subject line are able to accommodate the resultant slight diversion to truck transport. There are no definitive land-use plans for the area with which the abandonment might conflict.

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 202–343–7966.

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 November 3, 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.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–27224 Filed 10–8–75;8:45 am]

[Notice No. 94]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 9, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition

seeking reconsideration of the following numbered proceedings on or before October 29, 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–75940. By order of October 3, 1975, the Motor Carrier Board approved the transfer to East Kentucky Theatre Service, Inc., Pikesville, Ky., of the operating rights in Certificates Nos. MC–111227, MC–111227 (Sub-No. 2), and MC–111227 (Sub-No. 3) issued March 8, 1951, December 9, 1960, and August 18, 1967, to Lester Eversole, doing business as Lester Eversole Trucking Co., Hazard, Ky., authorizing the transportation of films and advertising matter and supplies between Lexington, Ky., and Cincinnati, Ohio, on the one hand, and, on the other, points in 14 named counties in Kentucky. Ollie L. Merchant, 328 Starks Building, Louisville, Ky. 40202, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27223 Filed 10-8-75;8:45 am]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

[Notice No. 80]

OCTOBER 3, 1975.

The following applications are governed by Special Rule 1100. 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 497), filed September 8, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Kansas City Power & Light Company at or near Iatan, Mo. as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 14251 (Sub-No. 5), filed September 8, 1975. Applicant: COLUMBUS RETAIL MERCHANTS DELIVERY, INC., 3275 Alum Creek Drive, Columbus, Ohio 43207. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Franklin County, Ohio, on the one hand, and, on the other, points in Ohio, restricted against service to Commercial Zone points outside Ohio.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration No. MC 14251 (Sub-No. 3) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 18259 (Sub-No. 6), filed August 21, 1975. Applicant: JACKSON DISTRIBUTION CORP., 348 West Fayette St., P.O. Box 204–Salina Station, Syracuse, N.Y. 13208. Applicant's representative: Norman M. Pinsky, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection, therewith, *equipment, materials, and supplies* used in the conduct of such business, (a) between points in St. Lawrence, Jefferson, Lewis, Herkimer, Oneida, Oswego, Otsego, Chenango, Madison, Cortland, Onondaga, Cayuga, Tompkins, Schuyler, Seneca, Wayne, Ontario, Yates and Steuben Counties, N.Y.; (b) between points in the territories specified in (a) above, on the one hand, and, on the other, points in Steuben, Allegany, Cattaraugus, Erie, Niagara, Orleans, Genesee, Wyoming, Livingston, Monroe, Ontario and Yates Counties, N.Y.; and (c) from Syracuse, N.Y., to points in St. Lawrence, Franklin, Steuben, Chemung, Tioga, Broome, Chenango, Delaware, Otsego, Schohare, Montgomery, Fulton, Herkimer and Schenectady Counties, N.Y., and points in Bradford and Susquehanna Counties, Pa.

NOTE.—Applicant holds contract carrier authority in MC 18258 and subs thereunder, therefore duplicate authority may be involved, however applicant requests the con-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tract carrier authority be revoked upon granting of this authority. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Albany, N.Y.

No. MC 20722 (Sub-No. 28), filed September 12, 1975. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. 14240. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway service, from Providence, R.I., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey and Pennsylvania, restricted to the transportation of traffic moving for Chrysler Corporation and originating at plantsites and storage facilities in Japan.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 104), filed September 15, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the S.S. Kresge Company located at Haggerty Road and Joy Blvd., Canton Township (Wayne County), Mich., as an off-route point in connection with applicant's regular route operations at Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 29748 (Sub-No. 4), filed August 5, 1975. Applicant: DIRECT TRANSPORT, INC., 2nd and Stockton St., P.O. Box 4113, Richmond, Va. 23224. Applicant's representative: Eugene M. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, sheet iron products, fertilizer, doors, windows, door and window frames, boxes, box shooks, lumber, sash weights, steel bars, metal laths, expansion joint materials and wire forms*, (1) between Richmond, Va., on the one hand, and, on the other, points in Virginia, North Carolina and South Carolina; and (2) from Richmond, Va., to points in Virginia and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va., or Washington, D.C.

No. MC 34027 (Sub-No. 8), filed September 5, 1975. Applicant: GREETINGS, INC., 214 South Clark, P.O. Box 82, Pella, Iowa 50219. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Des Moines, Iowa, and Chariton, Iowa, in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Des Moines over U.S. Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chariton, and return over the same route; (2) Between Des Moines, Iowa and Knoxville, Iowa, in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Des Moines over Iowa Highway 5 to Knoxville, and return over the same route; and (3) Between Monroe, Iowa and Knoxville, Iowa, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, and serving Monroe for purposes of joinder only: From Monroe over Iowa Highway 14 to Knoxville, and return over the same route, parts (1), (2) and (3) are alternate routes for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 34099 (Sub-No. 4), filed September 11, 1975. Applicant: SILCON TRUCKING CO., INC., 411 West Street, West Bridgewater, Mass. 02379. Applicant's representative: David E. McCabe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Massachusetts.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 35628 (Sub-No. 376), filed September 4, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Chesebrough-Pond's, Inc. located at Huntsville, Ala. as an off-route point in connection with applicant's existing regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Washington, D.C.

No. MC 46280 (Sub-No. 77), filed September 8, 1975. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street, SE., Grand Rapids, Mich. 48167. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Ramsey Corporation, located at or near Manchester, Mo., as an off-route point in connection with carrier's regular route operations to and from St. Louis, Mo., restricted to traffic moving between Michigan and the plantsite and warehouse facilities of the Ramsey Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Detroit, Mich.

No. MC 47583 (Sub-No. 25), filed September 11, 1975. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Avenue, Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials* including products necessary in the installation thereof, from Pauline, Kans., and the plantsite and storage facility of Owens-Corning Fiberglass Corporation, of Kansas City, Kans., to points in Nebraska and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 56679 (Sub-No. 83), filed September 10, 1975. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave., SE., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from the plantsite and storage facilities of E. J. Brach & Sons, Division of American Home Products Corporation located at or near Carol Stream, Ill., to points in Georgia, North Carolina, South Carolina and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 56679 (Sub-No. 84), filed September 17, 1975. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those which because of size or weight require the use of special equipment), serving Chattanooga, Tenn. as an off-route point in connection with applicant's presently authorized regular route operations between Atlanta, Ga. and Knoxville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 59323 (Sub-No. 6), filed September 12, 1975. Applicant: BAY MOTOR EXPRESS, INC., Route 17 and Robinson Road, Lodi, N.J. 07644. Applicant's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Lodi, N.J., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Middlesex, Morris, Sussex, Somerset and Monmouth Counties, N.J., and points in Westchester and Rockland Counties, N.Y.

NOTE: Applicant states that it presently serves the above areas from New York, N.Y., and that the instant application is motivated by the move of its terminal to Lodi, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 59583 (Sub-No. 151), filed September 9, 1975. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Ronald R. Tiller, P.O. Box 343, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, siding, fittings, couplings, connections, and accessories*, from the plantsites of Certain-Teed Products Corporation located at Williamsport, Md. and Social Circle, Ga. to points in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities described above (except commodities in bulk, and those which because of size, shape or weight require the use of special equipment), from the destination territory named in (1) above, to the plantsites of Certain-Teed Products Corporation located at Williamsport, Md. and Social Circle, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 59583 (Sub-No. 152), filed September 22, 1975. Applicant: THE MASON AND DIXON LINES, INC., Eastman Road, P.O. Box 969 Kingsport, Tenn. 37662. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the facilities of Londontown Corporation, located at Eldersburg, Carroll County, Md., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 368), filed September 12, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, including frozen (except in bulk, in tank vehicles), from points in Jefferson and Bonneville Counties, Idaho, to points in Minnesota, South Dakota, Nebraska, Iowa, Wisconsin, Illinois, Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 66886 (Sub-No. 48), filed September 15, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry and those in St. Clair Counties, Ill. on and south of Illinois Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 71459 (Sub-No. 55), filed September 10, 1975. Applicant: O. N. C. FREIGHT SYSTEMS, a corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, 1111 E Street, Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Salt Lake City, Utah and the junction of U.S. Highway 160 and Colorado Highway 145: From Salt Lake City over Alternate U.S. Highway 50 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction Colorado Highway 62, thence over Colorado Highway 62 to junction Colorado Highway 145, thence over Colorado Highway 145 to junction U.S. Highway 160, and return over the same route, serving Loma, Fruita, Grand Junction, Orchard Mesa, Whitewater, Delta, Olathe and Montrose, Colo. as intermediate points, and serving the junction of U.S. Highway 160 and Colorado Highway 145 for purposes of joinder only; (2) Between Montrose, Colo. and Pueblo, Colo.: From Montrose over U.S. Highway 50 to Pueblo, and return over the same route, serving all intermediate points; (3) Between Flagstaff, Ariz. and Cortez, Colo.: From Flagstaff over Interstate Highway 40 to junction U.S. Highway 666, thence over U.S. Highway 666 to Cortez, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points; and (4) Between Kayenta, Ariz. and the junction of U.S. Highway 163 and U.S. Highway 50 (Interstate Highway 70): From Kayenta over U.S. Highway 163 to junction U.S. Highway 50, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points, and serving the junction of U.S. Highway 50 and U.S. Highway 163 for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Grand Junction and Montrose, Colo., and Salt Lake City, Utah.

No. MC 73165 (Sub-No. 368), filed September 10, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and storage facilities of Georgetown Texas Steel Corp., located at or near Beaumont, Tex., to points in Arkansas, Missouri, Iowa, Oklahoma, Kansas, Nebraska, New Mexico, and Colorado, restricted to the transportation of traffic originating at the plantsite and storage facilities of Georgetown Texas Steel.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, or Austin, Tex.

No. MC 83539 (Sub-No. 416), filed September 8, 1975. Applicant: C & H

TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bus bodies (SKD)*, and *press brake parts*, between points in Harrison County, Tex., on the one hand, and, on the other, points in St. Joseph County, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 83539 (Sub-No. 417), filed September 8, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less and *attachments, parts and accessories therefor* when moving at the same time and in the same equipment, from Houston, Tex., to points in Illinois, Iowa, Nebraska, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 93980 (Sub-No. 61), filed September 17, 1975. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 1119, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden fencing, fencing materials and forest products*, (a) from points in Chowan County, N.C., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi and Louisiana; and (b) from plants, mill sites and storage facilities of MacMillian Bloedel Enterprises, Inc., and its subsidiaries at points in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi and Louisiana, to points in Maryland, Virginia, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C., or Washington, D.C.

No. MC 93980 (Sub-No. 62), filed September 17, 1975. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 1119, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in North Carolina within 100 miles of Henderson, N.C., including Henderson, N.C., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Ohio, Tennessee, West Virginia, Michigan and Illinois; and (2) *Wooden fencing and materials*, from points in Nash and Halifax Counties, N.C., to points in the United States in and east of Indiana, Kentucky, Tennessee and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 94201 (Sub-No. 136), filed August 7, 1975. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cullman, Ala., and Birmingham, Ala., from Cullman, Ala., over Interstate Highway 65 and also U.S. Highway 31, to Birmingham, Ala., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 95540 (Sub-No. 931), filed September 9, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas* when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 97710 (Sub-No. 7) (Correction filed April 14, 1975, and published in the FEDERAL REGISTER issue of June 19, 1975, and republished as corrected this issue. Applicant: PETERS TRUCK LINES, a corporation, 907 S. Main St., P.O. Box 218, Yreka, Calif. 96097. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104.

NOTE.—The purpose of this correction is to indicate that applicant is seeking an extension of operating authority in addition to a conversion of its Certificate of Registration. The purpose statement in the note to the original publication may have been misleading in that it indicated the purpose of the application was the conversion of applicant's Certificate of Registration, and failed to mention that an extension of authority was also sought. Any person who may have been prejudiced by the failure of the note in the original publication to indicate that applicant seeks an extension of operating authority in addition to the conversion may file an appropriate protest within 30 days of publication of this correction in the FEDERAL REGISTER.

HEARING: December 8, 1975, at 9:30 a.m. Local Time, at Sacramento, Calif., in a hearing room to be later designated.

No. MC 100318 (Sub-No. 1), filed September 8, 1975. Applicant: JAMES F. MOLLENHAUER, doing business as, CITY TRANSPORT COMPANY, P.O. Box 331, Cherry Hill, N.J. 08002. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel* on hangers, hanger packs and flat packs, in vehicles, specially equipped with stationary hanger racks, between Philadelphia, Pa., on the one hand, and, on the other points in Deptford Township, Gloucester County, and Trenton, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 102295 (Sub-No. 27), filed September 12, 1975. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: Maxwell A. Howell, 1511 K St., NW., Suite 1100, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand stone and gravel*, from points in Mercer County, N.J., and points in that part of New Jersey on and south of New Jersey Highway 33, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104104 (Sub-No. 12), filed September 10, 1975. Applicant: GEORGE A. FETZER, INC., RD 1, Augusta, N.J. 07822. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulating materials and products, and materials and supplies* used in connection therewith (except commodities in bulk), from Birmingham, Ala., Netcong, N.J., and Bethlehem, Pa., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) *materials and supplies* used in the manufacturing

and installing of insulating materials and products (except commodities in bulk), from points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, to the International Boundary line between the United States and Canada, to Birmingham, Ala., Netcong, N.J., and Bethlehem, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 107012 (Sub-No. 227), filed September 15, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Myer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Des Moines, Iowa, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 107678 (Sub-No. 58), filed September 15, 1975. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, processed clay, foundry molding sand treating compounds and wood flour*, between the plantsites of American Colloid Company located at or near Aberdeen, Miss., and Letohatchee, Ala., on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 109324 (Sub-No. 31), filed September 16, 1975. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials; mineral wool, mineral wool products and materials; insulated air ducts and insulating products and materials*, including products necessary in the installation of all of said products (except commodities in bulk), from the plantsite and other facilities of Certainteed Products Corp., located at or near Kansas City, Kans., to points in Arkansas and Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 110420 (Sub-No. 745), filed September 11, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and ink materials*, in bulk, in tank vehicles, from New Albany, Ind., to points in Illinois, Kentucky, Mississippi, New York, Ohio, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 110563 (Sub-No. 161), filed September 18, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington Ave., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Booker, Tex., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Pennsylvania, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia, restricted to traffic originating at Booker, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, Tex.

No. MC 110683 (Sub-No. 106), filed September 16, 1975. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring the use of special equipment), serving the plantsite and warehouse facilities of Londontown Corporation, located at or near Eldersburg, Md., as an off-route point in connection with carrier's regular route operations to and from Baltimore, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 111231 (Sub-No. 197), filed September 19, 1975. Applicant: JONES TRUCK LINES, INC., 613 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials* including products necessary in the installation thereof (1) between Pauline and Kansas City, Kans.; and (2) from Pauline, Kans., to points in Nebraska, Arkansas, Texas, Mississippi, Louisiana, Tennessee, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112304 (Sub-No. 101), filed September 12, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforced fiberglass and/or plastic articles*, and related *equipment, materials, accessories and supplies*, from Berea and Medina, Ohio, to points in the United States, including Alaska but excluding Hawaii; and (2) *fabricated metal articles, reinforced fiberglass and/or plastic articles*, and related *equipment, materials, accessories and supplies*, from points in Cuyahoga and Lorain Counties, Ohio, to points in the United States, including Alaska but excluding Hawaii, restricted in (1) and (2) above to traffic originating at the plantsite and shipping facilities utilized by the Ceilcote Company and Heil Process Equipment Co., located at the above specified origin points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Columbus, Ohio.

No. MC 113325 (Sub-No. 141) filed September 11, 1975. Applicant: SLAY TRANSPORTATION CO., INC. 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and warehouse facilities of Economic Laboratory, Inc., located at or near Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 291), filed September 8, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and coverters of paper and paper products,* (1) from points in Little River County, Ark., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia and Wisconsin; and (2) from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or New Orleans, La.

No. MC 113828 (Sub-No. 231), filed September 15, 1975. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut oil*, in bulk, from Suffolk, Va., to Fort Smith, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 326), filed September 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments, and accessories* for cranes, between the plantsite and facilities of F.M.C. Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of commodities named in (1) above, from points in the United States including Alaska but excluding Hawaii, to the facilities of F.M.C. Corporation located at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 426), filed September 18, 1975. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, fruit juices*, frozen and not frozen, and *frozen bakery goods*, (1) between Dunkirk, Brocton, and Westfield, N.Y. and North East, Pa., on the one hand, and, on the other, Lawton, Mich.; Springdale, Ark., Grandview and Kennewick, Wash.; and Anaheim, Calif.; and (2) between Lawton, Mich., Springdale, Ark., Grandview and Kennewick, Wash.; and Anaheim, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 242), filed September 15, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, book pages, and printed matter*, (1) From the plant sites and storage facilities of Rand McNally and Company at or near Versailles, Ky., to Chicago, and Skokie, Ill., and Hammond, Ind.; (2) From the plant sites and storage facilities of Rand McNally and Company at or near Chicago and Skokie, Ill., and Hammond, Ind., to Versailles, Ky.; (3) From the plant sites and storage facilities of Rand McNally and Company at or near Hammond, Ind., Taunton, Mass., and Versailles, Ky., to Muscatine, Iowa; (4) From the plant sites and storage facilities of Rand McNally and Company at or near Chicago, Ill., Hammond, Ind., and Versailles, Ky., to Taunton, Mass.; and (5) From the plant sites and storage facilities of Rand McNally and Company at or near Taunton, Mass., to Chicago and Skokie, Ill., Muscatine, Iowa and Versailles, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn. or Chicago, Ill.

No. MC 114457 (Sub-No. 243), filed September 19, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats, and frozen and unfrozen foodstuffs*, from the facilities of New Orleans Cold Storage Company at New Orleans, La., and its commercial zone, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 182), filed September 18, 1975. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper and recyclable materials* (except liquid commodities in bulk), from points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115524 (Sub-No. 32), filed September 8, 1975. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, NE., Albuquerque, N. Mex. 87215. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, and *roofing products, supplies and equipment* (except commodities the transportation of which because of size or weight requires the use of special equipment, and except commodities in bulk, in tank vehicles) from Stroud, Okla., to points in Arizona, Colorado and New Mexico, under a continuing contract or contracts with Sagebrush Sales Company.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 115669 (Sub-No. 151), filed September 15, 1975. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, in bulk, from the plantsites of Federal Bentonite Company, located at or near Colony and Upton, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 117119 (Sub-No. 550), filed September 12, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber pneumatic tires and tubes*, from the plantsite and storage facilities of Mansfield Tire and Rubber Co., Pennsylvania Tire Co., and Inland Rubber Corporation at Mansfield and Marion, Ohio, Memphis, Tenn., and Tupelo, Miss., to Denver, Colo., Phoenix and Tucson, Ariz., and points in California, Washington and Oregon.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 551), filed September 12, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall coverings and equipment and supplies* used in the distribution, manufacturing and installation

thereof, from Hazleton (Hazletownship), Pa., to points in Arizona, California and Oregon.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117589 (Sub-No. 30), filed September 8, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, Wash. 98108. Applicant's representative: Michael D. Duppenthaler, 607 Third Avenue, 515 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, and articles distributed by meat packinghouses*, as described in Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Seattle and Tukwila, Wash., to Ontario, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117676 (Sub-No. 5), filed September 19, 1975. Applicant: HERMS TRUCKING INC., 58–64 Ward Avenue, Trenton, N.J. 08609. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, lighter fluid, pressed fireplace logs, and sawdust*, from East Hartford, Conn.; Portland, Maine; Baltimore and Beltsville, Md.; Boston, Mass.; North Brunswick and Trenton, N.J.; Albany, Bayshore, Syracuse, New York and Buffalo, N.Y.; Raleigh and Charlotte, N.C.; Cornwells Heights, Fairless Hills, Pittsburgh and York, Pa.; and Roanoke, Norfolk and Richmond, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—Applicant has contract carrier authority in MC 140806 Sub-No. 2 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 117686 (Sub-No. 157), filed September 15, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined sugar*, in packages or bags, from Reserve, La., to points in Iowa, Minnesota, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 117940 (Sub-No. 167) (Correction), filed August 21, 1975, published in the FEDERAL REGISTER issue of September 25, 1975 as MC–11740 (Sub-No. 167), and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, and chain grocery food business houses (except commodities in bulk and frozen foods), from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virgina, West Virginia and the District of Columbia.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 118612 (Sub-No. 8), filed Sept. 8, 1975. Applicant: B. T. SERVICE, INC., doing business as COLUMBIA TRUCKING COMPANY, 3333 Sheffield Avenue, Hammond, Ind. 46320. Applicant's representative: Richard A. Kerwin, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal etching, cleaning, and finishing chemicals*, from the plantsite and warehouse and storage facilities utilized by Southern California Chemical Company, located at or near Union, Ill., and the plantsite and storage facilities utilized by C. P. Inorganics Co., located at or near Joliet, Ill., to points in Indiana, Minnesota, Ohio, Wisconsin, Michigan, Missouri, Tennessee, Texas, New Jersey, New York and Maryland; and (2) *waste, spent and recyclable chemicals*, from points in Indiana, Michigan, Missouri, Wisconsin, Minnesota, Tennessee, Ohio, Illinois, Iowa, New Jersey, New York, Connecticut, Texas, Oklahoma, Arkansas, Alabama, Kentucky and Pennsylvania, to Union, Joliet and Chicago, Ill.; Detroit, Mich.; and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119547 (Sub-No. 42), filed September 17, 1975. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and articles* used in the installation and distribution of clay and clay products, (except commodities in bulk), between points in Lawrence County, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Ohio).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 119700 (Sub-No. 29), filed September 15, 1975. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1211 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite of National Pipe & Tube Co., located in Liberty County, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin; and (2) *materials, equipment and supplies*, used in the manufacture, processing and distribution of iron and steel articles, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin, to the plantsite of National Pipe & Tube Co., located at Liberty County, Tex.

NOTE.—If a hearing is deemed necssary, applicant requests it be held at Houston, Tex.

No. MC 121060 (Sub-No. 38), filed September 12, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk), from the facilities of The Celotex Corporation, located at or near Lockland, Ohio, to points in Michigan, Indiana, Illinois and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 123048 (Sub-No. 330), filed September 12, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, brick pavers and clay tile*, from points in North Carolina and South Carolina, to points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Rapids or Detroit, Mich.

No. MC 123407 (Sub-No. 265), filed September 15, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel tubing and gear frame side and cross bars* (except commodities

which because of their size or weight require special equipment or handling), from Elkhart, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123615 (Sub-No. 6), filed September 15, 1975. Applicant: TRANSPET, INC., 700 S. Fourth Street, Harrison, N.J. 07029. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet supplies, pet foods, pet accessories, pet tonics and insecticides*, between Bloomfield, Harrison and Jersey City, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *material, equipment and supplies* used in the manufacture of pet supplies, pet foods, pet accessories, pet tonics and insecticides, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Bloomfield, Harrison and Jersey City, N.J., under a continuing contract or contracts with Hartz Mountain Corporation, or its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC-124170 (Sub-No. 54), filed September 19, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyde, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grits and malt*, from points in Illinois, Indiana, and Wisconsin, to Trenton, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 128073 (Sub-No. 5), filed September 5, 1975. Applicant: BANANA SHIPPING SERVICE, INCORPORATED, P.O. Box 1345, Montgomery, Ala. 36102. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Gulfport, Miss., to points in Alabama, restricted to the transportation of traffic having an immediately prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 128246 (Sub-No. 8), filed September 15, 1975. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, Calif. 95067. Applicant's representative: Roland R. Schmidt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company, at or near Cactus, (Moore County), Tex., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, under contract with Swift & Company, at Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 128273 (Sub-No. 200), filed September 10, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and plumbing fixtures, parts, attachments and accessories*, from Evansville and Rockport, Ind., and Henderson, Ky., to points in the United States (except Alaska, Hawaii, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 128273 (Sub-No. 201), filed September 10, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fittings, fixtures, equipment, materials and supplies*, from Nevada, Mo., to points in Arkansas, Illinois, Louisiana, Iowa, Nevada, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 202), filed September 17, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper, and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, (1) from points in Little River County, Ark., to points in Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia; and (2) from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or New Orleans, La.

No. MC 128642 (Sub-No. 15), filed September 16, 1975. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, Md. 21230. Applicant's representative: H. Neil Garson, Court Square West Bldg., 1400 N. Uhle Street, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maple sugar*, from Newport, Vt., to Baltimore, Md., Brundidge, Ala., and Terre Haute, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129071 (Sub-No. 11), filed September 8, 1975. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 387, Whitehall, Wisc. 54773. Applicant's representative: William J. Boyd, 600 Enterprise Dr., Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Mankato, Minn., to Kankakee, Ill.; Columbus, Ohio; Allentown and Camp Hill, Pa., and Davenport, Iowa, under a continuing contract or contracts with Northwest By-Products, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 129401 (Sub-No. 4) (Correction), filed August 28, 1975, published in the FEDERAL REGISTER issue of September 25, 1975, republished as corrected this issue. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from Statesville, N.C., to points in California; and (2) *damaged or rejected shipments of new furniture and furniture parts*, from points in California, to Statesville, N.C., under a continuing contract with Blackwelder Furniture Co.

NOTE.—The purpose of this republication is to correct the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 129635 (Sub-No. 6), filed September 15, 1975. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dal-

las, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, and *attachments, parts and accessories therefor*, when moving at the same time and in the same equipment, from Houston, Tex., to points in Colorado, Kansas, Missouri, Nebraska, Illinois, Iowa, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133133 (Sub-No. 12), filed September 10, 1975. Applicant: FULLER MOTOR DELIVERY CO., a Corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, and packages, from points in the Louisville, Ky., Commercial Zone, to points in Indiana, Kentucky, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Cleveland, or Columbus, Ohio.

No. MC 133219 (Sub-No. 13), filed September 15, 1975. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, Nebr. 68317. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible soybean oil, and blends thereof*, from Lincoln, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Illinois, Nevada, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 134224 (Sub-No. 9), filed September 15, 1975. Applicant: HAUSER TRUCKING CORP., P.O. Box 241, Cobleskill, N.Y. 12043. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Kentucky, Ohio, Pennsylvania, Tennessee, and West Virginia, to Schenectady, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 134336 (Sub-No. 8), filed September 16, 1975. Applicant: TOM BOWEN, INC., 1935 Hill Street, P.O. Box 689, Sturgis, S. Dak. 57785. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, shavings, and other sawmill products* (except lumber) *and additives thereto*, from points in Lawrence and Meade Counties, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spearfish, Sturgis, or Rapid City, S. Dak.

No. MC 134349 (Sub-No. 14), filed September 12, 1975. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by or used in the operation of retail department stores, between New York, N.Y., and North Bergen, N.J., on the one hand, and, on the other, points in Florida, under a continuing contract or contracts with Allied Stores Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134535 (Sub-No. 7), filed September 15, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 130 Meadow Road, P.O. Box 1393, Edison, N.J. 08817. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and cushioning*, from Trenton, N.J., and Fairless Hills and Philadelphia, Pa., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under a continuing contract or contracts with General Felt Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134535 (Sub-No. 8), filed September 15, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 130 Meadow Road, P.O. Box 1393, Edison, N.J. 08817. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail sporting goods houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk, in tank vehicles), between Carteret, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under a continuing contract or contracts with Herman's World of Sporting Goods, Division of W. R. Grace & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135231 (Sub-No. 11), filed September 11, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West, St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses, from St. Cloud, Minn., to Kansas City, Kans.

NOTE.—Applicant holds contract carrier authority in MC 135231 and subs thereunder, therefore dual operations, may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135733 (Sub-No. 3), filed August 27, 1975. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, N.Y. 14203. 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: *Cement*, from Buffalo, N.Y., to points in Erie, Warren, McKean, Potter, Cameron, Elk, Forest, Venango, Crawford, Mercer, and Tioga Counties, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136211 (Sub-No. 31), filed August 25, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, Suite 223, Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furnishings and appliances*, from the facilities of M. Shaivitz & Sons, Inc., located at Baltimore, Md., to points in Franklin, Cumberland, Dauphin, Adams, Lebanon, Lancaster, and York Counties, Pa.; points in New Castle, Kent, and Sussex Counties, Del.; points in Fairfax, Loundon, Clarke, Frederick, Shenandoah, Page, Rappahannock, Culpeper, Orange, Spotsylvania, Carolina, Essex, Richmond, Northumberland, Westmoreland, King George, Stafford, and Prince William Counties, Va.; points in Cumberland, Gloucester, and Salem Counties, N.J.; and the District of Columbia, under contract with M. Shaivitz & Sons, Inc., restricted against the transportation of shipment to retail or commercial enterprises.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 136318 (Sub-No. 36), filed September 11, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310

Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from High Point, Marion, Morganton, and Spruce Pine, N.C., to points in Arkansas, Iowa, Minnesota, Missouri, and Oklahoma; and (2) from Mt. Airy, N.C., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under a continuing contract or contracts with Henredon Furniture Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 136343 (Sub-No. 53), filed September 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, and woodpulp*, from the facilities of Westvaco Corporation at Luke, Biggs, and Cumberland, Md., and Piedmont, W. Va., to points in Illinois, New York, Pennsylvania, Tennessee, Indiana, Ohio, Maryland, Massachusetts, New Jersey, Kentucky, Virginia, and Michigan; and (2) *equipment, materials, and supplies* used in the manufacture and sale of paper, paper products, and woodpulp (except in bulk), from points in the destination states named in (1) above, to the facilities of Westvaco Corporation at Luke, Biggs, and Cumberland, Md., and Piedmont, W. Va., restricted to the transportation of shipments originating at the above specified origins and destined to the above specified destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136378 (Sub-No. 9), filed September 16, 1975. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *bottle carrying boxes or crates*, from points in Lee County, Ala., to points in Mississippi, Tennessee, Missouri, Kentucky, Florida, and Georgia, under a continuing contract or contracts with Edwards & McGehee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montgomery, Ala., or Atlanta, Ga.

No. MC 136464 (Sub-No. 13), filed September 11, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Greensboro, N.C., and points in its commercial zone and Asheboro, N.C., to Los Angeles, Calif. and its commercial zone, under a continuing contract or contracts with Burlington Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Greensboro, or Charlotte, N.C.

No. MC 136513 (Sub-No. 8), filed September 15, 1975. Applicant: TALMADGE C. GRAY, P.O. Box 233, Milford, Utah 84751. Applicant's representative: Talmadge C. Gray (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (except shredded scrap metal): (1) from Vernon, Calif., to points in Arizona, Nevada, and Utah; and (2) between points in Arizona, Nevada, and Utah, under a continuing contract or contracts with Vulcan Materials Company, restricted in (2) above to the transportation of traffic having an immediately prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif. or Las Vegas, Nev.

No. MC 136689 (Sub-No. 7), filed September 12, 1975. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles*, in containers, from the plantsite of Sewell Plastics, Inc., at or near Reserve, La., to the plantsite of Houston Distilled Water Company, Inc., at Houston, Tex., under contract with Houston Distilled Water Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex. or New Orleans, La.

No. MC 136689 (Sub-No. 8), filed September 11, 1975. Applicant: SLAUGHTER TRANSPORTATION CORPORATION, 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry bread crumbs or cubes, granulated cereal, dry dip mixes, canned or preserved mushrooms in liquid, salad dressing preparations and table sauce*, in boxes, packages and other containers, from the plantsite of The Clorox Company, located at Houston, Tex., to points in Louisiana, New Mexico, and Oklahoma, under a continuing contract or contracts with The Clorox Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or New Orleans, La.

No. MC 136888 (Sub-No. 4), filed September 11, 1975. Applicant: NORMAN & SON, INC., 2520 North 69th Street, Houston, Tex. 77020. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron billets*, in bulk, in dump trailer equipment and (2) *sorelmetal billets*, from Houston, Tex., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Austin, Tex.

No. MC 136987 (Sub-No. 12), filed September 15, 1975. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, U.S. Highway 24 West, Remington, Ind. 47977. Applicant's representative: James Robert Evans, 145 West Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soya flour and soya flour products*, from Remington, Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Griffith Food Products, a subsidiary of Griffith Laboratories, located in Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138658 (Sub-No. 3), filed September 15, 1975. Applicant: CROSS TRANSPORTATION, INC., 100 Factory Street, Lewis, Kans. 67552. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Hydraulic cylinders and component parts thereof*, between the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Greensburg, Kans., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraka, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, and Provo and Nephi, Utah; (2) *raw castings*, between Camden, Tenn., Bentonville, Ark., and Dewey, Okla., on the one hand, and, on the other, the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, Kinsley, and Greensburg, Kans., and Lamar, Colo.; (3) *steel tubes, bars and plates*, and *raw castings*, between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and, on the other, the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Greensburg, Kans.; (4) *hydraulic cylinders, fittings, adapters, valves, pumps, and motors; hydraulic coupling equipment* and *component parts* of hydraulic cylinders, fit-

tings, adapters, valves, pumps and motors; *steel tubes, bars and plates,* and *raw castings,* between the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Greensburg, Kans., on the one hand, and, on the other, the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lamar, Colo.

(5) *Saws, lathes, hones, automatic screw machines, drill presses,* and *welders,* and any other *machines or tools* used in the manufacture of hydraulic cylinders, fittings, adapters, valves, pumps, motors, and hydraulic coupling equipment, between the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, Kinsley, and Greensburg, Kans., on the one hand, and, on the other, the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lamar, Colo., and the plantsite and storage facilities of Cross Hydraulics, Inc. at or near Bay Springs, Miss.; (6) *hydraulic cylinders, fittings, adapters, valves, pumps, and motors,* and *hydraulic coupling equipment,* between the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, Kinsley, and Greensburg, Kans., and Lamar, Colo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, and Provo and Nephi, Utah.

(7) *Saws, lathes, hones, automatic screw machines, drill presses, welders,* and any other *machines or tools* used in the manufacture of hydraulic cylinders, fittings, adapters, valves, pumps, motors, and hydraulic coupling equipment, between Chicago, Ill.; Minneapolis and St. Paul, Minn.; Toledo and Cincinnati, Ohio; Detroit, Mich.; and Denver, Colo., on the one hand, and, on the other, the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lewis, Hays, Pratt, Kinsley, and Greensburg, Kans., and the plantsite and storage facilities of Cross Manufacturing, Inc. at or near Lamar, Colo., under a continuing contract or contracts in (A) above with Cross Manufacturing, Inc. of Lewis, Kans.; and (B) (1) *hydraulic cylinders, fittings, adapters, valves, pumps, and motors* and *hydraulic coupling equipment,* between the plantsite and storage facilities of Cross Hydraulics, Inc. at or near Bay Springs, Miss., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, and Provo and Nephi, Utah; (2) *steel tubes, bars and plates,* and *raw castings,* between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and, on the other, the plantsite and storage facilities of Cross Hydraulics, Inc. at or near Bay Springs, Miss.; and (3) *raw castings,* between Camden, Tenn., Bentonville, Ark., and Dewey, Okla., on the one hand, and, on the other, the plantsite and storage facilities of Cross Hydraulics, Inc. at or near Bay Springs, Miss., under a continuing contract or contracts in (B) above with Cross Hydraulics, Inc. of Bay Springs, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 139378 (Sub-No. 2), filed September 9, 1975. Applicant: LLOYD C. BUSBEE, P.O. Box 6344, 550 Mohawk St., Mobile, Ala. 36606. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from (1) Galveston, Tex., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin; and (2) from Gulfport, Miss., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, parts (1) and (2) restricted to the transportation of traffic having an immediately prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Miami, Fla.

No. MC 139405 (Sub-No. 2), filed September 2, 1975. Applicant: RON ANDREWS, doing business as RON ANDREWS TRUCKING, 3515 7th Street East, P.O. Box 142, Lewiston, Idaho 83501. Applicant's representative: Christopher J. Dietzen, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bananas,* from Long Beach, and Wilmington, Calif., to Pacific Fruit and Produce Company warehouses, at Missoula and Kalispell, Mont.; Pendleton, Oreg.; Pasco, Wash.; and Lewiston, Idaho, and (2) *unassembled furniture and products,* from the manufacturing plant of North Idaho Wood, Ltd., at Lewiston, Idaho, to points in Los Angeles, Sacramento, San Francisco, Alameda, Butte, and Glenn Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho; Portland, Oreg.; or Seattle, Wash.

No. MC 139495 (Sub-No. 90), filed September 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tires,* from Montgomeryville, Conshohocken, and Frazer, Pa., to points in Arizona, Arkansas, Illinois, Kansas, Kentucky, Louisiana, Missouri, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 91), filed September 11, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Modified soda ash, cleaning compounds, bath salts, fabric softeners, and drugs* (except commodities in bulk, in tank vehicles), from Morrisville, Pa.; Rockwood, Mich.; and Niles, Ill., to Foxboro, Mass.; Huntington, W. Va.; Memphis, Tenn.; Forest Park, Ga.; Jacksonville, Orlando, Tampa, Lakeland, and Miami, Fla.; Chicago, Ill.; Kansas City, Mo.; St. Paul, Minn.; Arlington, Tex.; Denver, Colo.; Clearfield, Utah; Los Angeles and San Francisco, Calif., and Portland, Oreg.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139926 (Sub-No. 2), filed September 11, 1975. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fencing materials, equipment and supplies, bailing wire, concrete reinforcement wire, meshed wire, and panels and gates* for temporary livestock pens, from Kansas City, Mo., to points in Oklahoma, under a continuing contract with Creeco Mill and Elevator Company of Bristow, Okla.

NOTE.—Applicant holds common carrier authority in MC 139923 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 140484 (Sub-No. 9), filed September 19, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic containers, and materials and supplies* used in the manufacturing of plastic containers (except commodities in bulk), between New London, Tex.,

Leominister, Mass., and Toledo, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub-No. 1 therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 140615 (Sub-No. 6), filed September 12, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, dairy by-products*, and *gift paks:* (a) from Hopkinton and Luana, Iowa; Bongard, Dalbo, Rochester and Pine Island, Minn.; and points in Wisconsin, to points in Arkansas, Louisiana, Missouri, Oklahoma, Texas, and points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (b) from Big Stone City, S. Dak., to Lena, Wis.; and (2) *materials, supplies, and equipment* used in the preparation, packing and sale of the commodities in (1) above, from points in the destination territory described in (1)(a) above, to Hopkinton and Luana, Iowa; Bongard, Dalbo, Rochester and Pine Island, Minn.; and points in Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison or Warsau, Wis.

No. MC 140768 (Sub-No. 2), filed August 13, 1975. Applicant: AMERICAN-TRANS FREIGHT, INC., P.O. Box 499, South Bould Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass, bronze, copper, pipe and tubing, brass and copper alloys, brass, bronze, copper and nickel products, and copper billets*, from Reading, Pa., to points in California, Louisiana, Michigan, Arizona, Indiana, Colorado, Texas, Illinois, the New York, N.Y., Commercial Zone, New Jersey, Nassau, Suffolk, Rockland and Orange Counties, N.Y.; and (2) *metal scrap, fire brick, and materials and supplies* (except in bulk), used in the manufacture, sale and distribution of the aforementioned commodities, from the named destination points, to Reading, Pa., under a continuing contract or contracts with Reading Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140829 (Sub-No. 5), filed September 12, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas* when transported in mixed loads with commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds motor contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140902 (Sub-No. 1), filed September 15, 1975. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, Fla. 33166. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, furniture parts, and plastic shutters and equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities; (2) *light fixtures, lamps and shades, electric heaters, wall decors, and fireplace accessories, and equipment, materials and supplies* used in or in connection with the manufacture and distribution of these commodities; and (3) *cleaning compounds, paint and paint material, furniture polish, wax and wax remover, and sealants* moving in mixed shipments with cleaning compounds and/or paint and paint material; and *equipment, materials, and supplies* used in or in connection with the manufacture and distribution of these commodities, between points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under a continuing contract or contracts with DeSoto, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 141043 (Sub-No. 2), filed September 11, 1975. Applicant: A. C. CRANE SERVICE, INC., P.O. Box 576, Midlothian, Ill. 60442. Applicant's representative: Philip A. Lee, 120 West Madison Street, Suite 618, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cryogenic tanks and vessels*, and *miscellaneous parts and accessories* thereto such as electrical controls, pumps, piping, and coiled vaporizors to be transported on specialized rigging equipment with not less than ten ton crane mounted on truck bed, between points in Illinois, Indiana, Michigan, Wisconsin, Ohio, Iowa, Missouri, Kentucky, Pennsylvania and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 141077 (Sub-No. 2), filed September 3, 1975. Applicant: DEAN JACOBSON AND JACK TANNER, a partnership, doing business as, TANNER TRUCKING, P.O. Box 53, Alexander, N. Dak. 58831. Applicant's representative: Charles M. Williams, Suite 646, Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed pellets and meal*, in bulk and in bags, from the plantsite and storage facilities utilized by Pecos Valley Cotton Oil Mill, at or near Loving, N. Mex., to points in North Dakota, South Dakota, Montana and Wyoming, restricted (1) against the transportation of the above commodities in bulk in tank vehicles; and (2) to services rendered under a continuing contract or contracts with Dean Jacobson and Jack Tanner, a Partnership.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Williston, N. Dak.

No. MC 141269 filed August 27, 1975. Applicant: CHAS. R. MORGAN, INC., 18574 S. Highway 99E, Oregon City, Oreg. 97045. Applicant's representative: James A. Nelson, Pacific Bldg., 520 S. W. Yamhill Street, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Beer and malt liquor*, in bottles, from Pabst Brewing Company, at Los Angeles, Calif., to Portland, Oreg.; (b) *wine*, in bottles, from Browne Vintners, at San Francisco, Calif.; United Vintners, at Modesto, Calif.; Franzia Winery, at Lodi, Calif.; and Gibson Winery, at Elk Grove, Calif., to Portland, Oreg., under contract with Morgan Distributing, Incorporated, and M.C. Distributing Co.; and (2) *beer and malt liquor*, in bottles and cans, at Portland, Oreg., to distributors of Blitz-Weinhard Company, at Canoga Park, Cerritos, Colton, Compton, El Monte, Los Angeles, Rose Mead, Oxnard, San Diego, San Fernando and Santa Anna, Calif., under contract with Blitz-Weinhard Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 141293 (Sub-No. 1), filed September 5, 1975. Applicant: J. R. R. W. TRANSPORT, INC., RR, Iowa City, Iowa

52240. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined corn products* in packages and containers, and *powdered milk* when moving in the same vehicle and at the same time as refined corn products, (1) from Decatur, Ill., to Iowa City, Iowa; and (2) from Iowa City, Iowa, to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with J. M. Swank Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Omaha, Nebr.

No. MC 141295 (Sub-No. 1) (CORRECTION), filed September 2, 1975, published in the FEDERAL REGISTER issue of September 25, 1975 as MC 141301, and republished as corrected this issue. Applicant: EMIL A. JOHNSON, doing business as, CHIEF TRUCKING CO., 1767 South Redwood Street, Escondido, Calif. 92025. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Suite 106, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Gillespie County, Tex., to Escondido and Riverside, Calif., the National Quarries plantsite near San Marcos, Calif., and the Bruner Pacific Marble & Granite, Inc., plantsite near Cucamonga, Calif., under contract with Robert N. Johnson and Emil A. Johnson, doing business as, National Quarries.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141300, filed September 4, 1975. Applicant: SIGMAN TRANSPORTATION COMPANY, 6000 West 54th Avenue, Arvada, Colo. 80002. Applicant's representative: Edward C. Hastings, Gold Suites, 666 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *such other commodities* as are usually dealt in, or used by restaurants and supply houses, from Denver, Colo., and Jefferson and Morgan Counties, Colo., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, New Mexico, Arizona and Texas; and (2) *materials, equipment and supplies*, and *such other commodities* as are used, or dealt in by persons as defined in Section 203(a) of the Interstate Commerce Act, engaged in the production and distribution of the commodities named in (1) above, from points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, New Mexico, Arizona and Texas, to Denver, Colo., and Jefferson and Morgan Counties, Colo., under a continuing contract with Sigman Meat Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141314 (Sub-No. 2), filed September 11, 1975. Applicant: SOMERSIDE EXPRESS, INC., 210 S. Horseshoe Drive, Somerset, Ky. 42501. Applicant's representative: R. H. Kinker, 711 McClure Bldg., Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unupholstered furniture, furniture parts, and furniture hardware*, from the plant and warehouse facilities of Karel of Cumberland, Inc., and Cumberland Wood and Chair Corporation, at or near Somerset, Ky., to Los Angeles, Calif., under contract with Karel of Cumberland, Inc., and Cumberland Wood and Chair Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 141316, filed September 8, 1975. Applicant: A & A TRUCKING, INC., Box 68, Shelby, Nebr. 68662. Applicant's representative: Charles J. Kimball, 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Reno County, Kans., to points in Nebraska, under a continuing contract with A & A Trucking, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141322 (Sub-No. 1), filed September 12, 1975. Applicant: MONTGOMERY X-RAY TRANSPORTATION, INC., 13310 Dove Street, Silver Spring, Md. 20904. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *X-Ray scanning machines*, and *parts, materials and supplies* therefor, when moving with X-Ray scanning machines (except in bulk), in specially designed X-Ray scanning machine vehicles, from the plantsite and storage facilities of Pfizer Medical Systems, Inc. located in Montgomery County, Md., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* necessary for the manufacture and installation of X-Ray scanning machines (except in bulk), in specially designed X-Ray scanning machine vehicles, on return under a continuing contract or contracts with Pfizer Medical Systems, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141323, filed September 12, 1975. Applicant: TRAILER MARINE TRANSPORT CORPORATION, 1045 Bond Avenue, Jacksonville, Fla. 32203. Applicant's representative: Leo C. Franey, 702 World Center Building, 918 16th Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between points in the Jacksonville, Fla. Commercial Zone, including Jacksonville, restricted to the transportation of traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141333, filed September 15, 1975. Applicant: JACK CAZER, Box 367, Eaton, Colo. 80615. Applicant's representative: Charles J. Kimball, Suite 646, Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chain and related parts, materials, equipment and supplies*, from Greeley, Colo., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in part (1) above, from points in the United States (except Alaska and Hawaii), to Greeley, Colo., (1) and (2) restricted to a transportation service to be performed under a continuing contract or contracts with Noffsinger Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 141335, filed September 15, 1975. Applicant: BARR TRANSPORTATION CORP., 6538 Collamer Road, P.O. Box 105, East Syracuse, N.Y. 13057. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Scrap metal*, in bulk, in dump vehicles, from points in Massachusetts, Connecticut, and New Hampshire; those in Frederick and Washington Counties, Md.; those in Pennsylvania on and north of Interstate Highway 80; and those in the New York, N.Y., and Philadelphia, Pa. Commercial zones, respectively, as defined by the Commission to Auburn, N.Y.; (b) *returned and refused commodities* of the same description, in the reverse direction; (2) (a) *materials and supplies* used in the manufacture of steel billets, reinforcing bar and other merchant bar mill products, (except commodities in bulk, in tank vehicles), from the Commercial zones of New York, N.Y. and Philadelphia, Pa., as defined by the Commission, and points in Massachusetts, Pennsylvania, Ohio, West Virginia, to Auburn, N.Y.; (b) *returned and refused commodities* of the same description, in the reverse direction; and

(3) (a) *steel billets, reinforcing bar and other merchant bar mill products,* from Auburn, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia and the District of Columbia; (b) *returned and refused commodities* of the same description, in the reverse direction, parts (1), (2), and (3) are under a continuing contract or contracts with Auburn Steel Company, Inc., of Auburn, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or New York, N.Y.

No. MC 141336, filed September 15, 1975. Applicant: BUD'S MOVING & STORAGE, INC., Highway 83 South, Minot, N. Dak. 58701. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* between points in North Dakota, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minot, N. Dak.

No. MC 141337, filed September 15, 1975. Applicant: J. B. TRUCKING, INC., 1832 Lakehurst Drive, Olympia, Wash. 98501. Applicant's representative: John G. McLaughlin, 620 Blue Cross Bldg., 100 S. W. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage containers, cartons and openers, advertising materials, brewery materials, supplies and ingredients,* between Thurston County, Wash., on the one hand, and, on the other, points in Oregon, under a continuing contract or contracts with Olympia Brewing Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Olympia, or Seattle, Wash.

No. MC 141340, filed September 11, 1975. Applicant: HENDERSON TRANSFER, INC., Henderson, Nebr. 68371. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Irrigation pipe,* from Henderson, Nebr. to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacturing, production and distribution of irrigation pipe (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Henderson, Nebr., restricted to a transportation service to be performed under a continuing contract or contracts with Midwest Irrigation, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 141341, filed September 11, 1975. Applicant: GROSK PF-WEIDER TRUCKING CO., INC., 1761 Denmark Street, Sonoma, Calif. 95476. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, automobiles, trucks, and buses, and commodities in bulk, in tank vehicles), between Sonoma, Calif., on the one hand, and, on the other, San Francisco and Oakland, Calif., restricted to traffic having an immediately prior or subsequent movement by water, under a continuing contract or contracts with Sebastiani Vineyards, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 141342, filed September 11, 1975. Applicant: KATO MOVING & STORAGE, INC., Route 1, Mankato, Minn. 56001. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage,* between Mankato, Minn., on the one hand, and, on the other, points in Sibley, Nicollet, Brown, Watonwan, Blue Earth, Faribault, Freeborn, Waseca, Steele, Rice and LeSueur Counties, Minn., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141343, filed September 12, 1975. Applicant: WILLIAM H. COOKE, doing business as, WILLIAM COOKE TRUCKING, 5512 Thomas Avenue South, Minneapolis, Minn. 55410. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* between the plantsite of Schweigert Meat Company located in Minneapolis, Minn., on the one hand, and, on the other, points in Iowa, Wisconsin; Omaha, Nebr.; Sioux Falls, S. Dak.; and the Davenport, Iowa-Rock Island, Illinois Commercial Zone, restricted to traffic originating at or destined to the named points, under a continuing contract or contracts with Schweigert Meat Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

PASSENGER APPLICATIONS

No. MC 69623 (Sub-No. 3), filed September 10, 1975. Applicant: CENTRAL WEST MOTOR STAGES, INC., P.O. Box 66, Mundelein, Ill. 60060. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicles with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Lake, Cook, Du Page, Will, McHenry and Kane Counties, Ill., and Walworth and Kenosha Counties, Wis., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110060 (Sub-No. 1), filed September 17, 1975. Applicant: TRANSPORTES CHIHUAHUENSES, S.A. de C.V., 16 de Septiembre 250 OTE, Juarez Chihuahua, Mexico. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, newspapers, express and mail* in the same vehicle with passengers, (1) Between the International Boundary line between the United States and the Republic of Mexico and Presidio, Tex.; From the International Boundary line between the United States and the Republic of Mexico over U.S. Highway 67 to Presidio, and return over the same routes, serving no intermediate points; and (2) between the International Boundary line between the United States and the Republic of Mexico and Columbus, N. Mex.; From the International Boundary line between the United States and the Republic of Mexico over New Mexico Highway 11 to Columbus, and return over the same routes, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 136147 (Sub-No. 2), filed September 16, 1975. Applicant: COACH TRAVEL UNLIMITED, INC., 9001 West 79th Place, Justice, Ill. 60458. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Room 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special operations, from points in Lake, Cook, DuPage, Will, Kankakee, Iroquois, Ford,

Kendall, Grundy, LaSalle, DeKalb, Boone, McHenry and Kane Counties, Ill., to points in the United States, including Alaska, but excluding Hawaii, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140826 (Sub-No. 1), filed September 10, 1975. Applicant: STEVE LARSSON HOMER, doing business as MAR/AIR BUS COMPANY, P.O. Box 344, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Haines, Alaska, and the Port of entry on the International Boundary Line between the United States and Canada located at or near Pleasant Camp, Alaska: From Haines, Alaska over Alaska Highway 7 to the Port of entry located at or near Pleasant Camp, Alaska, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Haines or Juneau, Alaska.

BROKER APPLICATIONS

No. MC 130331 (Correction), filed July 14, 1975, published in the FR issue of August 14, 1975, republished as corrected this issue. Applicant: MONARCH TOURS, INC., P.O. Box 692, Manchester, Mo. 63011. Applicant's representative: Donald R. Wilson, 940 Pierre Laclede Center, 7733 Forsyth Blvd., St. Louis, Mo. 63105. Authority sought to engage in operation, in interstate or foreign comerce, as a *broker* at Manchester, Mo., to sell or offer to sell the transportation of *Passengers and their baggage*, in charter operations, in round trip, all expense tours, by motor carrier, beginning and ending at points in St. Louis, Mo., East St. Louis, Ill. Commercial Zone, St. Louis and St. Charles Counties, Mo. and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to delete contract carriage from the above proceeding. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 130337, filed September 5, 1975. Applicant: KING TRAVEL SERVICE, INC., 217 East 8th Street, Topeka, Kans. 66603. Applicant's representative: Thomas L. King (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Topeka, Kans., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in roundtrip sightseeing tours, by motor, air, water and rail carriers, beginning and ending at points in Kansas and Missouri, and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Topeka or Kansas City, Kans.

No. MC 130340, filed September 12, 1975. Applicant: ARLEIGH HOOBLER AND MARY LEE HOOBLER, 716 South Street, Canadian, Tex. 79014. Applicant's representative: Arleigh Hoobler (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Canadian, Tex., to sell or offer to sell the transportation of *Passengers* as individuals and in groups, *and their baggage*, in special and charter operations, in all expense, round trip tours, by motor, air, rail and water carriers, beginning and ending at Canadian, Miami, Spearman, Pampa, Childress, Booker, Perryton, Panhandle, Wheeler, White Deer, Wellington, Higgins and Shamrock, Tex. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Amarillo, Dallas or Fort Worth, Tex.

By the Commission.

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

[FR Doc.75-27068 Filed 10-8-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 6, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 20, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 119777 (Sub E10), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irrigular routes, transporting: (1) *Steel sheets, plates, channels, angles, crop ends, mine roof washers, pallets, and couplings*, which because of their size or weight require the use of special equipment; and (2) *casing, pipe and tubing*, restricted to commodities which require special equipment or special services for loading or unloading or both, and only ordinary vehicular equipment for over-the-road transportation, provided the loading or unloading, or both, which necessitates the use of special equipment is performed by the consignor or consignee, or both (except, in both (1) and (2) machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling and maintenance of pipe lines and facilities for the storage of natural gas, gasoline and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas and petroleum, and except oilfield commodities, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 299.

(1) (A) From points in Pennsylvania on and north of a line commencing at the New York-Pennsylvania State line on U.S. Highway 15, thence south on U.S. Highway 15 to junction U.S. Highway 6, thence west on U.S. Highway 6 to junction Pennsylvania Highway 8, thence northwest on Pennsylvania Highway 8 to Erie, Pennsylvania, to points in Alabama on, south, and west of a line commencing at the Alabama-Mississippi State line on U.S. Highway 82, thence southeast on U.S. Highway 82 to junction U.S. Highway 43, thence south on U.S. Highway 43 to Mobile, Alabama; (B) from points in Pennsylvania on, north, and west of a line commencing at the Ohio-Pennsylvania State line on U.S. Highway 224, thence east on U.S. Highway 224 to junction U.S. Highway 422, thence southeast on U.S. Highway 422 to junction U.S. Highway 119, thence northeast on U.S. Highway 119 to junction U.S. Highway 219, thence north and northeast on U.S. Highway 219 to junction U.S. Highway 6, thence northeast on U.S. Highway 6 to junction Pennsylvania Highway 446, thence northeast on Pennsylvania Highway 446 to the terminus at the New York-Pennsylvania State line to points in Florida on and south of a line commencing at Pensacola, Florida, thence west on U.S. Highway 98 to the Alabama-Florida State line; (C) from points in Pennsylvania on and north of a line commencing at the New Jersey-Pennsylvania State line on U.S. Highway 1, thence southwest on U.S. Highway 1 to junction Interstate Highway 76, thence west on Interstate Highway 76 to junction Pennsylvania Highway 100, thence southeast on Pennsylvania Highway 100 to junction U.S. Highway 30, thence west on U.S. Highway 30 to junction Pennsylvania Highway 283, thence northwest on Pennsylvania Highway 283 to junction Interstate Highway 76, thence west on Interstate Highway 76 to junction U.S. Highway 30, thence west on U.S. Highway 30 to junction U.S. Highway 220, thence southwest

on U.S. Highway 220 to the Missouri-Pennsylvania State line to points in Louisiana.

(D) From points in Pennsylvania on, north and west of a line commencing at the Pennsylvania-West Virginia State line on U.S. Highway 40, thence east on U.S. Highway 40 to junction U.S. Highway 119, thence northeast on U.S. Highway 119 to the junction of Pennsylvania Highway 982, thence northeast on Pennsylvania Highway 982 to junction U.S. Highway 22, thence east on U.S. Highway 22 to junction Pennsylvania Highway 53, thence northeast on Pennsylvania Highway 53 to junction Pennsylvania Highway 36, thence east on Pennsylvania Highway 36 to junction U.S. Highway 220, thence northeast on U.S. Highway 220 to junction Pennsylvania Highway 87, thence northeast on Pennsylvania Highway 87 to junction U.S. Highway 220, thence north on U.S. Highway 220 to the Pennsylvania-New York State line to points in Mississippi; (E) from points in Pennsylvania to points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 641, thence south on U.S. Highway 641 to junction Tennessee Highway 69, thence south on Tennessee Highway 69 to junction Tennessee Highway 77, thence south on Tennessee Highway 77 to junction Tennessee Highway 22, thence south on Tennessee Highway 22 to the Tennessee-Mississippi State line; (2) (A) from points in Brooke, Hancock, and Ohio Counties, West Virginia to points in Mobile County, Alabama; (B) from points in West Virginia on, north and west of a line commencing at the West Virginia-Kentucky State line on U.S. Highway 60, thence east on U.S. Highway 60 to junction U.S. Highway 119, thence northeast on U.S. Highway 119 to the junction of U.S. Highway 19, thence north on U.S. Highway 19 to junction U.S. Highway 50, thence east on U.S. Highway 50 to the West Virginia-Maryland State line to points in Louisiana.

(C) From points in West Virginia on and north of a line commencing at the Ohio-West Virginia State line on U.S. Highway 50, thence east on U.S. Highway 50 to the junction of West Virginia Highway 47, thence southeast on West Virginia Highway 47 to junction U.S. Highway 33, thence east on U.S. Highway 33 to junction U.S. Highway 219, thence northeast on U.S. Highway 219 to the West Virginia-Maryland State line to points in Mississippi on and west of a line commencing at the Tennessee-Mississippi State line on Mississippi Highway 7, thence southwest and south on Mississippi Highway 7 to junction Mississippi Highway 9W, thence south on Mississippi Highway 9W to junction Mississippi Highway 9, thence south on Mississippi Highway 9 to junction Mississippi Highway 12, thence southwest and west on Mississippi Highway 12 to junction U.S. Highway 51, thence south on U.S. Highway 51 to the Mississippi-Louisiana State line; (D) from points in West Virginia on, north, and east of a line commencing at Parkersburg, West Virginia, thence south on West Virginia Highway 14 to junction Interstate Highway 77, thence south on Interstate Highway 77 to junction U.S. Highway 21, thence south on U.S. Highway 21 to junction U.S. Highway 60, thence southeast on U.S. Highway 60 to the Virginia-West Virginia State line to points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on Tennessee Highway 78, thence south on Tennessee Highway 78 to junction U.S. Highway 51, thence south on U.S. Highway 51 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate that part of Kentucky on and west of a line beginning at Louisville, and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, and thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Flora, Illinois.

No. MC 119777 (Sub E36), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities which because of size or weight require the use of special handling or equipment), from Kokomo, Indiana to points in Alabama; (2) *Iron and steel articles*, the transportation of which, because of size or weight requires, the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, consignee, or both (except oilfield commodities as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 299, and prefabricated buildings, and except machinery, materials, supplies and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum), (1) from points in Illinois on and north of a line commencing at the Illinois-Missouri State line on Illinois Highway 140, thence east on Illinois Highway 140 to junction U.S. Highway 40, thence northeast on U.S. Highway 40 to the junction of Illinois Highway 33, thence southeast on Illinois Highway 33 to junction Illinois Highway 130, thence south on Illinois Highway 130 to junction U.S. Highway 50, thence east on U.S. Highway 50 to the Illinois-Indiana State line to points in Alabama.

(2) From points in Indiana on and west of a line commencing at the Indiana-Ohio State line on Indiana Highway 37, thence south on Indiana Highway 37 to junction U.S. Highway 460, thence west on U.S. Highway 460 to junction Illinois Highway 545, thence south on Illinois Highway 545 to its terminus at Troy, Indiana to points in Alabama. (3) from points in Kentucky on and north of a line commencing at Owensboro, Kentucky, thence east on U.S. Highway 60 to junction Interstate Highway 64, thence north on Interstate Highway 64 to junction Interstate Highway 71, thence northeast on Interstate Highway 71 to junction Kentucky Highway 8, thence east on Kentucky Highway 8 to junction U.S. Highway 27, thence south on U.S. Highway 27 to junction Kentucky Highway 22, thence east on Kentucky Highway 22 to junction Kentucky Highway 10, thence east on Kentucky Highway 10 to junction U.S. Highway 23, thence south on U.S. Highway 23 to a terminus at Ashland, Kentucky to points in Alabama on and west of a line commencing at the Alabama-Mississippi State line on U.S. Highway 72, thence east on U.S. Highway 72 to junction Alabama Highway 17, thence south on Alabama Highway 17 to junction Alabama Highway 5, thence south on Alabama Highway 5 to junction U.S. Highway 78, thence southwest on U.S. Highway 78 to Birmingham, Alabama, thence south on U.S. Highway 31 to Montgomery, Alabama, thence south on U.S. Highway 331 to the Alabama-Florida State line; (4) from points in Ohio, (except Columbus), to points in Alabama on and west of a line commencing at the Tennessee-Alabama State line on Interstate Highway 65, thence south on Interstate Highway 65 to junction U.S. Highway 231, thence southeast on U.S. Highway 231 to the Alabama-Florida State line.

(5) From points in Pennsylvania on, north and west of a line commencing at the Pennsylvania-New York State line on U.S. Highway 15, thence south on U.S. Highway 15 to junction U.S. Highway 220, thence west on U.S. Highway 220 to the junction of Pennsylvania Highway 120, thence northwest on Pennsylvania Highway 120 to junction U.S. Highway 219, thence south on U.S. Highway 219 to junction U.S. Highway 119, thence southwest on U.S. Highway 119 to the Pennsylvania-West Virginia State line to points in Alabama on and west of a line commencing at the Alabama-Tennessee State line on U.S. Highway 231, thence south on U.S. Highway 231 to junction U.S. Highway 331, thence south on U.S. Highway 331 to the Alabama-Florida State line; (6) from Clarksville, Tennessee to Mobile, Alabama; and (7) from points in West Virginia on and north of U.S. Highway 40 to points in Alabama. The purpose of this filing is to eliminate the gateway of Hopkins County, Kentucky.

No. MC 119777 (Sub E99), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel tubing*, the transportation of which because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, consignee, or both, (except iron and steel tubing used as a building material; encompassed in the classification of commodities described by the Commission in MERCER EXTENSION-OIL FIELD COMMODITIES 74 M.C.C. 459, 543), (A) from Shelby, Ohio to points in Illinois on and south of a line commencing at the Illinois-Iowa State line on Illinois Highway 9, thence east on Illinois Highway 9 to junction U.S. Highway 67, thence south on U.S. Highway 67 to junction U.S. Highway 136, thence east on U.S. Highway 136 to junction Illinois Highway 10, thence east on Illinois Highway 10 to junction Interstate Highway 72, thence east on Interstate Highway 72 to Champaign, Illinois, thence south on U.S. Highway 45 to the junction of Illinois Highway 133, thence east on Illinois Highway 133 to junction U.S. Highway 150, thence east on U.S. Highway 150 to the Illinois-Indiana State line. (B) from Shelby, Ohio to points in Indiana on and south of a line commencing at the Ohio-Indiana State line on Interstate Highway 74, thence northwest on Interstate Highway 74 to Indianapolis, Indiana, thence west on U.S. Highway 36 to the Indiana-Illinois State line. (C) from Shelby, Ohio to points in Arizona, and New Mexico.

(D) from Shelby, Ohio to points in Kansas, Nebraska, and Oklahoma. (E) from Shelby, Ohio to points in Missouri on and west of a line commencing at the Arkansas-Missouri State line on U.S. Highway 65, thence north on U.S. Highway 65 to junction Interstate Highway 44, thence west on Interstate Highway 44 to the junction of Missouri Highway 13, thence north on Missouri Highway 13 to junction Missouri Highway 52, thence northeast on Missouri Highway 52 to junction U.S. Highway 65, thence north on U.S. Highway 65 to junction U.S. Highway 24, thence east on U.S. Highway 24 to junction U.S. Highway 63, thence north on U.S. Highway 63 to the Missouri-Iowa State line. (2) *Iron and steel tubing*, (except iron and steel tubing used as a building material, encompassed in the classification of commodities described by the Commission in MERCER EXTENSION-OIL FIELD COMMODITIES, 74 M.C.C. 459, 543, or the transportation of which because of size or weight requires the use of special equipment), (A) from Shelby, Ohio to points in Alabama. (B) from Shelby, Ohio to points in Oklahoma on and south of a line beginning at the Oklahoma-Texas State line on U.S. Highway 66, thence east on U.S. Highway 66 to junction U.S. Highway 183, thence south on U.S. Highway 183 to junction Oklahoma Highway 9, thence east on Oklahoma Highway 9 to junction Oklahoma Highway 9A, thence northeast on Oklahoma Highway 9A to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Kentucky in (1) (A) & (B) above; Kentucky and Sparta and Flora, Illinois in (1) (C) above; Kentucky and Kokomo, Indiana in (1) (D) & (E) above; Hopkins County, Kentucky in (2) (A) above; and the plant site of George L. Mesker Steel Corp., in Union Co., Mississippi in (2) (B) above.

No. MC 119777 (Sub E102), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, the transportation of which, because of their size or weight require the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both, from the plantsite of Geo. L. Mesker Steel Corp. located near New Albany, Miss. to points in Pennsylvania and West Virginia, restricted to the transportation of shipments originating at the above-specified plant site near New Albany, Miss. The purpose of this filing is to eliminate the gateway of that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119908 (Sub-No. E2) (CORRECTION), filed November 11, 1974, published in the FEDERAL REGISTER July 10, 1975. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Joe T. Briscoe (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Texas, on the one hand, and, on the other, points in Mississippi, Alabama, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana. The purpose of this correction is to include Georgia as a destination State.

No. MC 120737 (Sub-No. E3), filed May 14, 1974. Applicant: STAR DELIVERY & TRANSFER, INC., Route 5—Box 39, Canton, Ill. 61520. Applicant's representative: Glenn A. Werry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including highway tractors for hauling freight trailers, and except tractors, the transportation of which, because of size or weight, requires the use of special equipment, regardless by whom loaded), from Chicago, Ill., to points in Alabama; Arizona; Arkansas on and south of U.S. Highway 70; California; that part of Colorado on and south of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 160 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Colorado State line; Florida; Georgia; Jeffersonville and New Albany, Ind.; Louisiana; that part of Nevada (except Tonopah) on and south of a line beginning at the California-Nevada State line, thence along U.S. Highway 50 to junction U.S. Highway 395 to junction Nevada Highway 3, thence along Nevada Highway 3 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 466, thence along U.S. Highway 466 to the Arizona-Nevada State line; that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line, thence along New Mexico Highway 504 to Farmington, thence along New Mexico Highway 17 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line; North Carolina; that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Hugo, thence along U.S. Highway 70 to junction Oklahoma Highway 98, thence along Oklahoma Highway 98 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 70.

Thence along U.S. Highway 70 to the Arkansas-Oklahoma State line; that part of Oregon on and south of a line beginning at junction U.S. Highway 101 and Oregon Highway 22, on the Pacific Coast, thence along Oregon Highway 22 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to New Pine Creek at the California-South Carolina State line; South Carolina; Tennessee; that part of Texas on and south of a line beginning at farwell at the New Mexico-Texas State line, thence along U.S. Highway 84 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 24, thence along Texas Highway 24 to Paris, thence along U.S. Highway 271 to the Oklahoma-Texas State line; Kane and Washington Counties, Utah, and that part of San Juan County, Utah, on and south of Utah Highway 95 to junction Utah Highway 47, thence along Utah Highway 47 to junction Utah Highway 262, thence along Utah Highway 262 to the Colorado-Utah State line; that part of Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Vir-

ginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Virginia State line, including Accomack and Northampton Counties, Va.; that part of West Virginia on and south of a line beginning at the Ohio-West Virginia State line, thence along unnumbered highway to junction West Virginia Highway 17, thence along West Virginia Highway 17 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to Junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line. RESTRICTION: The operations authorized under (1) above are restricted to traffic originating at the facilities of International Harvester Co., at Chicago, Ill. (Lynnview, Ky.) *.

(2) *Tractors* (except truck tractors and highway tractors, for hauling freight trailers), from Eau Claire, Wis., to points in that part of Connecticut on, south, and east of a line beginning at the Connecticut-New York State line, thence along U.S. Highway 44 to junction U.S. Highway 7, thence along U.S. Highway 7 to the Massachusetts-Connecticut State line; Delaware; Louisiana; Maine; that part of Maryland on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along Maryland Highway 194 to Woodsboro, thence along Maryland Highway 550 to Libertytown, thence along Maryland Highway 75 to Hyattstown, thence along Maryland Highway 109 to Poolesville, thence along Maryland Highway 107 to the Maryland-Virginia State line; that part of Massachusetts on, south, and east of a line beginning at the Connecticut-Massachusetts State line, thence along U.S. Highway 202 to junction Massachusetts Highway 57, thence along Massachusetts Highway 57 to Agawam, thence along U.S. Highway 20 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to the Vermont-Massachusetts State line; that part of New Hampshire on, east, and north of a line beginning at the New Hampshire-Massachusetts State line, thence along New Hampshire Highway 32 to Richmond, thence along New Hampshire Highway 119 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to Goshen, thence along New Hampshire Highway 10 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction U.S. Highway 4, thence along U.S. Highway 4 to Canaan, thence along New Hampshire Highway 118 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction U.S. Highway 302.

Thence along U.S. Highway 302 to the Vermont-New Hampshire State line; that part of New Jersey on, east, and south of a line beginning at the New York-New Jersey State line, thence along New Jersey Highway 84 to Sussex, thence along New Jersey Highway 23 to junction Secondary New Jersey Highway 517, thence along Secondary New Jersey Highway 517 to junction U.S. Highway 206, thence along U.S. Highway 206 to Princeton, thence along New Jersey Highway 27 to junction Secondary New Jersey Highway 526, thence along Secondary New Jersey Highway 526 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 413, thence along New Jersey Highway 413 to banks of the Delaware River; that part of New York on, south, and east of a line beginning at the New Jersey-New York State line, thence along New York Highway 84 to Montgomery, thence along New York Highway 17K to junction Interstate Highway 87, thence along Interstate Highway 87 to Kingston, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-New York State line; Rhode Island; Texas (except points in Kennedy, Kleberg, Nueces, San Patrico, and Regrugio, on, south, and east of a line beginning at Brownsville, thence along U.S. Highway 281 to Progresso, thence along Park Highway 88 to junction Texas Highway 186, thence along Texas Highway 186 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 113, thence along Texas Highway 113 to junction Texas Highway 35, thence along Texas Highway 35 to Alvin, thence along Park Highway 517 to junction Texas Highway 146, thence along Texas Highway 146 to Livingston, thence along U.S. Highway 59 to Carthage, thence along U.S. Highway 79 to the Louisiana-Texas State line); that part of Vermont on, east, and north of a line beginning at Wells River, thence along U.S. Highway 5 to St. Johnsbury, thence along U.S. Highway 2 to junction Vermont Highway 15, thence along Vermont Highway 15 to Jeffersonville, thence along Vermont Highway 108 to the United States-Canada International Boundary line; and the District of Columbia. RESTRICTION: The operations authorized in (2) above are subject to the following restrictions: Said operations are restricted to traffic originating at Eau Claire, Wis. Said operations are restricted against the transportation of commodities which, because of size or weight, require the use of special equipment. (Louisville, Ky.) *.

(3) *Tractors* (except truck tractors and highway tractors for hauling freight trailers), from West Chicago, Ill., to points in that part of Arizona on and south of a line beginning at the Nevada-Arizona State line, thence along U.S. Highway 466 to Kingman, thence along U.S. Highway 66 to Holbrook, thence along Arizona Highway 77 to Show Low, thence along Arizona Highway 173 to McNary Junction, thence along Arizona Highway 73 to junction Arizona Highway 273, thence along Arizona Highway 273 to junction U.S. Highway 666, thence along U.S. Highway 666 to Guthrie, thence along Arizona Highway 75 to Duncan, thence along U.S. Highway 70 to the New Mexico-Arizona State line; that part of Arkansas on and south of U.S. Highway 82; that part of California on and south of a line beginning at Eureka, thence along U.S. Highway 101 to junction California Highway 36, thence along California Highway 36 to Red Bluff, thence along U.S. Highway 99E to Marysville, thence along California Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 89, thence along California Highway 89 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-California State line; Louisiana; that part of Nevada on and south of a line beginning at the California-Nevada State line, thence along Nevada Highway 3 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 466, thence along U.S. Highway 466 to the Arizona-Nevada State line; that part of New Mexico (except Deming), on and south of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 70 to junction New Mexico Highway 11, thence along New Mexico Highway 11 to the United States-Mexico International Boundary line; that part of Texas on and south of a line beginning at McNary, thence along U.S. Highway 80 to Pecos, thence along U.S. Highway 285 to Fort Stockton, thence along U.S. Highway 67 to San Angelo, thence along U.S. Highway 87 to Brady, thence along U.S. Highway 190 to San Saba, thence along Texas Highway 16 to Goldthwaite, thence along U.S. Highway 84 to Waco, thence along Texas Highway 31 to Tyler, thence along Texas Highway 155 to Linden, thence along U.S. Highway 59 to Texarkana. RESTRICTION: The operations authorized in (3) above are restricted to the transportation of traffic originating at the facilities of International Harvester Company at West Chicago, Ill. (Louisville, Ky.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 123255 (Sub-No. E1), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Milwaukee, Wis., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E2), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Sheboygan, Wis., to points in New Jersey, New York, Pennsylvania, and Massachusetts. The purpose of this filing is to eliminate the gateway of points in the Cleveland, Ohio, commercial zone (excluding Cleveland).

No. MC 123255 (Sub-No. E3), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from La Crosse, Wis., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of points in Cleveland, Ohio, commercial zone (except Cleveland).

No. MC 123255 (Sub-No. E4), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Fort Wayne, Ind., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of points in Cleveland, Ohio, commercial zone (except Cleveland).

No. MC 123255 (Sub-No. E5), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Chicago, Ill., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland Ohio.

No. MC 123255 (Sub-No. E6), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E7), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage* from Maywood, Ill., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E8), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in New Jersey, New York, Pennsylvania and Massachusetts, to Kansas City, Kans. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E9), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in New Jersey, New York, Pennsylvania and Massachusetts, to points in Missouri (except St. Louis). The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E10), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine*, from Chicago, Ill., to points in New Jersey, New York, Pennsylvania and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E11), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine* from Louisville, Ky., to points in Massachusetts, New Jersey, New York and Pennsylvania (except points in Fayette, Greene, Washington Counties, Pa., and except points west of the Pennsylvania Turnpike in Westmoreland County, Pa.). The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E12), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from Chicago, Ill., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 123255 (Sub-No. E13), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers, from Hammondsport, N.Y., to St. Louis, Mo., and points in Illinois, Indiana, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Cleveland, Ohio, commercial zone, except Cleveland.

No. MC 123255 (Sub-No. E14), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bottles, from the facilities of Mogen David Wine Corporation at Westfield, N.Y., to St. Louis, Mo., and points in Illinois, Indiana, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in the Cleveland, Ohio, commercial zone (except Cleveland).

No. MC 123255 (Sub-No. E15), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Louisville, Ky., to Columbus, Ohio. The purpose of this filing is to eliminate the gateway of points in that part of Indiana east of U.S. Highway 31.

No. MC 123255 (Sub-No. E16), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chicago, Ill., to Columbus, Ohio. The purpose of this filing is to eliminate the gateway of points in that part of Indiana east of U.S. Highway 31.

No. MC 123255 (Sub-No. E17), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from East St. Louis, Ill., to Columbus,

Ohio. The purpose of this filing is to eliminate the gateway of points in that part of Indiana east of US Highway 31.

No. MC 123255 (Sub-No. E18), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Columbus, Ohio, to points in Illinois. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 123255 (Sub-No. E19), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to points in Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis, Mo., Louisville and Covington, Ky., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E21), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St.., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Chicago, Ill., to points in West Virginia within 10 miles of the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of that part of Indiana bounded by a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 123255 (Sub-No. E22), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Indiana on and north of US Highway 50 and those in the Lower Peninsula of Michigan, to points in Kanawha County, W. Va., and those points in that part of West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123255 (Sub-No. E23), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, Ill., to points in Kanawah County, W. Va., and those points in West Virginia on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123255 (Sub-No. E24), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 6 to Peru, thence on and east of a line beginning at Peru extending along Illinois Highway 29 to Pekin, thence on and north of a line beginning at Pekin extending along Illinois Highway 9 to the Illinois-Indiana State line, to points in Kanawah County, W. Va., and points in that part of West Virginia on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123255 (Sub-No. E25), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in the Lower Peninsula of Michigan, to points in that part of Kentucky on and east of a line beginning at Maysville, Ky., extending along US Highway 68 to Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123255 (Sub-No. E26), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor, over irregular routes, transporting: *Canned goods*, from points in that part of Michigan on and east of a line beginning at Bay City extending along U.S. Highway 23 to the Michigan-Ohio State line, to points in that part of Kentucky on and west of a line beginning at Maysville extending along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and on and east of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio.

No. MC 123255 (Sub-No. E27), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from points in Ohio on, west, and north of a line beginning at Huron extending along Ohio Highway 13 to junction U.S. Highway 224, thence along U.S. Highway 224 to Attica, thence along Ohio Highway 4 to Bucyrus, thence along U.S. Highway 30N to Lima, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Kokomo, Ind.

No. MC 123255 (Sub-No. E28), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparation*, from points in Ohio on, west, and north of a line beginning at Huron extending along Ohio Highway 13 to U.S. Highway 224, thence along U.S. Highway 224 to Attica, thence along Ohio Highway 4 to Bucyrus, thence along U.S. Highway 30N to Lima, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to Wauwatosa, Wis. The purpose of this filing is to eliminate the gateway of Windfall, Ind.

No. MC 123255 (Sub-No. E29), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparation*, from points in Ohio on, west and north of a line beginning at Huron extending along Ohio Highway 13 to junction U.S. Highway 224, thence along U.S. Highway 224 to Attica, thence along Ohio Highway 4 to Bucyrus, thence along U.S. Highway 30N to Lima, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to Racine, Wis. The purpose of this filing is to eliminate the gateway of Swayzee, Ind.

No. MC 123255 (Sub-No. E30), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and canned food preparations*, from points in Ohio on, west, and north

of a line beginning at Huron extending along Ohio Highway 13 to junction U.S. Highway 224, thence along U.S. Highway 224 to Attica, thence along Ohio Highway 4 to Bucyrus, thence along U.S. Highway 30N to Lima, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along US Highway 33 to the Ohio-Indiana State line, to Green Bay, Stevens Point, and Wausau, Wis. The purpose of this filing is to eliminate the gateway of Lebanon, Ind.

No. MC 123255 (Sub-No. E31), filed May 31, 1974. Applicant: B & L MOTOR FRIEGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and canned food preparations*, from points in Ohio on, west, and north of a line beginning at Huron extending along Ohio Highway 13 to junction U.S. Highway 224, thence along U.S. Highway 224 to Attica, thence along Ohio Highway 4 to Bucyrus, thence along U.S. Highway 30N to Lima, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to La Crosse, Wis. The purpose of this filing is to eliminate the gateway of Ladoga, Ind.

No. MC 123255 (Sub-No. E32), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from Rochelle, Mendota, and DeKalb, Ill., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 123255 (Sub-No. E33), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from Rochelle, Mendota, and DeKalb, Ill., to Louisville, Ky. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 123255 (Sub-No. E34), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from Rochelle, Mendota, and DeKalb, Ill., to Covington, Ky. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 123255 (Sub-No. E35), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and canned food preparations*, from Rochelle, Mendota, and DeKalb, Ill., to Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of points in Indiana.

No. MC 123255 (Sub-No. E36), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in cans), from Cleveland, Ohio, to points in Illinois and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, thence on and east of a line beginning at Peru extending along U.S. Highway 31 to Columbus, thence on and north of a line beginning at Columbus extending along Indiana Highway 46 to the Indiana-Ohio State line.

No. MC 123255 (Sub-No. E37), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in cans), from Cleveland, Ohio, to Covington and Louisville, Ky. The purpose of this filing is to eliminate the gateway of points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, thence on and east of U.S. Highway 31 to Columbus, thence on and north of Indiana Highway 46 to the Indiana-Ohio State line.

No. MC 123255 (Sub-No. E38), filed May 31, 1974. Applicnt: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in cans), from Cleveland, Ohio, to Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, on and east of U.S. Highway 31 to Columbus, thence on and north of Indiana Highway 46 to the Indiana-Ohio State line.

No. MC 123255 (Sub-No. E39), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Erie, Pa., to points in that part of Indiana on and south of Indiana Highway 18, and points in Illinois (except those in Cook and DuPage Counties), St. Louis, Mo., Louisville and Covington, Ky., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E40), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Pittsburgh, Pa., to points in Indiana, Illinois, points in that part of the Lower Peninsula of Michigan west and north of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 131 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 27, thence along Michigan Highway 27 to Sheboygan, and St. Louis, Mo., Louisville, and Covington, Ky., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E41), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Charleston, W. Va., to points in that part of Indiana on and north and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 44 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line; points in that part of Illinois on, north, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 51, thence

along U.S. Highway 51 to junction Illinois Highway 161, thence along Illinois Highway 161 to the Illinois-Missouri State line; the Lower Peninsula of Michigan, St. Louis, Mo., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E42), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Huntington, W. Va., to points in that part of Indiana on and north of U.S. Highway 40; points in that part of Illinois on, and north, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 161, thence along Illinois Highway 161 to the Illinois-Missouri State line; the Lower Peninsula of Michigan, St. Louis, Mo., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E43), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from points in Illinois within an area bounded by a line beginning at the Illinois-Indiana State line extending along U.S. Highway 6 to Peru, thence along Illinois Highway 29 to Pekin, thence along Illinois Highway 9 to the Illinois-Indiana State line, to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E44), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese* (except in cans), from points in that part of Indiana within an area bounded by a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, thence along U.S. Highway 31 to Franklin, thence along Indiana Highway 44 to Rushville, thence along Indiana Highway 3 to Dunreith, thence along U.S. Highway 40 to the Indiana-Ohio State line to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E45), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Chicago, Ill., to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E46), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese* (except in cans), from Vandalia, Ill., to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateways of Mount Summit, Ind., and Columbus, Ohio.

No. MC 123255 (Sub-No. E47), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese* (except in cans), from Collinsville, Ill., to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateways of Columbus, Ind., and Columbus, Ohio.

No. MC 123255 (Sub-No. E48), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese* (except in cans), from Millstadt and Trenton, Ill., to Erie and Pittsburgh, Pa., and Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Shirley, Ind., and Columbus, Ohio.

No. MC 123255 (Sub-No. E49), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese* (except in cans), from Detroit, Mich., and points in that part of Michigan within 10 miles of Detroit, to Charleston and Huntington, W. Va. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E50), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, lard substitute, salad oils, cooking oils, vegetable stearine, and cheese*, from Louisville, Ky., to Pittsburgh and Erie, Pa. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E51), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food preparations* (except canned goods), from Vandalia, Ill., to points in Ohio, the Lower Peninsula of Michigan, and those points in West Virginia within 10 miles of the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Mount Summit, Ind.

No. MC 123255 (Sub-No. E52), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food preparations* (except canned goods), from Collinsville, Ill., to points in Ohio, the Lower Peninsula of Michigan, and those in West Virginia within 10 miles of the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, thence along U.S. Highway 31 to Columbus, thence along Indiana Highway 46 to the Indiana-Ohio State line.

No. MC 123255 (Sub-No. E53), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Foodstuffs and food preparations* (except canned goods) from Millstadt and Trenton, Ill., to points in Ohio, the Lower Peninsula of Michigan, and those in West Virginia within 10 miles of the West Virgina-Ohio State line. The purpose of this filing is to eliminate the gateway of Mount Summit, Ind.

No. MC 123255 (Sub-No. E55), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except butter and commodities in bulk), from Champaign, Ill., to points in the Lower Peninsula of Michigan, and Monessen, Pa. The purpose of this filing is to eliminate the gateway of points in Indiana within the Chicago, Ill., commercial zone.

No. MC 123255 (Sub-No. E56), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in cans), in bulk, in tank vehicles, and in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Sunshine Biscuits, Inc., at Sayerville, N.J., to points in Illinois, St. Louis, Mo., and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 224 to Peru, thence along U.S. Highway 31 to Columbus, thence along Indiana Highway 46 to the Indiana-Ohio State line.

No. MC 123255 (Sub-No. E57), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seeds*, from Cincinnati and Cleveland, Ohio, to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Albany, Ind.

No. MC 123255 (Sub-No. E58), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and machinery* (except those requiring special equipment), from Louisville, Ky., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Albany, Ind.

No. MC 123255 (Sub-No. E59), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal kitchen cabinet parts* from Chicago, Ill., to Littlestown and Oxford, Pa. The purpose of this filing is to eliminate the gateway of Albany, Ind.

No. MC 123255 (Sub-No. E60), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from points in Illinois and points in Iowa within 10 miles of the Illinois-Iowa State line, points in Missouri within 10 miles of the Missouri-Illinois State line, points in that part of Kentucky within 10 miles of the Kentucky-Illinois State line and in that part of Kentucky on and south of U.S. Highway 60 and U.S. Highway 460 within 10 miles of the Kentucky-Indiana State line, to Brockway and Northeast, Pa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC 123255 (Sub-No. E61), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from points in the Lower Peninsula of Michigan, points in Ohio, and points in the part of Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 51, thence along U.S. Highway 51 to Bloomington, thence along Illinois Highway 9 to the Illinois-Indiana State line, those points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, and Parkersburg and Wheeling, W. Va., to Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Terre Haute, Ind.

No. MC 123255 (Sub-No. E62), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass malt beverage containers and empty glass wine containers*, from points in Indiana (except Gas City), Illinois, the Lower Peninsula of Michigan, points in Iowa within 10 miles of the Iowa-Illinois State line, points in Missouri within 10 miles of the Missouri-Illinois State line, to points in New Jersey, New York, points in that part of Pennsylvania east and north of a line beginning at the Ohio-Pennsylvania State line extending along the Pennsylvania Turnpike to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E63), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass malt beverage containers and empty glass wine containers*, from points in New Jersey, New York, and Pennsylvania to points in that part of Indiana on, north, and west of a line beginning at Vincennes extending along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio State line, Illinois, the Lower Peninsula of Michigan, points in Iowa within 10 miles of the Iowa-Illinois State line, and those in Missouri within 10 miles of the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E64), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass malt beverage containers and empty glass wine containers*, from points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E65), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers for malt and phosphated beverages, wines, cordials, and alcoholic liquors* from points in Indiana (except Gas City), Illinois, the Lower Peninsula of Michigan, that part of Iowa within 10 miles of the Iowa-Illinois State line,

that part of Missouri within 10 miles of the Missouri-Illinois State line, that part of Kentucky within 10 miles of the Kentucky-Illinois State line—Kentucky-Indiana State line—Kentucky-Ohio State line, and points in that part of West Virginia within 10 miles of the West Virginia-Ohio State line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 123255 (Sub-No. E66), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers for malt and phosphated beverages, wines, cordials, and alcoholic liquors* from points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Schenley, Pa., and points within 10 miles of Schenley, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 123255 (Sub-No. E67), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers for malt and phosphated beverages, wines, cordials, and alcoholic liquors* from Jeannette and South Connellsville, Pa., and points within 10 miles of South Connellsville, Pa., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 123255 (Sub-No. E68), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers for malt and phosphated beverages, wines, cordials, and alcoholic liquors* from points in Massachusetts, to points in Indiana, Illinois, the Lower Peninsula of Michigan, that part of Iowa within 10 miles of the Iowa-Illinois State line, that part of Missouri within 10 miles of the Missouri-Illinois State line, that part of Kentucky within 10 miles of the Kentucky-Illinois State line—the Kentucky-Indiana State line—the Kentucky-Ohio State line, that part of West Virginia within 10 miles of the West Virginia-Ohio State line, and that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 123255 (Sub-No. E69), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage and wine containers* from points in New Jersey, New York, and Pennsylvania, to Milwaukee, Wis., and Chicago and Maywood, Ill. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E70), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage containers* from points in Massachusetts to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123255 (Sub-No. E71), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage containers and kegs* from points in Massachusetts, to Milwaukee, Wis., and Chicago and Maywood, Ill. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E72), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass beverage containers* from points in Indiana on and east of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 3 to Fort Wayne, thence along Indiana Highway 1 to junction Indiana Highway 26, thence along Indiana Highway 26 to Hartford City, thence along Indiana Highway 3 to Rushville, thence along U.S. Highway 52 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction Indiana Highway 48, thence along Indiana Highway 48 to Lawrenceburg, Ind., to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 123255 (Sub-No. E73), filed may 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Detroit, Mich., and points in that part of Michigan within 10 miles af Detroit, to Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles thereof, points in Brooke, Hancock, and Ohio Counties, W. Va., and that part of West Virginia within 10 miles of the West Virginia-Ohio State line on and east of West Virginia Highway 24, and points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 123255 (Sub-No. E74), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool roofing materials*, from Waukegan, Ill., to Cleveland, Canton, and Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Alexandria, Ind.

No. MC 124174 (Sub-No. E45), filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen cracklings*, restricted to animal and poultry feed and animal and poultry feed ingredients (except in bulk, in tank vehicles); (a) from Milwaukee and Jefferson, Wis., to Spencer, Iowa, and points in Iowa within 50 miles thereof (New Prague and Minneapolis-St. Paul, Minn.)*; and (b) from Milwaukee, Green Bay, and Jefferson, Wis., to Swea City, Iowa, and points within 25 miles thereof (Fairmont, Stillwater, and St. Paul-Minneapolis, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 123255 (Sub-No. E75), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, building, insulating, and roofing materials*, from Joliet, Ill., to Cleveland, Canton, and Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Alexandria, Ind.

No. MC 123255 (Sub-No. E76), filed May 31, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Eleventh Ave., Newark, Ohio 43055. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, building, insulating, and roofing mate-*

rials, from East St. Louis, Ill., and Marseilles, Ill., to Cleveland, Canton, and Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Alexandria, Ind.

No. MC 124174 (Sub-No. E42), filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes*, and *pieces* therefrom, and *tannery products, supplies*, and *by-products*, between points in Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Texas, Wisconsin, West Virginia; Buford, Ga., and New Orleans, La., on the one hand, and, on the other, points in Kansas and Missouri within 60 miles of Auburn, Nebr. The purpose of this filing is to eliminate the gateway of points in Iowa or Nebraska within 60 miles of Auburn, Nebr.

No. MC 124211 (Sub-No. E55), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *New empty beverage containers;* (1) from points in Arizona to points in Minnesota, Wisconsin, those in Illinois on and north of Illinois Highway 9, those in Indiana on and north of Indiana Highway 26, those in Iowa on and north of Iowa Highway 2, those in North Dakota on and east of U.S. Highway 81, and those in South Dakota on and east of U.S. Highway 77; (2) from points in Utah to points in Iowa and Wisconsin, those in Illinois and Indiana on and north of U.S. Highway 36, and those in Minnesota on and east of U.S. Highway 71 and south of U.S. Highway 12; (3) from points in Washington to points in Arkansas, Indiana, Louisiana, those in Illinois on and north of U.S. Highway 36, those in Iowa north of U.S. Highway 34 and south of U.S. Highway 30, and those in Texas on and east of U.S. Highway 77 (Nebraska and St. Joseph) *; and (4) from points in Missouri to points in Montana, North Dakota, South Dakota, Wyoming, and those in California on and north of U.S. Highway 66 (Omaha, Nebr.) *; (5) from points in California to points in Iowa, Minnesota, Wisconsin, those in Illinois north of U.S. Highway 50, those in Indiana on and north of U.S. Highway 40, and those in Missouri on and east of U.S. Highway 61 (St. Joseph, Mo., and Omaha, Nebr.) *.

(B) *Empty containers;* (1) from points in Alabama to points in Montana, North Dakota, South Dakota, Wyoming, those in California on and north of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 41, thence along California Highway 41 to Morro Bay, those in Colorado on and north of U.S. Highway 24, those in Iowa on and west of U.S. Highway 59, those in Kansas on and north of U.S. Highway 36 and west of U.S. Highway 73, those in Minnesota on and west of U.S. Highway 71, and St. Joseph, Mo.; (2) from points in Georgia to points in Montana, North Dakota, South Dakota, Wyoming, those in California on and north of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 41, thence along California Highway 41 to Morro Bay, those in Colorado on and north of U.S. Highway 24, those in Iowa on and west of U.S. Highway 59, those in Kansas on and north of U.S. Highway 36 and west of U.S. Highway 73, those in Minnesota on and west of U.S. Highway 71, and St. Joseph, Mo.; (3) from points in Idaho to points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Missouri, those in Kansas on and east of U.S. Highway 77, those in Minnesota on and south of U.S. Highway 14, those in Oklahoma on and east of U.S. Highway 77, those in Texas on and east of U.S. Highway 75, and those in Wisconsin on and south of U.S. Highway 16; (4) from points in Illinois (except those north of U.S. Highway 24), to points in California, Montana, North Dakota, South Dakota, Wyoming, those in Colorado on and north of U.S. Highway 24, those in Iowa on and west of U.S. Highway 59, those in Kansas on and north of U.S. Highway 36 and west of U.S. Highway 73, those in Minnesota on and west of U.S. Highway 59, and points in Atchison County, Mo.

(5) From points in Indiana to points in California, Montana, North Dakota, South Dakota, Wyoming, those in Colorado on and north of U.S. Highway 24, those in Iowa on and north of U.S. Highway 24, those in Iowa on and west of U.S. Highway 71, those in Kansas on and north of U.S. Highway 36, those in Minnesota on and west of U.S. Highway 59, and those in Missouri on and west of U.S. Highway 71 and north of U.S. Highway 36; (6) from points in Kansas, to points in Minnesota, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, those in California on and north of a line beginning at the California-Nevada State line and extending along California Highway 4 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pacific Ocean, and those in Iowa on and west of U.S. Highway 59 and north of U.S. Highway 6; (7) from points in Louisiana to points in Montana, North Dakota, South Dakota, Wyoming, and those in Iowa and Minnesota on and west of U.S. Highway 71; (8) from points in Michigan to points in California, Colorado, South Dakota, those in Iowa on and west of U.S. Highway 59, those in Kansas on and west of U.S. Highway 75, and those in Oklahoma and Texas on and west of U.S. Highway 77; (9) from points in Minnesota to points in California, Colorado, Kansas, Oklahoma, Texas, and those in Missouri on and west of U.S. Highway 71; (10) from points in Mississippi, to points in Montana, North Dakota, South Dakota, Wyoming those in Colorado on and north of U.S. Highway 36, those in Iowa on and west of U.S. Highway 71, those in Kansas on and north of U.S. Highway 36 and west of U.S. Highway 73, and those in Minnesota on and west of U.S Highway 71; (11) from points in Montana to points in Arkansas, Illinois, Indiana, Iowa, Missouri, those in Kansas on and east of U.S. Highway 77, those in Oklahoma west of U.S. Highway 77, those in Texas on and west of U.S. Highway 75, and those in Wisconsin on and south of U.S. Highway 18; (12) from points in New Mexico to points in Iowa, Minnesota, Wisconsin, those in Illinois on and north of U.S. Highway 50, those in Indiana on and north of U.S. Highway 50, those in Kansas north of U.S. Highway 36 and east of U.S. Highway 77, those in Missouri on and north of U.S. Highway 36, those in North Dakota on and east of U.S. Highway 281, and those in South Dakota east of U.S. Highway 281;

(13) From points in North Dakota, to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Oklahoma, Texas, those in California on and south of Interstate Highway 80, those in Illinois on and south of U.S. Highway 30, those in Indiana on and south of U.S. Highway 6, and those in Iowa on and south of U.S. Highway 6; (14) from points in South Dakota to points in Arkansas, California, Colorado, Illinois, Indiana, Kansas, Louisiana, Missouri, Oklahoma, and Texas; (15) from points in Tennessee to points in Montana, North Dakota, South Dakota, Wyoming, those in California on and north of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction California Highway 68, thence along California Highway 68 to junction California Highway 41, thence along California Highway 41 to Morro Bay, those in Colorado on and north of U.S. Highway 24, those in Iowa on and west of U.S. Highway 71, those in Kansas on and north of U.S. Highway 36, and those in Minnesota on and west of U.S. Highway 71; (16) from those points in Texas on and east of U.S. Highway 77 to points in Minnesota, Montana, North Dakota, South Dakota, Wyoming, and those in Iowa on and west of U.S. Highway 59; (17) from those points in Texas on and west of U.S. Highway 77 to points in Minnesota, North Dakota, South Dakota, Wisconsin, those in Illinois on and north of U.S. Highway 6, and points in Iowa on and north of U.S. Highway 34; (18) from points in Wisconsin to points in California, Colorado, Oklahoma, Texas, those in Kansas on and west of U.S. Highway 75, and those in Wyoming on and south of U.S. Highway 26; (19) from points in Arkansas to points in Montana, North Dakota, South Dakota, Wyoming, those in California on and north of a line beginning at the California-Nevada State

line and extending along California Highway 4 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pacific Ocean, those in Colorado on and north of U.S. Highway 24, and those in Minnesota on and west of U.S. Highway 59; and

(20) From points in Florida to points in Montana, North Dakota, South Dakota, Wyoming, those in California on and north of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 41, thence along California Highway 41 to Morro Bay, those in Colorado on and north of U.S. Highway 50, those in Iowa west of U.S. Highway 71, those in Kansas north of U.S. Highway 36, those in Minnesota on and west of U.S. Highway 71 and St. Joseph, Mo. (Nebraska) *, restricted against the transportation of new empty beverage containers from points in Arizona, California, Utah, and Washington, and restricted to the transportation of glass containers to points in Arkansas, Colorado, Illinois, Indiana, Iowa (except Sioux City), Kansas, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 124211 (Sub-No. E61), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products* (except in bulk), from Chicago, Ill., to those points in Nebraska on and west of U.S. Highway 281 (Grand Island, Nebr.) *; (2) food products [except (a) frozen foods, (b) meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and (c) commodities in bulk], from Chicago, Ill., to points in Arizona, California, Nevada, New Mexico, and Utah (Grand Island) *; (3) *food products* (except frozen foods, potato products, and meat and packinghouse products, and commodities in bulk), from Chicago, Ill., to points in Idaho, and those in Montana on and west of U.S. Highway 287.

(4) *Food products* (except frozen foods, dairy products, potato products, and commodities in bulk), from Chicago, Ill., to those points in Kansas on and west of a line beginning at the Kansas-Nebraska State line, and extending along U.S. Highway 283 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line; (5) *Food products* (except frozen foods and commodities in bulk), from Chicago, Ill., to those points in Oklahoma on and west of U.S. Highway 83, and those in Texas on and west of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 18 to Ft. Stockton, thence along U.S. Highway 385 to junction Texas Highway 118, thence along Texas Highway 118 to the United States-Mexico International Boundary line; (6) *Food products* (except candy and confectionery, meats and packinghouse products, dairy products, frozen foods, and potato products, and commodities in bulk), from Chicago, Ill., to points in Oregon, Washington, and those in Wyoming on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of Grand Island and Lincoln, Nebr.

No. MC 124211 (Sub-E69), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and grocery store supplies* (except commodities in bulk), between Quincy, Ill., on the one hand, and, on the other, points in Nebraska (except those south of U.S. Highway 6 and east of U.S. Highway 77); and (2) *Macaroni, noodles, grain products, food products*—(except frozen foods, potato products, and meat packinghouse products), and (commodities in bulk), *Pancake and cake flour, spaghetti and vermicelli* (except commodities in bulk), between Quincy, Ill., on the one hand, and, on the other, points in Idaho, Montana, North Dakota, South Dakota, and those in Texas on, west and north of a line beginning at the Oklahoma-Texas State line, and extending along U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line; (3) *Food products*, grain products, and flour (except commodities in bulk, and frozen foods), between Quincy, Ill., on the one hand, and, on the other, those points in Oklahoma on and west of U.S. Highway 83, and those in Texas on, west, and north of a line beginning at the Oklahoma-Texas State line, and extending along U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to the United States-Mexico International Boundary line; (4) Food products (except frozen foods, dairy products, potato products, and commodities in bulk, between Quincy, Ill., on the one hand, and, on the other, those points in Kansas on and west of U.S. Highway 283; (5) *Foodstuffs* (except frozen foodstuffs, meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES, 61 M.C.C. 209 and 766, and commodities in bulk), between Quincy, Ill., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, Utah; restricted against the transportation of fresh foods from points in California; and (6) *foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, and potato products, and except commodities in bulk), from Quincy, Ill., to points in Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Milford and Waverly, Nebraska.

No. MC 124211 (Sub-E71), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and grocery store supplies* (except commodities in bulk), between La Crosse, Wis., on the one hand, and, on the other, points in Scottsbluff County, Nebr., and those in Nebraska on and south of U.S. Highway 30 and west of U.S. Highway 77, and Smith Center, Kansas; (2) *Macaroni, noodles, grain products, food products* (except frozen foods, potato products, and meat and packinghouse products) (except commodities in bulk), and *Pancake and cake flour, spaghetti and vermicelli* (except commodities in bulk), between La Crosse, Wisconsin, on the one hand, and, on the other, points in Texas and those in Idaho on and south of U.S. Highway 12; (3) *Food products, grain products, and flour* (except commodities in bulk and frozen foods), between La Crosse, Wisconsin, on the one hand, and, on the other, points in Texas, and those in Oklahoma on and west of U.S. Highway 75; (4) *Food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between La Crosse, Wis., on the one hand, and on the other, those points in Kansas on and west of U.S. Highway 75; (5) *Foodstuffs* (except frozen foodstuffs, meat, meat products, meat by-products, and articles distributed by meat packinghouses, and dairy products, as described in Sections A, B, and C of Appendix I to the report in DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES, 61, M.C.C. 209, and 766, and commodities in bulk), between La Crosse, Wis., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah, restricted against the transportation of fresh foods from points in California, and, (6) *Foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, and potato products, and except commodities in bulk), from La Crosse, Wis., to points in Oregon, those in Washington on and south of U.S. Highway 2, and those in Wyoming on and south of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Milford and Waverly, Nebraska.

No. MC 124211 (Sub-No. E83), filed June 3, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (ex-

cept frozen dairy products and commodities in bulk), as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from points in Idaho, Montana, and Nebraska (except those east of U.S. Highway 77 and south of Interstate Highway 80), to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia; (2) from those points in Nebraska east of U.S. Highway 77 and south of Interstate Highway 80, to points in Connecticut and Massachusetts; (3) from those points in Oklahoma on and west of U.S. Highway 283 to points in Connecticut and Massachusetts, those in Bergen, Essex, Hudson, and Union Counties, N.J., those in New York on and east of Interstate Highway 81, and those in Pennsylvania east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to Scranton, thence along Interstate Highway 81E to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Pennsylvania-New Jersey State line; (4) from those points in North Dakota on and west of U.S. Highway 83, to points in Connecticut and Massachusetts, those in Bergen, Essex, Hudson, and Union Counties, N.J., and New York, N.Y.; (5) from those points in South Dakota on, west, and south of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 77, thence along U.S. Highway 77 to the South Dakota-Nebraska State line to points in Connecticut, Massachusetts, those in Bergen, Essex, Hudson, and Union Counties, N.J., and New York, N.Y.; and (6) from those points in Texas on and west of U.S. Highway 87 and north of U.S. Highway 80 to points in Connecticut and Massachusetts, those in Bergen, Essex, Hudson, and Union Counties, N.J., those in New York on and east of Interstate Highway 81, and those in Pennsylvania north of Interstate Highway 80 and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Lincoln and Norfolk, Nebr.

No. MC 124211 (Sub-No. E84), filed June 3, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs* and *health aids* (except in bulk), from Chicago, Ill., to points in California (Waverly, Nebr.)*, and (2) *Drugs* and *health aids* (except in bulk), (a) from points in Nebraska to points in New Jersey and Pennsylvania, (b) from those points in Nebraska on and east of U.S. Highway 81 to points in California, and (c) from those points in Nebraska on and west of U.S. Highway 81 to points in Cook, DuPage, Kankakee, Lake, and Will Counties, Ill. (Smith Center, Kans.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 124211 (Sub-E85), filed June 3, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Groceries and grocery store supplies*, except in bulk, (1) from Canton, Coal City, Joliet, Moline, and Rochelle, Ill., to points in Nebraska in south, and west of Saunders, Lancaster, and Gage Counties, Butler, Polk, Merrick, Howard, Sherman, Custer, Logan, McPherson, Arthur, Garden, Morrill, and Scottsbluff Counties, Nebr., and Smith Center, Kansas; (2) from Abilene, Emporia, and Manhattan, Kansas, to those points in Nebraska on and north of U.S. Highway 34 and on and east of U.S. Highway 77; (3) from Topeka, Kansas, to those points in Nebraska on and north of Interstate Highway 80 and west of U.S. Highway 77; and (4) from Brighton, Tipton, Vinton, Iowa, to those points in Nebraska on and west of U.S. Highway 77 and on and south of Interstate Highway 80; and, (B) *Food products* (except frozen foods, meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES, 61, M.C.C. 209 and 766, and commodities in bulk), (1) from Canton, Coal City, Joliet, Moline, and Rochelle, Ill., and Brighton, Tipton, and Vinton, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming restricted against the transportation of potato products to points in Idaho, Montana, Oregon, Washington, and Wyoming, and *confectionery and confectionery products* to points in Oregon, Washington, and Wyoming; (2) from Abilene, Emporia, Manhattan, and Topeka, Kansas, to points in North Dakota and South Dakota (except from Topeka, Kansas, to those points in South Dakota east of U.S. Highway 81); restricted against the transportation of inedible grain products to points in South Dakota; and, (3) from Abilene, Emporia, and Manhattan, Kans., to those points in the United States on and north of U.S. Highway 30 and in and east of Illinois.

No. MC 125777 (Sub-E29), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gray, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *sand*, in bulk, in dump vehicles, from points in Wisconsin (except points in Milwaukee and Kemosha Counties, Wis.), to points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and that part of Tennessee on and east of Interstate Highway 24. The purpose of this filing is to eliminate the gateway of Bridgeman, Michigan.

No. MC 125777 (Sub-E65), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, marble, granite, and gravel*, in bulk, in tank vehicles, from points in North Carolina, to points in Wisconsin, Minnesota, Iowa, South Dakota, Wyoming, Montana, Utah, North Dakota, Nebraska, and points in that part of Colorado on and west of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 71, to U.S. Highway 350, to Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Champaign and Chicago, Illinois.

No. MC 126555 (Sub-No. E1), filed June 6, 1974. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, feed, salt and fertilizer*, except liquid commodities in bulk, between points in North Dakota, on the one hand, and, on the other, Rapid City, S. Dak., and points in South Dakota within 65 miles of Rapid City. The purpose of this filing is to eliminate the gateway of points in Adams County, N. Dak.

No. MC 128741 (Sub-No. E1), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in New York, Ohio, West Virginia, Pennsylvania, Virginia, and North Carolina. The purpose of this filing is to eliminate the gateways of El Reno, Okla., Joplin, Mo., and points in Indiana south of U.S. Highway 40, including Indianapolis, Ind.

No. MC-134906 (Sub E1), filed May 2, 1974. Applicant: CAPE AIR FREIGHT, INC., P.O. Box 161, Shawnee Mission, Kansas 66201. Applicant's representative: Sid Clair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Ohio, on the one hand, and, on the other, all points in Louisiana, Mississippi, Alabama, Georgia, and points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on Interstate Highway 75,

thence south on Interstate Highway 75 to Knoxville, Tennessee, thence south on U.S. Highway 129 to the Tennessee-North Carolina State line. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (2) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between all points in Ohio on the one hand, and, on the other, all points in Kentucky. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (3) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between all points in Illinois on the one hand, and, on the other, all points in Louisiana, Mississippi, Alabama, and Georgia.

(B) Between points in Illinois, north and east of a line commencing at the Missouri-Illinois State line on Illinois Highway 156, thence east on Illinois Highway 156 to junction Illinois Highway 13, thence north on Illinois Highway 13 to junction U.S. Highway 460, thence east on U.S. Highway 460 to junction Illinois Highway 37 at Mount Vernon, Illinois, thence on Illinois Highway 36 to Mound City, Illinois, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at South Fulton, Tennessee, thence south on U.S. Highway 45E to junction of U.S. Highway 45 to the Kentucky-Tennessee State line. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (4) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between all points in Indiana on the one hand, and, on the other, all points in Louisiana, Mississippi, Alabama, Georgia, and points in Tennessee on and west of Interstate Highway 75. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (5) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between all points in Pennsylvania, on and west of U.S. Highway 219, on the one hand, and, on the other, all points in Louisiana, Mississippi, Alabama, Georgia and Tennessee. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

(6) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between all points in Illinois on and north of U.S. Highway 40, on the one hand, and, on the other, all points in Kentucky. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (7) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Indiana, on and north of a line beginning at the Illinois-Indiana State line on U.S. Highway 40, thence east on U.S. Highway 40 to Terre Haute, Indiana, thence east on Indiana State Highway 46 to the Ohio-Indiana State line on the one hand, and, on the other, all points in Kentucky. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (8) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (A) Between points in Missouri on the one hand, and points in Tennessee on and east of a line commencing at the Kentucky-Tennessee State line on Interstate Highway 65, thence south on Interstate Highway 65 to the Alabama-Tennessee State line. (B) Between all points in Missouri, on the one hand, and, on the other, all points in Georgia. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

(9) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Missouri, south and west of a line commencing at St. Joseph, Missouri, thence east on U.S. Highway 36 to junction U.S. Highway 65 at Chillicothe, Missouri, thence south on U.S. Highway 65 to junction of Interstate Highway 70, thence east on Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, all points in Indiana. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (10) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Missouri on, south, and west of a line commencing at Kansas City, Missouri, thence east on U.S. Highway 40 to Columbia, Missouri, thence south on U.S. Highway 63 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Illinois within an area on, east, and north of a line commencing at Chicago, Illinois on U.S. Highway 66, thence southwest on U.S. Highway 66 to St. Louis, Missouri, thence southeast on U.S. Highway 460 to the Illinois-Indiana State line. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (11) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between points in Missouri on, west, and south of a line commencing at the Iowa-Missouri State line on U.S. Highway 63, thence south on U.S. Highway 63 to the junction of U.S. Highway 36 at Macon, Missouri, thence east on U.S. Highway 36 to the Missouri-Illinois State line at Hannibal, Missouri on the one hand, and, on the other, all points in Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, New Jersey, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

(12) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between points in Indiana on and south of U.S. Highway 150, on the one hand, and, on the other, all points in Pennsylvania. (B) Between points in Indiana on and south of a line commencing at the Illinois-Indiana State line on Indiana Highway 46, thence east on Indiana Highway 46 to junction Indiana State Highway 7, thence southeast of Indiana Highway 7 to the Kentucky-Indiana State line, on the one hand, and, on the other, all points in Rhode Island and Delaware. (C) Between points in Indiana on and south of Indiana Highway 26, on the one hand, and, on the other, all points in Connecticut. (D) Between points in Indiana on and south of a line commencing at the Illinois-Indiana State line on U.S. Highway 40, thence east on U.S. Highway 40 to the junction of U.S. Highway 52, thence east on U.S. Highway 52 to the Indiana-Ohio State line, on the one hand, and, on the other, all points in Vermont. (E) Between points in Indiana on and south of a line commencing at the Illinois-Indiana State line on U.S. Highway 36, thence east on U.S. Highway 36 to Indianapolis, Indiana, thence southeast on U.S. Highway 52 to the Indiana-Ohio State line, on the one hand and, on the other, all points in New Hampshire. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (13) *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between all points in Kentucky on the one hand, and, on the other, all points in Vermont, New Hampshire, New Jersey, Rhode Island, New York, Pennsylvania, Massachusetts, and Connecticut.

(B) Between points in Kentucky on and west of a line commencing at Ashland, Kentucky, thence south on U.S. High-

way 23 to junction U.S. Highway 60, thence west on U.S. Highway 60 to junction Kentucky Highway 7 at Grayson, Kentucky, thence southwest on Kentucky State Highway 7 to junction Kentucky Highway 30 at Salyersville, Kentucky, thence southwest on Kentucky Highway 30 to junction Interstate Highway 75 at London, Kentucky, thence south on Interstate Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Delaware, Maryland, and District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (14) *General commodities,* except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between points in Illinois on and south of a line commencing at Moline, Illinois on Interstate Highway 80, thence east on Interstate Highway 80 to junction U.S. Highway 30 at Joliet, Illinois, thence east on U.S. Highway 30 to the Illinois-Indiana State line on the one hand, and, on the other, points in Rhode Island. (B) Between points in Illinois, on and south of Illinois State Highway 9, on the one hand, and, on the other, all points in New Jersey. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (15) *General commodities,* except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between all points in Louisiana and Mississippi on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, New Hampshire, New Jersey, Massachusetts, and Vermont.

(B) Between all points in Louisiana, Mississippi, and points in Alabama on and west of a line commencing at the Alabama-Georgia State line on U.S. Highway 278, thence southwest on U.S. Highway 278 to junction Alabama State Highway 21, thence southwest on Alabama State Highway 21 to Montgomery, Alabama, thence southwest on U.S. Highway 31 to Flomaton, Alabama, on the one hand, and, on the other, all points in Maryland. (C) Between all points in Tennessee on and west of Interstate Highway 75, on the one hand, and, on the other, all points in Massachusetts and Connecticut. (D) Between points in Tennessee on and west of Interstate Highway 75, on the one hand, and, on the other, all points in Vermont. (E) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line, thence south on U.S. Highway 25E to Newport, Tennessee, thence south on Interstate Highway 40 to the Tennessee-North Carolina State line, on the one hand, and, on the other, all points in New Hampshire. (F) Between points in Tennessee on and west of Interstate Highway 75, on the one hand, and, on the other, all points in Rhode Island. (G) Between points in Tennessee on and west of Interstate Highway 75, on the one hand, and, on the other, all points in New York. (H) Between all points in Georgia on and west of a line commencing at the Georgia-North Carolina State line on U.S. Highway 441, thence south on U.S. Highway 441 to Eatonton, Georgia, thence south on U.S. Highway 129 to Macon, Georgia, thence south on U.S. Highway 41 to the Georgia-Florida State line, on the one hand, and, on the other, all points in Vermont. (I) Between all points in Georgia on and west of a line beginning at the Georgia-North Carolina State line on U.S. Highway 441, thence south on U.S. Highway 441 to Eatonton, Georgia, thence south on U.S. Highway 129 to Macon, Georgia, thence south on U.S. Highway 41 to the Georgia-Florida State line, on the one hand, and, on the other, all points in Massachusetts.

(J) Between all points in Georgia on and west of a line commencing at the Georgia-Tennessee State line on U.S. Highway 41, thence south on U.S. Highway 41 to Calhoun, Georgia, thence southwest on Georgia State Highway 53 to the Alabama-Georgia State line, on the one hand, and, on the other, all points in Connecticut and Rhode Island. (K) Between all points in Georgia within an area commencing at a line at the Georgia-Tennessee State line on U.S. Highway 41, thence south on U.S. Highway 41 to Calhoun, Georgia, thence northwest on Georgia State Highway 143 to the Georgia-Alabama State line, on the one hand, and, on the other, all points in Maryland. (L) Between all points in Georgia on and west of a line commencing at the Georgia-North Carolina State line on U.S. Highway 23, thence southwest on U.S. Highway 23 to Atlanta, Georgia, thence southwest on U.S. Highway 29 to the Georgia-Alabama State line, on the one hand, and, on the other, all points in New Hampshire. (M) Between all points in Georgia on and west of a line commencing at the Georgia-Tennessee State line on U.S. Highway 41, thence south on U.S. Highway 41 to Calhoun, Georgia, thence southwest on Georgia State Highway 53 to the Alabama-Georgia State line, on the one hand, and, on the other, all points in New York. (N) Between all points in Alabama on the one hand, and, on the other, all points in New York, Connecticut, Rhode Island, New Hampshire, New Jersey, Massachusetts, and Vermont. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (16) *Printed Matter,* between points in Kentucky on, south, and west of a line commencing at Louisville, Kentucky, thence east on Interstate Highway 64 to junction U.S. Highway 27 at Lexington, Kentucky, thence south on U.S. Highway 27 to junction of Kentucky Highway 78 at Stanford, Kentucky, thence southwest on Kentucky Highway 78 to junction U.S. Highway 127, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Massachusetts and Connecticut.

(17) *Printed Matter,* between points in Kentucky on and west of a line commencing at the Indiana-Kentucky State line on U.S. Highway 421, thence south on U.S. Highway 421 to Frankfort, Kentucky, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in New York. (18) *Printed Matter,* (A) between points in Kentucky on and west of Interstate Highway 65, on the one hand, and, on the other, points in Virginia on and east of a line commencing at the West Virginia-Virginia State line on Virginia State Highway 39, thence southeast on Virginia Highway 39 to junction U.S. Highway 220 at Warm Springs, Virginia, thence south on U.S. Highway 220 to the Virginia-North Carolina State line, and points in North Carolina on and east and north of a line commencing at the Virginia-North Carolina State line and extending along U.S. Highway 52 to Mt. Airy, North Carolina, thence south on U.S. Highway 601 to the North Carolina-South Carolina State line. (B) Between points in Kentucky on and west of a line commencing at Louisville, Kentucky on U.S. Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in the District of Columbia, Delaware, and Maryland. (C) Between points in Kentucky on and north of Interstate Highway 64, on the one hand, and, on the other, all points in Arkansas. (D) Between points in Kentucky on and west of Interstate Highway 75, on the one hand, and, on the other, all points in Maine. (E) Between points in Kentucky on, south, and west of a line commencing at Louisville, Kentucky on Interstate Highway 64, thence east on Interstate Highway 64 to junction U.S. Highway 127, at Frankfort, Kentucky, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Rhode Island.

(F) Between points in Kentucky on, south, and west of a line commencing at Louisville, Kentucky on Interstate Highway 64, thence east on Interstate Highway 64 to junction U.S. Highway 127 at Frankfort, Kentucky, thence south on U.S. Highway 127 to the Kentucky-Tennessee State line, on the one hand, and on the other, all points in New Hampshire. (G) Between points in Kentucky on, north, and west of a line commencing at the Kentucky-Indiana State line on Kentucky Highway 44, thence east on Kentucky Highway 44 to junction of Kentucky Highway 55 at Taylorsville, Kentucky, thence north on Kentucky Highway 55 to the Kentucky-Indiana State line, on the one hand, and, on the other, all points in Georgia. (H) Between points in Kentucky on and east of a line commencing at Louisville, Kentucky on Interstate Highway 65, thence

south on Interstate Highway 65 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Iowa. (I) Between points in Kentucky on and within an area bounded by a line commencing at the Indiana-Kentucky State line at Owensboro, Kentucky, thence southeast on U.S. Highway 231 to Bowling Green, Kentucky, thence north on Interstate Highway 65 to Louisville, Kentucky, thence north on to Louisville, Kentucky, on the one hand, and, on the other, all points in Indiana on, east and north of the line commencing at the Michigan-Indiana State line, thence south on U.S. Highway 31 to Indianapolis, Indiana, thence east on U.S. Highway 40 to Indiana-Ohio State line. (J) Between points in Kentucky on and west of U.S. Highway 31E, on the one hand, and, on the other, points in New Jersey. (K) Between points in Kentucky on and west of a line commencing at Louisville, Kentucky, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line on the one hand, and, on the other, all points in Pennsylvania.

(L) Between points in Kentucky on and north of a line commencing at Louisville, Kentucky, thence east on Interstate Highway 64 to the Kentucky-West Virginia State line on the one hand, and, on the other, all points in Louisiana. (M) Between points in Kentucky on and within an an area bounded by a line commencing at Owensboro, Kentucky, thence southeast on U.S. Highway 231 to the junction of U.S. Highway 62, thence northeast on U.S. Highway 62 to junction Interstate Highway 65, thence north on Interstate Highway 65 to the Indiana-Kentucky State line, on the one hand, and, on the other, all points in South Carolina. (N) Between points in Kentucky on and west of Interstate Highway 65 on the one hand, and, on the other, all points in West Virginia. (O) Between points in Kentucky on and north of Interstate Highway 64 on the one hand, and, on the other, all points in Florida. (P) Between points in Kentucky on and north of Interstate Highway 64 on the one hand, and, on the other, all points in Alabama. (Q) Between points in Kentucky on, east and north of a line commencing at Louisville, Kentucky thence south on Interstate Highway 65 to Elizabethtown, Kentucky thence east on U.S. Highway 62 to junction Interstate Highway 64 thence east on Interstate Highway 64 to the Kentucky-West Virginia State line, on the one hand, and, on the other, all points in Missouri. (R) Between points in Kentucky on, south and west of a line commencing at Louisville, Kentucky on Interstate Highway 64, thence east on Interstate Highway 64 to Lexington, Kentucky, thence south on U.S. Highway 27 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Vermont.

(19) *Printed Matter,* between points in Kentucky on, south and west of a line commencing at Louisville, Kentucky, thence east on Interstate Highway 64 to junction Interstate Highway 75 at Lexington, Kentucky, thence south on Interstate Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, all points in Michigan. (20) *Printed matter,* (A) between points in Tennessee on and west of Interstate Highway 65, on the one hand, and, on the other, all points in Maryland, Delaware and West Virginia. (B) Between points in Tennessee on and east of Interstate Highway 65, on the one hand, and, on the other, all points in Iowa and Wisconsin. (C) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 27, thence south on U.S. Highway 27 to the Tennessee-Georgia State line, on the one hand, and, on the other, all points in Maine, Connecticut, New York, and Vermont. (D) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on Tennessee State Highway 56, thence south on Tennessee Highway 56 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in Ohio and Pennsylvania. (E) Between points in Tennessee on and east of Interstate Highway 65, on the one hand, and, on the other, points in Illinois on and north of a line commencing at the Missouri-Illinois State line on U.S. Highway 54, thence northeast on U.S. Highway 54 to the junction of U.S. Highway 36, thence east on U.S. Highway 36 to the Illinois-Indiana State line. (F) Between points in Tennessee on and east of U.S. Highway 127, on the one hand, and, on the other, points in Missouri, on and north of Interstate Highway 70.

(G) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee State line on Interstate Highway 75, thence south on Interstate Highway 75 to junction U.S. Highway 129 at Knoxville, Tennessee, thence south on U.S. Highway 129 to the Tennessee-North Carolina State line, on the one hand, and, on the other, all points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Maysville *or* Covington *or* South Shore, Kentucky, and points in Kentucky south of Kentucky Highway 80, in (1) above; Ashland, South Shore, Maysville *or* Covington, Kentucky, in (2) above; Owensboro, Paducah, Ky., points in Kentucky on and south of Kentucky Highway 80 in (3) above; Paducah, Henderson, *or* Owensboro, Kentucky, in (4) above; Parkersburg, West Virginia, in (5) above; (1) New Albany, Indiana, *or* (2) Paducah, *or* (3) Henderson, *or* (4) Owensboro *or* (5) Covington, Kentucky, in (6) above; New Albany, Indiana, *or* Paducah, Henderson, Owensboro, *or* Covington, Kentucky, in (7) above; Cairo, Illinois, Paducah, Kentucky, and Outlaw Field near Clarksville, Tennessee, in (8) above; East St. Louis, Illinois, *or* ???????????? (2) Cairo, Illinois, in (9) above; Gateway (1) East St. Louis, Illinois, or Gateway (2) Cairo, Illinois, in (10) above; East St. Louis, *or* Cairo, Illinois, and Covington, Kentucky, in (11) above; New Albany, Indiana, *thence* to Covington, Kentucky, in (12) above; South Shore, Kentucky, *thence* to Portsmouth, Ohio, in (13) above; New Albany, Indiana, *thence* to Covington, Kentucky, *thence* to Cincinnati, Ohio, in (14) above; South Shore, Ky., and Portsmouth, Ohio, in (15) above; Shepardsville, Ky., in (16) above; Shepardsville, Ky., in (17) above; Shepardsville, Ky., in (18) above; Shepardsville, Ky., in (19) above; and Shepardsville, Ky., in (20) above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27221 Filed 10-8-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MARYLAND STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland plan and the adoption of Subpart O to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letter dated August 22, 1975 from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry to David H. Rhone, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to the revisions, amendments, and corrections to 29 CFR 1910.100, 1910.116, 1910.141, 1910.165b, 1910.171, 1910.183 redesignated as §§ 1910.189, 1910.183 (new), § 1910.184 redesignated as § 191.190, § 1910.184, redesignated as §§ 1910.190, 1910.184, 1910.254, § 1910.267 (a) and (b) redesignated as § 1928.21 (a) and (b) (insertion was made in § 1910.267 referencing § 1928.21), § 1910.268 redesignated as § 1910.274, § 1910.68 (new), § 1910.269 redesignated and revised as 29 CFR 1910.275, 1910.40, 1910.67, 1910.70, 1910.93q, Part 1928 (new) and § 1928.51 through § 1928.53. These standards were promulgated after public comment requested on June 11, 1975, hearings held on July 16, 1975, and a resolution adopted by the Commissioner on July 29, 1975, pursuant to the Maryland Occupational Safety and Health Law of 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Suite 15220, Gateway Bldg., 3535 Market St., Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor & Industry, 203 East Baltimore St., Baltimore, Maryland 21202, and Office of the Associate Assistant Secretary for Regional Programs, Room N-3603, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation would be unnecessary.

This decision is effective October 9, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania this 9th day of September, 1975.

DAVID H. RHONE,
Assistant Regional Director.

[FR Doc.75-27212 Filed 10-8-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-5]

STAINLESS STEEL, ALLOY TOOL STEEL AND SILICON ELECTRICAL STEEL

Notice of Amendment of Scope of Investigation

At the request of petitioners and for other reasons, the U.S. International Trade Commission on October 3, 1975, amended the scope of its Investigation No. TA-201-5, being conducted under section 201(b) of the Trade Act of 1974, by deleting silicon electrical steel, provided for in items 608.88 and 609.07 of the Tariff Schedules of the United States (TSUS), from the scope of its investigation.

Notice of investigation and hearing was published in the FEDERAL REGISTER on August 11, 1975 (40 FR 33706).

By order of the Commission.

Issued: October 6, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-27105 Filed 10-8-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-21]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order Accepting for Filing and Suspending Proposed Emergency Charge Increase, Instituting Proceedings, and Establishing Dates

OCTOBER 1, 1975.

On July 24, 1975, as completed on September 2, 1975, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a letter of agreement dated July 1, 1975 to the Interconnection agreement dated November 27, 1961, between I&M and Illinois Power Company, designated Indiana Rate Schedule FPC No. 23. The proposed supplement provides for an increase in the minimum charge for emergency energy from 17.5 mills per kilowatt hour to 35 mills per kilowatt hour, proposed to become effective September 1, 1975. The minimum charge would be applicable only to Emergency Transactions that are settled by cash payment rather than through the return of equivalent energy.

In support of the proposed minimum energy charge increase, AEP cites greatly increased costs of generating such energy. In addition, AEP states that the intent of Emergency Service is such that the supplying party much make every effort to provide the service when called for even if this means cancelling more economically advantageous deliveries, and that a minimum energy charge of 35 mills is desirable to avoid economic hardship to the supplier in certain Emergency Energy Transactions.

Public notice of AEP's filing was issued August 11, 1975, with comments, protests and petitions to intervene due on or before August 20, 1975. No comments, protests, or interventions have been filed.

Our review of AEP's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we shall suspend the proposed changes for five months, to become effective March 2, 1976, and establish hearing procedures to determine the justness and reasonableness of AEP's filing.

Since the justification for the minimum charge for emergency energy has not been on a cost basis but is instead intended to be at such a level so as to discourage use of emergency service except for situations which are in fact emergencies, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to the following issues: (1) whether the consideration of factors other than cost is justified in determining the minimum charge; and (2) assuming that consideration of outside factors is justified, what is the support for an increase of the magnitude of the present proposed 100% increase?

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increase in the minimum energy charge for Emergency Service contained in the letter of agreement filed in this docket; and that the increase be accepted for filing and suspended as hereinafter provided.

The Commission orders:

(A) Pending a hearing and a decision thereon, AEP's July 24, 1975, filing, as completed on September 2, 1975, is accepted for filing and suspended for five months, to become effective March 2, 1976, subject to refund.

(B) Pursuant to authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the increase in minimum energy charge in AEP's filed letter of agreement shall be held commencing on February 24, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) AEP shall submit direct evidence on or before October 28, 1975. On or before January 13, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before January 27, 1976. Any rebuttal evidence by AEP shall be served on or before February 10, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27114 Filed 10-8-75;8:45 am]

[Rate Schedule Nos. 25, et al.]

AMERICAN PETROFINA CO. OF TEXAS AND DEVON CORP.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

OCTOBER 1, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 15, 1975	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	25	El Paso Natural Gas Co.	Rocky Mountain.
Sept. 17, 1975	do	18	do	Do.
Do	do	20	do	Do.
Do	do	21	do	Do.
Do	do	22	do	Do.
Do	do	23	do	Do.
Do	do	24	do	Do.
Do	do	26	do	Do.
Sept. 22, 1975	Devon Corp., 3300 Liberty Tower, Oklahoma City, Okla. 73102.	37	Tennessee Gas Pipeline Co.	South Louisiana.

[FR Doc. 75–27126 Filed 10–8–75; 8:45 am]

[Docket No. R176–31]

ASHLAND OIL, INC.

Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 1, 1975.

Respondent has filed a proposed change in rate and charge for the jurisupon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

dictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[2]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI76-31	Ashland Oil, Inc.	117	[3] 12	Phillips Petroleum Co.[1]	$7,914	7-30-75	10-1-75	(4)	12.2435	13.3504	

[2] Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Phillips resells the gas under its rate schedule No. 40 to Michigan-Wisconsin Pipe Line Co. at a rate of 17¢/M ft³.
[3] Includes a separate statement by Phillips submitted on Aug. 14, 1975, reflecting its disagreement with respect to the 0.2264 cent tax reimbursement included in the proposed rate.
[3] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable Btu adjustment and tax.
[4] Accepted as of Oct. 1, 1975, with respect to the base rate of 13.1240 cents and suspended for 1 day until Oct. 2, 1975, with respect to the 0.2264 cent tax reimbursement.

Ashland's proposed revenue-sharing rate increase is for a wellhead sale of gas to Phillips Petroleum Company from the Hugoton Field, Sherman County, Texas (Hugoton-Anadarko Area). Phillips gathers and processes the gas in its Sherman Plant and resells the residue gas under its Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Company. Ashland's proposed rates does not exceed the applicable area rate but includes 0.2264¢ tax reimbursement which Phillips has protested by letter filed August 14, 1975 as not being contractually authorized. The proposed base rate of 13.1240¢ is accepted as of October 1, 1975, and the 0.2264¢ tax reimbursement portion is suspended for one day until October 2, 1975, pending resolution of the contractual issue involved.

[FR Doc.75-27127 Filed 10-8-75;8:45 am]

[Docket Nos. RI76-32 and RI76-33]

CITIES SERVICE OIL CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 1, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[2]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI76-32	Cities Service Oil Co.	382	13	El Paso Natural Gas Co. (New Mexico) (Permian).	$44,032	9-2-75	10-3-75	(5)	35.387	36.411	
					(3)	9-2-75		(4)	35.740	[1] 36.761	RI73-323.
RI76-33	Chevron Oil Co., Western Division.	26	[6] 13	Transwestern Pipeline Co. (New Mexico) (Permian).		9-2-75	10-3-75	(5)			RI76-12.
	do		14	do	224,486	9-2-75		3-3-76	29.8560	55.3044	RI76-12.
		27	[6] 12	Transwestern Pipeline Co. (Texas) (Permian).		9-2-75	10-3-75	(5)			
	do		13	do	108,565	9-2-75		3-3-76	28.7396	54.8250	RI74-62.
	do	28	[6] 12	do		9-2-75	10-3-75	(5)			RI74-62.
	do		13	do	59,668	9-2-75		3-3-76	28.7396	54.8250	RI74-62.
	do	29	[6] 12	do		9-2-75	10-3-75	(5)			
	do		13	do	1,159,640	9-2-75		3-3-76	28.7396	54.8250	RI74-62.

[2] Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Increase to contract rate-applicable to Government "M" No. 1 Well only.
[3] Not stated.
[3] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[4] The proposed rate increase is accepted as of Oct. 3, 1975, insofar as it does not exceed the Opinion No. 662 ceiling and is suspended until Mar. 3, 1976, insofar as it exceeds the Opinion No. 662 ceiling rate.
[5] Accepted, as of the date set forth in "Effective Date Unless Suspended" column.
[6] Supplemental agreement.

Cities Service's proposed rate increases are accepted insofar as they do not exceed the applicable area ceiling rate established in Opinion No. 662 and one of its rate increases is suspended for five months insofar as it exceeds the applicable area ceiling in Opinion No. 662.

Chevron's proposed increases exceed the applicable area ceiling in Opinion No. 662 and they are suspended for five months.

[FR Doc.75-27128 Filed 10-8-75;8:45 am]

[Docket No. CP76-87]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

SEPTEMBER 30, 1975.

Take notice that on September 17, 1975, El Paso Natural Gas Company (El Paso) filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, proposed changes to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso states the tendered tariff sheets will expand and modify the currently effective provisions relating to storage operations contained in El Paso's FPC Gas Tariff, so as to provide for the proposed permanent operation of El Paso's Rhodes Reservoir storage facility. El Paso further states that concurrent with the instant tender, El Paso filed an application for a certificate of public convenience and necessity, in order to permit El Paso to utilize Rhodes Reservoir on a permanent basis for the protection of Priority 1 and 2 requirements of its east-of-California customers and for a temporary certificate, pending receipt of said permanent certificate authorization. The modifications to El Paso's tariff provided by the tendered tariff sheets are designed to permit the permanent operation of Rhodes Reservoir, as proposed in said application, for protection of El Paso's east-of-California customers' Priority 1 and 2 requirements commencing with the 1975-76 heating season and continuing thereafter.

El Paso has requested, pursuant to section 154.51 of the Commission's Regulations, that waiver be granted of the notice and certificate requirements of Section 154.22 of said regulations and that the tendered tariff sheets be accepted for filing and permitted to become effective on a date coincident with the earlier of the date of issuance of the temporary authorization requested by the subject certificate application filed concurrently herewith or the date of issuance of the permanent certificate requested by said application.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27109 Filed 10-8-75;8:45 am]

[Docket No. CP76-89]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1975.

Take notice that on September 17, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-89 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, during the calendar year 1976 operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, nor would the cost of any single project exceed $500,000. Applicant states that these costs would be financed initially with working funds supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27110 Filed 10-8-75;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA 76-1)]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending in Part Proposed PGA Rate Adjustment Establishing Hearing Procedures, Instituting Investigation

SEPTEMBER 30, 1975.

On August 15, 1975, El Paso Natural Gas Company (El Paso), tendered for filing two PGA adjustments, both proposed to be effective October 1, 1975. The first, a PGA rate reduction of 5.31¢ per Mcf [1] reflects (1) a 0.78¢ per Mcf ($8.9 million per year) increase in the average cost of gas, (2) a 4.65¢ reduction (from 8.87¢ to 4.22¢) in the surcharge to recoup the balance in the deferred account, and (3) the elimination of the 1.39¢ per Mcf overriding royalty surcharge authorized through September 30, 1975. The second, a PGA rate increase of 1.1663¢ per Mcf [2] reflects (1) a 1.005¢ per Mcf ($12,600 per year) decrease in the cost of high pressure gas and (2) a 2.1718¢ per Mcf increase (from 2.1422¢ to 4.3140¢) in the surcharge to recoup the balance in the deferred account.

The rate adjustment for Volume Nos. 1, 2, and 2A (Group I) is based, in part, on purchases from small producers at rates in excess of the applicable levels permitted by Opinion No. 742 and 60 and 180 day emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.

The filing was noticed, with all comments due on or before September 9, 1975. No responses have been received.

Our review of the tariff sheets for Volume Nos. 1, 2 and 2A (Group I) indicates that they contain small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and 60 day and 180 day emergency purchases from other than small producers in excess of

[1] Applies to those sales under Tariff Volume Nos. 1, 2 and 2A (Group I).

[2] Applies to those sales under Tariff Volume 2A (Group II).

the rate levels prescribed in Opinion No. 699–H; therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheets for filing and suspend them for one day until October 2, 1975, when they shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in El Paso's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to El Paso are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producer involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, El Paso shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco, Inc.*, 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of El Paso's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

El Paso must show that the rate paid by El Paso to the small producer is just and reasonable by presenting evidence considering all relevant factors including, *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[4]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699–B [5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pileline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699–H.

With regard to the 180 day emergency purchases from other than small producers, we indicated in Order No. 491–B, issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas * * * adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required in the public interest." Accordingly, we are setting these matters for hearing to give El Paso an opportunity to show that the prices paid by it pursuant to emergency sales made by producers under Order No. 491, as amended, which are reflected in its PGA increases, are just and reasonable. In this connection, we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are just and reasonable.[6]

Cost evidence relating to the producer sales under Order No. 491 can also provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco, Inc.*, 417 U.S 380 (1974) Therefore, we shall require the producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of El Paso's rates.

The pipeline should submit evidence as to (1) its need for gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are just and reasonable.

Our review of those claimed increased purchased gas costs contained in El Paso's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion 742 and with that portion of the 60 day and 180 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H indicates that they should be approved as being in compliance with the standards set forth in Docket No. R–406. Accordingly, we shall permit El Paso to file revised tariff sheets to become effective October 1, 1975, which reflect the costs in El Paso's filing which are in conformance with Docket No. R–406, as indicated above.

Our review of El Paso's tariff sheets for Volume 2A (Group II) indicates that the costs reflected therein are in compliance with the standards prescribed in Docket No. R–406 and that these tariff sheets should therefore be accepted for filing to become effective October 1, 1975, as proposed.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that El Paso's rates for Volume Nos. 1, 2, and 2A (Group I) be accepted for filing and suspended for one day until October 2, 1975, when they shall become effective, subject to refund.

(3) El Paso's rate adjustment for Volume No. 2A (Group II) should be accepted for filing to become effective October 1, 1975.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, a public hearing shall be held on January 13, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of El Paso's proposed PGA rates filed on August 15, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and (2) 60 day and 180 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H.

(B) Within 15 days of the date of this order, El Paso shall file with the Commission a list, including addresses, of the parties from whom El Paso is purchasing gas involved in the small producer, 60 day and 180 day emergency sales set for hearing above. Following receipt of this list, we shall make the small producer and 180 day emergency sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to El Paso in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) El Paso shall file its direct testimony and evidence on or before November 4, 1975. The parties from whom El Paso makes the subject 180 day emergency and small producer purchases, shall file their direct testimony on or before November 4, 1975. Any evidence by

[3] —— FPC —— issued August 28, 1975, in Docket No. R–393.

[4] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[5] —— FPC —— issued September 9, 1974, in Docket No. R–389–B.

[6] Under Order No. 491–B, producers are not required to make any refunds.

the Commission Staff or any intervenor shall be filed on or before December 2, 1975. Any rebuttal evidence shall be filed on or before December 16, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(F) El Paso's tariff sheets for Volume Nos. 1, 2 and 2A (Group I) are hereby accepted for filing and suspended for one day, until October 2, 1975, when they shall become effective, subject to refund.

(G) El Paso's tariff sheets for Volume 2A (Group II) are hereby accepted for filing to become effective October 1, 1975.

(H) Within 15 days of the date of issuance of this order, El Paso may file revised tariff sheets to become effective October 1, 1975, which reflect those claimed increased purchased gas costs contained in El Paso's PGA adjustment in Volume Nos. 1, 2 and 2A (Group I) other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day and 180-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

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

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27111; Filed 10-8-75;8:45 am]

[Docket No. RI76-29]

EXXON CORP.

Petition for Declaratory Order

OCTOBER 1, 1975.

Take notice that on September 18, 1975, Exxon Corporation (Exxon), Post Office Box 2180, Houston, Texas 77001, filed a petition for a declaratory order under the Natural Gas Act in Docket No. RI76-29 with respect to gas it is delivering from the Gomez Field, Texas under a contract dated November 4, 1964, to Northern Natural Gas Company (Northern) under its FPC Gas Rate Schedule No. 372 at a rate of 22.47¢ per Mcf.

Exxon states that seventeen (17) owners under three of the leases dedicated to the Exxon-Northern contract filed a complaint against Exxon in the U.S. District Court, Western District of Texas, Pecos Division captioned *Jane Alida Baugh Beard, et al.* v. *Exxon Corp.*, G-27,558. The complaint alleges an underpayment of royalties by Exxon under the three leases involved of at least $900,000.00 for the one-year period immediately preceding the filing of the action and prays for a judgment in the amount of money representing the difference between what Exxon "should have paid plaintiffs as such royalty" as well as an order directing Exxon to compute royalties due plaintiffs in the future on the basis of the market value of the gas at the time deliveries are made.

Exxon seeks a declaratory order which would answer the following questions:

(1) Will the Commission declare that its applicable just and reasonable ceiling rates, or a producer's effective rate, are the "market prices" for purposes of meeting royalty obligations under leases from which gas is produced and sold in interstate commerce? (2) Will the Commission allow the automatic adjustment of a producer's applicable ceiling rate when that producer shows that it is required to pay a royalty to its lessor(s) on a basis higher than such applicable just and reasonable ceiling rate? (3) If the answer to question (2) is "yes", will the Commission allow such an adjustment to be made pursuant to (a) an area rate clause, (b) a royalty adjustment clause (or both) which may be contained in a producer-pipeline contract, or (c) without either (a) or (b)? (4) If the answer to question (2) is "yes", will the Commission allow the pipeline purchaser to flow through to its customers the additional gas purchase costs so incurred? (5) If the answers to questions (1) through (4) are "no", will the Commission permit the abandonment of the fractional portion of gas reserves dedicated to a contract attributable to the royalty interest in the event that the lessee-producer is required to pay royalties on a basis higher than the just and reasonable ceiling rate applicable to such gas?

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27115 Filed 10-8-75;8:45 am]

[Project No. 1651]

LOWER VALLEY POWER AND LIGHT, INC.

Application for Amendment of License

OCTOBER 1, 1975.

Public notice is hereby given that application was filed on August 16, 1971, and revised on December 10, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Lower Valley Power and Light, Inc. (Correspondence to: Mr. Elno Draney, General Manager, Lower Valley Power and Light, Inc., P.O. Box 188, Afton, Wyoming 83110) for an amendment of the major license for Swift Creek Project No. 1651, located near the City of Afton in Lincoln County, Wyoming, and affecting lands of the United States in Bridger-Teton National Forest.

Applicant requests that the license for the Swift Creek Project be amended to eliminate from its scope the lower of Applicant's two hydroelectric developments on Swift Creek. Applicant asserts that the lower development, which was licensed with an installed capacity of 400 horsepower has been inoperative since 1968, and that rehabilitation cannot be justified due to the cost of the extensive repairs that are needed and the small output of the power plant.

The dam, reservoir, and 200 feet of pipeline of the lower development are located on lands of the United States in Bridger-Teton National Forest. The remaining pipeline and generating equipment were located on private lands and have been either sold or scrapped.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 C.F.R. 1.32(b)), as amended by Order No. 518, a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein, and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised, or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be repre-

[1] Dissenting statement of Chairman Nassikas filed as part of the original document.

sented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27116 Filed 10-8-75;8:45 am]

[Docket No. ER-76-148]

MIDDLE SOUTH SERVICES

Notice of Cancellation

OCTOBER 1, 1975.

Take notice that on September 22, 1975, Middle South Services, Inc. (Middle South), agent for Mississippi Power and Light Company, tendered for filing a Notice of Cancellation, to be retroactively effective July 19, 1975, of its Rate Schedule F.P.C. No. 35.20 (including Supplement No. 1 thereto), originally effective on May 25, 1975.

Notice of the proposed cancellation was served on the Tennessee Valley Authority and the Mississippi Power and Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27117 Filed 10-8-75;8:45 am]

[Docket Nos. E-9499, E-9502, ER76-20]

MINNESOTA POWER AND LIGHT CO. AND SUPERIOR WATER, LIGHT AND POWER CO.

Filing of Revised Data Pursuant to Order

OCTOBER 1, 1975.

Take notice that on September 22, 1975, Superior Water, Light and Power Company tendered for filing substitute sheets reflecting revised rates from its supplier Minnesota Power and Light Company (MP&L) pursuant to the Commission's Order issued August 21, 1975, in the above-referenced proceedings. MP&L's filing of revised rates to its customers was made in compliance with the Commission's Order issued July 18, 1975, in Docket Nos. E-9499 and E-9502.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27118 Filed 10-8-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Further Extension of Procedural Dates

OCTOBER 1, 1975.

On September 24, 1975, Mississippi River Transmission Corporation filed a motion to extend the procedural dates fixed by order issued October 31, 1974, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of intervenor testimony, October 24, 1975.

Service of company rebuttal, November 14, 1975.

Hearing, December 4, 1975 (10 a.m. EST).

By direction of the Commission.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75-27119 Filed 10-8-75;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Extension of Procedural Dates

OCTOBER 1, 1975.

On September 19, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff testimony, January 16, 1976.

Service of intervenor testimony, January 30, 1976.

Service of company rebuttal, February 13, 1976.

Hearing, March 2, 1976 (10 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27120 FHed 10-8-75;8:45 am]

[Docket No. ER76-106]

NEW ENGLAND POWER CO.

Notice of Filing

OCTOBER 1, 1975.

Take notice that New England Power Company (NEPCO) on September 5, 1975, tendered for filing Unit Contracts with Boston Edison Company (Edison) and Public Service Company of New Hampshire (P.S.N.H.). The contracts provide for the sale of power from NEPCO's Bear Swamp Pumped Storage Project and are proposed to become retroactively effective on November 1, 1974, the commercial operation date of the Project's second 300 MW Unit.

NEPCO states that the agreements are substantially similar to other One-Unit sales that it has made from this Project. Copies of the filing were originally mailed in December 1974 but evidently not received by the Commission's office.

NEPCO further has requested a waiver of the prior notice provision in accordance with § 35.11 of the Commission's Regulations.

Copies of the filing were served on Edison and P.S.N.H.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27121 Filed 10-8-75;8:45 am]

[Docket Nos. E-9136 and E-9140]

NEW ENGLAND POWER CO.

Further Procedural Dates

OCTOBER 1, 1975.

On September 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, as most recently modified by notice issued August 29, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of company rebuttal, October 28, 1975.

Hearing, November 18, 1975 (10 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27122 Filed 10-8-75;8:45 am]

[Docket No. ER76-146]

PACIFIC POWER & LIGHT CO.

Letter Agreement

OCTOBER 1, 1975.

Take notice that on September 22, 1975 Pacific Power & Light Company (Pacific) tendered for filing a Letter Agreement between it and Black Hills Power and Light Company (Black Hills)

dated July 15, 1975 which provides for the use of Pacific's transmission system by Black Hills to transfer electric power and energy to and from the Bureau of Reclamation for the period July 1, 1975 to November 1, 1976.

Pacific states that no estimates of quantities of energy to be delivered or revenues to be derived therefrom can be made.

Pacific requests waiver of the Commission's notice requirements to permit an effective date of July 7, 1975 for the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27123 Filed 10-8-75;8:45 am]

[Docket No. ER76-140]

PENNSYLVANIA POWER & LIGHT CO.

Filing of Notice of Cancellation

OCTOBER 1, 1975.

Take notice that Pennsylvania Power & Light Company (PP&L), on September 12, 1975, tendered for filing a Notice of Cancellation of its Rate Schedule FPC No. 62 with Metropolitan Edison Company (Met Ed). PP&L requests that the Notice of Cancellation be permitted to become effective on September 1, 1975.

The filing indicates that a copy of the Notice of Cancellation was served upon Met Ed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27124 Filed 10-8-75;8:45 am]

[Docket No. ER76-149]

PUBLIC SERVICE CO. OF INDIANA, INC.

Tariff Changes

OCTOBER 1, 1975.

Take notice that on September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing:

(A) Revised Tariff for wholesale service to municipal utilities, designated as PSCI's FPC Electric Tariff Original Volume No. 1 (4th Revision);

(B) Revised Tariff for wholesale service to rural electric membership corporation (REMCs), designated as PSCI's FPC Electric Tariff Original Volume No. 2 (2nd Revision);

(C) Revised Tariff for firm power service under interconnection agreements with the Cities of Crawfordsville, Peru, Washington, Logansport and Frankfort, designated as 2nd Revised Exhibit I to its Rate Schedule FPC Nos. 211, 212, 215, 223 and 224;

(D) Revised Tariff for firm power service under the interconnection agreement with Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative, Inc. (Hoosier), designated as 2nd Revised Exhibit I to PSCI's Rate Schedule FPC No. 222.

PSCI states that the proposed changes would increase revenues from jurisdictional and service by $9,713,395 based on the 12-month period ending October 31, 1976. PSCI further indicates that the proposed changes will provide a rate of return of approximately 9.75% for the 12-month period ending June 30, 1976.

PSCI proposes an effective date of October 24, 1975, for these tariff changes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27125 Filed 10-8-75;8:45 am]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Petition to Amend

SEPTEMBER 30, 1975.

Take notice that on September 17, 1975, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 a petition to amend the order of the Commission issued October 29, 1969, in said docket pursuant to section 7 (c) of the Natural Gas Act by authorizing Petitioners to reallocate deliveries of the contract demand of natural gas between the City of Trussville, Alabama (Trussville), delivery points, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that the aforementioned order of the Commission authorizes it to sell and deliver to the Utilities Board of Trussville a contract demand of 16,000 Mcf at 14.73 psia of natural gas for delivery at two points. It is stated that 13,600 Mcf of gas are authorized to be delivered at the Huffman delivery point and 2,400 Mcf of gas are authorized to be delivered at the Trussville Area delivery point. Petitioner states that Trussville has requested that the deliveries previously authorized be redistributed to provide for the delivery of 10,000 Mcf of gas at the Trussville Area delivery point and 6,000 Mcf of gas at the Huffman delivery point. It is stated that the proposed reallocation of contract demand volumes would not change the maximum volume of gas Petitioner would be obligated to deliver to Trussville and would require only minor additional metering facilities to effectuate. The change in allocations is said to be required because Trussville is constructing an LNG facility which would be served by that Trussville Area delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27112 Filed 10-8-75;8:45 am]

[Docket No. RP74-52 (PGA 76-1)]

TRANSWESTERN PIPELINE CO.

Accepting for Filing and Suspending Proposed PGA Rate Adjustment Establishing Hearing Procedures, Instituting Investigation

SEPTEMBER 30, 1975.

On August 15, 1975, Transwestern Pipeline Company (Transwestern) filed alternate PGA adjustments, both proposed to be effective October 1, 1975. The

higher alternate [1] reflects (1) increased purchased gas costs of $8,891,507 (2.94¢/Mcf) filed by its suppliers and (2) a .69¢ per Mcf reduction (from 5.02¢ to 4.33¢) in the surcharge to recoup the balance of $5,663,331 in the deferred account. This higher alternate also reflects purchases from small producers at rates in excess of the applicable levels permitted by Opinion No. 742 and 60 day emergency purchases (in the deferred account), at rates in excess of the rate levels established by Opinion No. 699–H. Anticipating a one day suspension of the higher alternate, Transwestern submitted alternate tariff sheets [2] eliminating the impact of small producer purchases at rates in excess of the level established by Opinion No. 699–H, but not eliminating emergency purchases which are imbedded in the deferred account that are in excess of the Opinion No. 699–H level.

The filing was noticed on August 21, 1975, with all comments due on or before September 16, 1975. No responses have been received.

Our review of the higher alternate tariff sheets indicates that they contain small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion No. 699–H. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the higher alternate tariff sheets for filing and suspend them for one day until October 2, 1975, when they shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Transwestern's filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Transwestern are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Transwestern shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondent to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco Inc.*, 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Transwestern's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Transwestern must show that the rate paid by Transwestern to the small producer is just and reasonable by presenting evidence considering all relevant factors including, *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[4]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699–B [5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699–H.

Our review of those claimed increased purchased gas costs contained in Transwestern's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion 742 and with that portion of the 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H, indicates that they should be approved as being in compliance with the standards set forth in Docket No. R–406. Accordingly, we shall permit Transwestern to file revised tariff sheets to become effective October 1, 1975, which reflect the costs in Transwestern's filing which are in conformance with Docket No. R–406, as indicated above.[6]

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Transwestern's higher alternate rates be accepted for filing and suspended for one day until October 2, 1975, when they shall become effective, subject to refund.

(2) The claimed increased purchased gas costs in Transwestern's higher alternate rate filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and of that portion of the 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H, are in compliance with the standards set forth in Docket No. R–406.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, a public hearing shall be held on January 13, 1976 at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of Transwestern's proposed higher alternate PGA rates filed on August 15, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and (2) 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 669–H.

(B) Within 15 days of the date of this order, Transwestern shall file with the Commission a list, including addresses, of the parties from whom Transwestern is purchasing gas involved in the small producer and 60 day emergency sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to Transwestern in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) Transwestern shall file its direct testimony and evidence on or before November 4, 1975. The parties from whom Transwestern makes the subject small producer purchases shall file their direct testimony on or before November 4, 1975. Any evidence by the Commission Staff or any intervenor shall be filed on or before December 2, 1975. Any rebuttal evidence shall be filed on or before December 16, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in

---

[1] Revised Third Revised Sheet Nos. 3–A and 3–B to FPC Gas Tariff, First Revised Volume No. 1.

[2] Third Revised Sheet Nos. 3–A and 3–B to FPC Gas Tariff, First Revised Volume No. 1.

[3] —— FPC —— issued August 28, 1975, in Docket No. R–393.

[4] Opinion 742 (mimeo, p. 13, paragraph (1)).

[5] —— FPC —— issued September 9, 1974, in Docket No. R–389–B.

[6] In light of this, we need take no action with respect to Transwestern's "lower alternate" tariff sheets.

this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(F) Pending hearing and decision thereon, Transwestern's higher alternate rates are accepted for filing and suspended for one day until October 2, 1975, when they shall become effective, subject to refund.

(G) Within 15 days of the date of issuance of this order, Transwestern may file revised tariff sheets to become effective October 1, 1975, which reflect those claimed increased purchased gas costs contained in Transwestern's higher alternate rate other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

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

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27113 Filed 10-8-75;8:45 am]

[Docket No. RP76-15]

ALGONQUIN GAS TRANSMISSION CO.

Proposal to Institute a Purchased Feedstock Adjustment Clause

OCTOBER 6, 1975.

Take notice that on September 24, 1975, Algonquin Gas Transmission Company (Algonquin Gas) filed the following proposed tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Original Sheet No. 20-A, Original Sheet No. 20-B, Original Sheet No. 20-C, Ninth Revised Sheet No. 10.

The tariff sheets propose to institute a Purchased Feedstock Adjustment Clause (PFAC) applicable to Algonquin Gas' Rate Schedule SNG-1. Algonquin Gas states that the PFAC would provide, through a Deferred Gas Cost Account with related amortization, surcharges for reimbursement to Algonquin Gas for undercharges, or reimbursement to the Company's customers for overcharges resulting from the difference between (i) the actual feedstock costs for manufacturing gas delivered under such Rate Schedule SNG-1, and (ii) the base feedstock costs included in the charges to such customers for service under such Rate Schedule. The PFAC is proposed to be effective for a single cycle: (i) the period October 23, 1975 through April 15, 1976 with respect to the accumulation of such Deferred Gas Cost Account, and (ii) the period October 16, 1976, through April 15, 1977, with respect to the effectiveness of the amortization adjustment of such Deferred Gas Cost Account.

Algonquin Gas further states that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27196 Filed 10-8-75;8:45 am]

[Docket No. RP76-14]

SOUTHWEST GAS CORP.

Filing of Tariff Sheet

OCTOBER 2, 1975.

Take notice that on September 24, 1975, Southwest Gas Corporation (Southwest) tendered for filing Fourth Revised Sheet No. 13, constituting a portion of the General Terms and Conditions, in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to modify Section 5.2, "Payment," of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant tariff filing, to become effective October 24, 1975, is occasioned by Northwest Pipeline Corporation's (Northwest) filing to change its "Payment" section. Southwest further states that Northwest's change would have a significant effect upon Southwest if its obligation requirements of customers were not identical to Northwest's which will now require immediate available funds at a depository designated by seller. The proposed change will have no effect upon Southwest's sales and revenues.

Southwest states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company, and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27195 Filed 10-8-75;8:45 am]

POSTAL SERVICE

POSTAGE RATES AND FEES

Proposed Changes

1. On September 18, 1975, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of postage and fees for postal services pursuant to chapter 36 of title 39, United States Code. The Postal Service submitted suggestions for specific rate adjustments.

2. The specific changes in rates of postage and fees for postal services suggested by the Postal Service are shown in columns (3) and (4) of the tables set out in paragraph 5 below.

3. If the Postal Rate Commission transmits to the Governors of the Postal Service a recommended decision recommending changes in rates of postage and fees for postal services for the classes of mail or kinds of mailers referred to in 39 U.S.C. 3626 and if the Governors approve the recommended decision and order the decision placed in effect, it is expected that the Governors, pursuant to 39 U.S.C. 3626, will adopt separate schedules of rates and fees providing for the phasing-in of certain increases, as prescribed by such section.

4. If the Postal Rate Commission does not transmit its recommended decision to the Governors of the Postal Service within 90 days after submission of the Postal Service's request (September 18, 1975), the Postal Service intends to place in effect, on December 28, 1975, temporary changes in rates of postage and fees for postal services as shown in column (5) of the tables set out in paragraph 5 below, under the authority of 39 U.S.C. 3641. These temporary changes are subject to revision; for example, if permanent rates have not been recommended by the Commission prior to July 6, 1976, it is expected that further temporary changes will be implemented in rates for classes of mail or kinds of mailers referred to in 39 U.S.C. 3626.

5. The following tables show the Postal Service's suggested changes in rates and fees for which it has requested a recommended decision, and the temporary rates and fees anticipated if temporary changes are placed in effect under 39 U.S.C. 3641 on December 28, 1975. (39 U.S.C. 401, 404, 3621, 3641, 84 Stat. 719.)

ROGER P. CRAIG,
Deputy General Counsel.

[1] Dissenting statement of Chairman Nassikas filed as part of the original document.

TABLE A–I.—*1st class mail and airmail*

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Proposed rates (cents) (4)	Temporary rates (cents) (5)
1st class:				
Letters	Ounce	10	13	13
	Each additional ounce	[1] 9	[1] 11	[1] 11
Cards	Each	7	10	9
Airmail:				
Letters	Ounce	13	17	17
	Each additional ounce	[2] 13	[2] 15	[2] 15
Cards	Each	11	14	14
1st class and airmail business reply fees.	Up to 2 oz	5	5	5
	Over 2 oz	8	8	8

[1] Rate applicable through 13 oz. Heavier pieces are subject to priority mail rates.
[2] Rate applicable through 9 oz. Heavier pieces are subject to priority mail rates.
[3] Rate applicable through 10 oz. Heavier pieces are subject to priority mail rates.

TABLE A–II.—*Priority mail*

Mail class (1)	Postage rate unit (pounds) (2)	Current rates [1] (dollars) (3)						Proposed rates [1] (dollars) (4)						Temporary rates [2] (dollars) (5)
		Zones						Zones						
Priority		Local 1, 2, and 3	4	5	6	7	8	Local 1, 2, and 3	4	5	6	7	8	
	1	1.25	1.25	1.25	1.30	1.30	1.30	1.56	1.58	1.60	1.62	1.64	1.67	[3]
	1.5	1.50	1.54	1.60	1.68	1.75	1.82	1.73	1.77	1.84	1.90	1.97	2.07	[3]
	2	1.75	1.83	1.95	2.06	2.20	2.34	1.89	1.96	2.07	2.18	2.29	2.46	[3]
	2.5	1.93	2.03	2.17	2.31	2.48	2.65	2.05	2.15	2.29	2.43	2.59	2.78	[3]
	3	2.11	2.23	2.39	2.56	2.76	2.96	2.21	2.33	2.50	2.68	2.88	3.09	[3]
	3.5	2.29	2.43	2.61	2.81	3.04	3.27	2.37	2.51	2.70	2.91	3.15	3.38	[3]
	4	2.47	2.63	2.83	3.06	3.32	3.58	2.53	2.69	2.90	3.14	3.41	3.67	[3]
	4.5	2.65	2.83	3.05	3.31	3.60	3.89	2.68	2.86	3.09	3.35	3.65	3.94	[3]
	5	2.83	3.03	3.27	3.56	3.88	4.20	2.83	3.03	3.27	3.56	3.88	4.20	[3]
	Each additional pound	.36	.40	.44	.50	.56	.62	.30	.34	.37	.42	.47	.52	[3]

[1] Exception: Parcels weighing less than 10 lb (15 lb under proposed rates), measuring over 84 in but not exceeding 100 in in length and girth combined, are chargeable with a minimum rate equal to that for a 10-lb parcel (15-lb parcel under proposed rates) for the zone to which addressed.
[2] Under temporary rates the above exception is not applicable.
[3] Same as col. (4).

TABLE B–I.—*2d class mail*

[In-county and transient rates]

Mail class (1)	Postage rate unit (2)	Current full rates (cents) (3)	Proposed full rates (cents) (4)	Temporary rates (cents) (5)
In-county:				
Pound-rate matter	Pound	2.4	3.5	1.7.
	Per piece	1.7	2.1	0.4.
Per-copy rate matter	Per copy	3.5 or 4.7	3.9 or 5.2	1.5 or 2.5.
Transient rate	First 2 oz	8.0	8.0	8.0.
	Each additional ounces	4.0	4.0	4.0.

TABLE B–II.—*2d class mail*

[Publications of authorized nonprofit organizations—outside county]

Mail class (1)	Postage rate unit (2)	Current full rates (cents) (3)	Proposed full rates (cents) (4)	Temporary rates (cents) (5)
Nonadvertising portion	Pound	6.2	9.0	3.3
Advertising portions [1]				
Zones:				
1 and 2	do	9.6	11.5	5.5
3	do	10.3	12.5	6.2
4	do	11.5	13.5	7.8
5	do	13.3	15.0	9.4
6	do	15.2	17.0	10.4
7	do	17.3	19.0	11.1
8	do	19.5	21.4	11.7
Per-piece charge	Piece	2.5	3.5	.6

[1] Not applicable to publications containing 10 pct or less advertising content.

TABLE B–III.—*2d class mail*

[Publications for classroom use—outside county]

Mail class	Postage rate unit	Current full rates (cents)	Proposed full rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
Nonadvertising portion	Pound	3.6	5.5	3.0
Advertising portion				
Zones:				
1 and 2	do	3.8	6.6	4.0
3	do	4.5	7.0	4.7
4	do	5.7	8.6	5.9
5	do	7.5	9.5	7.7
6	do	9.4	11.5	9.6
7	do	11.5	13.5	10.7
8	do	13.7	15.9	12.4
Per-piece charge	Piece	1.4	2.2	.5

TABLE B–IV.—*2d class mail*

[Regular-rate publications—outside county]

Mail class	Postage rate unit	Current full rates (cents)	Proposed full rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
Nonadvertising portion	Pound	8.0	9.8	6.2
Advertising portion				
Zones:				
1 and 2 (Science of agriculture)	do	9.6	11.5	8.6
1 and 2	do	10.0	12.2	8.2
3	do	10.7	13.0	9.1
4	do	11.9	14.2	10.8
5	do	13.7	16.0	12.8
6	do	15.6	18.0	14.9
7	do	17.7	20.0	16.5
8	do	19.9	22.1	18.8
Per-piece charge	Piece	3.5	4.3	1.5
Do.[1]	do	2.5	3.5	.6

[1] Fewer than 5,000 copies per issue mailed outside county of publication.

TABLE C.—*Controlled circulation*

Mail class	Postage rate unit	Current full rates (cents)	Proposed full rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
	Pound	18.0	13.7	10.1
	Minimum-per-piece	6.3		
	Per-piece		4.5	3.0

TABLE D.—*3d-class mail*

Mail class	Postage rate unit	Current full rates (cents)	Proposed full rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
Single piece	First 2 oz	10.0	14.0	[1]
	Next 2 oz	8.0	14.0	[1]
	Each additional 2 oz	8.0	10.0	[1]
Temporary rates for 3d class single piece.	Up to 2			13.0
	2 to 4			24.0
	4 to 6			34.0
	6 to 8			45.0
	8 to 10			56.0
	10 to 12			66.0
	12 to 14			77.0
	14 to 16			88.0
Keys and identification devices	First 2 oz	16.0	19.0	19.0
	Next 2 oz			14.0
	Each additional 2 oz	9.0	14.0	12.0
Regular bulk rate:				
Circulars	Pound	32.0	41.0	[3]
	Minimum per piece	[2] 6.1/6.3	[2] 7.7/7.9	[3]
Books, catalogs, et cetera	Pound	28.0	32.0	[3]
	Minimum per piece	[2] 6.1/6.3	[2] 7.7/7.9	[3]
Nonprofit bulk rate:				
Circulars	Pound	18.0	19.0	12.0
	Minimum per piece	3.0	3.3	1.8
Books, catalogs, et cetera	Pound	16.0	16.0	10.0
	Minimum per piece	3.0	3.3	1.8
Annual bulk mailing fee (dollars)		30.00	40.00	40.00

[1] See separate schedule.
[2] The lower minimum rate is applicable to the first 250,000 pieces sent annually.
[3] Same as col. (4).

TABLE E–I.—*4th-class mail, parcel post*

Postage rate unit (2) Weight—1 lb and not exceeding (pounds)	Current rates (4) Zones							
	Local	1 & 2	3	4	5	6	7	8
2	$0.67	$0.79	$0.82	$0.91	$1.00	$1.12	$1.23	$1.32
3	.72	.86	.90	1.01	1.13	1.29	1.45	1.58
4	.76	.92	.98	1.11	1.26	1.46	1.66	1.84
5	.81	.99	1.06	1.21	1.39	1.63	1.88	2.10
6	.85	1.05	1.14	1.31	1.52	1.80	2.09	2.36
7	.90	1.12	1.22	1.41	1.65	1.97	2.31	2.62
8	.94	1.18	1.30	1.51	1.78	2.14	2.52	2.88
9	.99	1.25	1.38	1.61	1.91	2.31	2.74	3.14
10	1.03	1.31	1.46	1.71	2.04	2.48	2.95	3.40
11	1.08	1.38	1.54	1.81	2.17	2.65	3.17	3.66
12	1.12	1.44	1.62	1.91	2.30	2.82	3.38	3.92
13	1.17	1.51	1.70	2.01	2.43	2.99	3.60	4.18
14	1.21	1.57	1.78	2.11	2.56	3.16	3.81	4.44
15	1.26	1.64	1.86	2.21	2.69	3.33	4.03	4.70
16	1.30	1.70	1.94	2.31	2.82	3.50	4.24	4.96
17	1.35	1.77	2.02	2.41	2.95	3.67	4.46	5.22
18	1.39	1.83	2.10	2.51	3.08	3.84	4.67	5.48
19	1.44	1.90	2.18	2.61	3.21	4.01	4.89	5.74
20	1.48	1.96	2.26	2.71	3.34	4.18	5.10	6.00
21	1.53	2.03	2.34	2.81	3.47	4.35	5.32	6.26
22	1.57	2.09	2.42	2.91	3.60	4.52	5.53	6.52
23	1.62	2.16	2.50	3.01	3.73	4.69	5.75	6.78
24	1.66	2.22	2.58	3.11	3.86	4.86	5.96	7.04
25	1.71	2.29	2.66	3.21	3.99	5.03	6.18	7.30
26	1.75	2.35	2.74	3.31	4.12	5.20	6.39	7.56
27	1.80	2.42	2.82	3.41	4.25	5.37	6.61	7.82
28	1.84	2.48	2.90	3.51	4.38	5.54	6.82	8.08
29	1.89	2.55	2.98	3.61	4.51	5.71	7.04	8.34
30	1.93	2.61	3.06	3.71	4.64	5.88	7.25	8.60
31	1.98	2.68	3.14	3.81	4.77	6.05	7.47	8.86
32	2.02	2.74	3.22	3.91	4.90	6.22	7.68	9.12
33	2.07	2.81	3.30	4.01	5.03	6.39	7.90	9.38
34	2.11	2.87	3.38	4.11	5.16	6.56	8.11	9.64
35	2.16	2.94	3.46	4.21	5.29	6.73	8.33	9.90
36	2.20	3.00	3.54	4.31	5.42	6.90	8.54	10.16
37	2.25	3.07	3.62	4.41	5.55	7.07	8.76	10.42
38	2.29	3.13	3.70	4.51	5.68	7.24	8.97	10.68
39	2.34	3.20	3.78	4.61	5.81	7.41	9.19	10.94
40	2.38	3.26	3.86	4.71	5.94	7.58	9.40	11.20
41	2.43	3.33	3.94	4.81	6.07	7.75	9.62	11.46
42	2.47	3.39	4.02	4.91	6.20	7.92	9.83	11.72
43	2.52	3.46	4.10	5.01	6.33	8.09	10.05	11.98
44	2.56	3.52	4.18	5.11	6.46	8.26	10.26	12.24
45	2.61	3.59	4.26	5.21	6.59	8.43	10.48	12.50
46	2.65	3.65	4.34	5.31	6.72	8.60	10.69	12.76
47	2.70	3.72	4.42	5.41	6.85	8.77	10.91	13.02
48	2.74	3.78	4.50	5.51	6.98	8.94	11.12	13.28
49	2.79	3.85	4.58	5.61	7.11	9.11	11.34	13.54
50	2.83	3.91	4.66	5.71	7.24	9.28	11.55	13.80
51	2.88	3.98	4.74	5.81	7.37	9.45	11.77	14.06
52	2.92	4.04	4.82	5.91	7.50	9.62	11.98	14.32
53	2.97	4.11	4.90	6.01	7.63	9.79	12.20	14.58
54	3.01	4.17	4.98	6.11	7.76	9.96	12.41	14.84
55	3.06	4.24	5.06	6.21	7.89	10.13	12.63	15.10
56	3.10	4.30	5.14	6.31	8.02	10.30	12.84	15.36
57	3.15	4.37	5.22	6.41	8.15	10.47	13.06	15.62
58	3.19	4.43	5.30	6.51	8.28	10.64	13.27	15.88
59	3.24	4.50	5.38	6.61	8.41	10.81	13.49	16.14
60	3.28	4.56	5.46	6.71	8.54	10.98	13.70	16.40
61	3.33	4.63	5.54	6.81	8.67	11.15	13.92	16.66
62	3.37	4.69	5.62	6.91	8.80	11.32	14.13	16.92
63	3.42	4.76	5.70	7.01	8.93	11.49	14.35	17.18
64	3.46	4.82	5.78	7.11	9.06	11.66	14.56	17.44
65	3.51	4.89	5.86	7.21	9.19	11.83	14.78	17.70
66	3.55	4.95	5.94	7.31	9.32	12.00	14.99	17.96
67	3.60	5.02	6.02	7.41	9.45	12.17	15.21	18.22
68	3.64	5.08	6.10	7.51	9.58	12.34	15.42	18.48
69	3.69	5.15	6.18	7.61	9.71	12.51	15.64	18.74
70	3.73	5.21	6.26	7.71	9.84	12.68	15.85	19.00

EXCEPTIONS

a. Parcels weighing less than 15 lb, and measuring over 84 in. but not exceeding 100 in. in length and girth combined, are chargeable with a minimum rate equal to that for a 15-lb parcel for the zone to which addressed. See Postal Service Manual section 135.3 for size and weight restrictions.

b. Gold mailed within Alaska and from Alaska to other States and U.S. possessions: 2¢ each ounce or fraction egardless of distance.

TABLE E-I.—*4th class mail, parcel post*

Postage rate unit (a) Weight-1 lb and not exceeding (pounds)	Proposed full rates [1] (4) Zones							
	Local	1 & 2	3	4	5	6	7	8
2	$0.77	$0.90	$0.93	$1.04	$1.15	$1.28	$1.40	$1.48
3	.82	.97	1.02	1.15	1.29	1.46	1.62	1.74
4	.86	1.04	1.10	1.25	1.42	1.63	1.84	2.00
5	.91	1.11	1.19	1.36	1.56	1.81	2.06	2.26
6	.95	1.18	1.27	1.46	1.69	1.98	2.28	2.52
7	1.00	1.25	1.36	1.57	1.83	2.16	2.50	2.78
8	1.04	1.32	1.44	1.67	1.96	2.33	2.72	3.04
9	1.09	1.39	1.53	1.78	2.10	2.51	2.94	3.30
10	1.13	1.46	1.61	1.88	2.23	2.68	3.16	3.56
11	1.18	1.53	1.70	1.99	2.37	2.86	3.38	3.82
12	1.22	1.60	1.78	2.09	2.50	3.03	3.60	4.08
13	1.27	1.67	1.87	2.20	2.64	3.21	3.82	4.34
14	1.31	1.74	1.95	2.30	2.77	3.38	4.04	4.60
15	1.36	1.81	2.04	2.41	2.91	3.56	4.26	4.86
16	1.40	1.88	2.12	2.51	3.04	3.73	4.48	5.12
17	1.45	1.95	2.21	2.62	3.18	3.91	4.70	5.38
18	1.49	2.02	2.29	2.72	3.31	4.08	4.92	5.64
19	1.54	2.09	2.38	2.83	3.45	4.26	5.14	5.90
20	1.58	2.16	2.46	2.93	3.58	4.43	5.36	6.16
21	1.63	2.23	2.55	3.04	3.72	4.61	5.58	6.42
22	1.67	2.30	2.63	3.14	3.85	4.78	5.80	6.68
23	1.72	2.37	2.72	3.25	3.99	4.96	6.02	6.94
24	1.76	2.44	2.80	3.35	4.12	5.13	6.24	7.20
25	1.81	2.51	2.89	3.46	4.26	5.31	6.46	7.46
26	1.85	2.58	2.97	3.56	4.39	5.48	6.68	7.72
27	1.90	2.65	3.06	3.67	4.53	5.66	6.90	7.98
28	1.94	2.72	3.14	3.77	4.66	5.83	7.12	8.24
29	1.99	2.79	3.23	3.88	4.80	6.01	7.34	8.50
30	2.03	2.86	3.31	3.98	4.93	6.18	7.56	8.76
31	2.08	2.93	3.40	4.09	5.07	6.36	7.78	9.02
32	2.12	3.00	3.48	4.19	5.20	6.53	8.00	9.28
33	2.17	3.07	3.57	4.30	5.34	6.71	8.22	9.54
34	2.21	3.14	3.65	4.40	5.47	6.88	8.44	9.80
35	2.26	3.21	3.74	4.51	5.61	7.06	8.66	10.06
36	2.30	3.28	3.82	4.61	5.74	7.23	8.88	10.32
37	2.35	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.39	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.44	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.48	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.53	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	2.57	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	2.62	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	2.66	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	2.71	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	2.75	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	2.80	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	2.84	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	2.89	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	2.93	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	2.98	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.02	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.07	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.11	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.16	4.61	5.44	6.61	8.31	10.56	13.06	15.26
56	3.20	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.25	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.29	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.34	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.38	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.43	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.47	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.52	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.56	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.61	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.65	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.70	5.54	6.46	7.87	9.93	12.66	15.70	18.38
68	3.74	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.79	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.83	5.66	6.71	8.18	10.33	13.18	16.36	19.16

[1] Temporary rates are the same as those in col. (4). Under temporary rates the stop-loss condition is waived under authority of 39 U.S.C. 3641(b).

EXCEPTIONS

a. Parcels weighing less than 15 lb, and measuring over 84 in but not exceeding 100 in in length and girth combined, are chargeable with a minimum rate equal to that for a 15-lb parcel for the zone to which addressed. See Postal Service Manual session 135.3 for size and weight restrictions.

b. Gold mailed within Alaska or from Alaska to other states and U.S. possessions: 2¢ each ounce or fraction, regardless of distance.

TABLE E–II.—*4th-class mail catalogs, single piece*

Mail class	Postage rate unit (pounds)	Current rates (cents)							
(1)	(2)	(3)							
		Zones							
		Local	1 & 2	3	4	5	6	7	8
	1.5	34	41	42	44	46	48	51	55
	2	35	43	44	47	49	52	56	61
	2.5	36	45	46	50	53	56	61	67
	3	38	47	49	52	56	61	66	73
	3.5	39	49	51	55	60	65	71	79
	4	40	51	53	58	63	69	77	86
	4.5	41	52	55	61	66	73	82	92
	5	42	54	57	63	70	77	87	98
	6	45	58	62	69	77	86	97	110
	7	47	62	66	74	83	94	107	122
	8	50	66	71	80	90	103	117	134
	9	52	70	75	85	97	111	128	147
	10	54	73	79	91	104	119	138	159

Mail class	Postage rate unit (pounds)	Proposed rates (cents)							
(1)	(2)	(4)							
		Zones							
		Local	1 & 2	3	4	5	6	7	8
	1.5	52	62	64	67	70	73	78	84
	2	53	65	67	71	75	79	85	93
	2.5	55	68	70	75	81	86	93	102
	3	57	71	74	79	86	93	101	111
	3.5	59	74	78	84	91	99	109	120
	4	61	77	81	88	96	105	117	131
	4.5	62	79	84	93	101	111	125	140
	5	64	82	87	96	106	117	132	149
	6	68	88	94	105	116	131	147	167
	7	71	94	100	112	126	144	163	185
	8	75	100	107	120	137	157	178	204
	9	79	106	114	129	147	169	194	223
	10	82	111	120	138	158	181	210	242

Temporary rates for 4th-class mail catalogs, single piece

Mail class	Postage rate unit (pounds)	Temporary rates (cents)							
(1)	(2)	(5)							
		Zones							
		Local	1 & 2	3	4	5	6	7	8
	1.5	45	54	56	58	61	64	68	73
	2	46	57	58	62	65	69	74	81
	2.5	48	60	61	66	70	74	81	89
	3	50	62	65	69	74	81	88	97
	3.5	52	65	68	73	80	86	94	105
	4	53	68	70	77	84	92	102	114
	4.5	54	69	73	81	88	97	109	122
	5	56	72	76	84	93	102	115	130
	6	60	77	82	92	102	114	129	146
	7	62	82	88	98	110	125	142	162
	8	66	88	94	106	120	137	156	178
	9	69	93	100	113	129	148	170	196
	10	72	97	105	121	138	158	184	212

TABLE E—III.—*4th class mail catalogs, bulk* [1]

Mail class	Zones	Current rates (cents)		Proposed rates (cents)		Temporary rates (cents)
(1)	(2)	(3)		(4)		(5)
		Per piece	Per pound	Per piece	Per pound	
	Local	22	2.3	26	2.8	[2]
	1 and 2	26	3.7	31	4.4	[2]
	3	26	4.3	31	5.2	[2]
	4	26	5.3	31	6.4	[2]
	5	26	6.5	31	7.8	[2]
	6	26	8.0	31	9.6	[2]
	7	26	9.7	31	11.6	[2]
	8	27	11.6	32	13.9	[2]

[1] Separately addressed identical pieces in quantities of not less than 300 mailed at one time. The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.
[2] Same as col. (4).

TABLE E–IV.—*4th class mail (Special rate and library rate)*

[Special rate and library rate]

Mail class	Postage rate unit	Current full rates (cents)	Proposed full rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)	(5)
Special Rate	1st lb	32	40	21
	Each additional pound	10	14	9
Library Rate	Through 7 lb	10	8	8
	Each additional pound	13	29	8
	1st lb	6	8	4
	Each additional pound			

[FR Doc.75–27021 Filed 10–8–75;8:45 am]